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APPENDIX, No. 6,

TO THE

ELEVENTH VOLUME.

APPENDIX TO THE ELEVENTH VOLUME

OF THE

JOURNALS

OF THE

LEGISLATIVE ASSEMBLY

OF THE

PROVINCE OF CANADA.

From the 19th AUGUST, 1852, to the 14th JUNE, 1853, both days inclusive,

AND IN THE SIXTEENTH YEAR OF THE REIGN OF OUR SOVEREIGN LADY

QUEEN VICTORIA.

Being the 1st Session of the 4th Provincial Parliament of Canada.

—
SESSION, 1852-3.
—

Printed by Order of the Legislative Assembly.

PRINTED BY ROLLO CAMPBELL, GARDEN STREET, QUEBEC.

R E T U R N

To an Address of the Legislative Assembly, dated 3rd September, 1852; for "Copies of all Instructions given by the Imperial Government to the "Governors, Lieutenant Governors, or Administrators of the Government "of Lower Canada, relative to grants by way of reward or otherwise; and "also, to the sales of uncultivated Crown Lands in Lower Canada."

SCHEDULE.

EXTRACT FROM ROYAL INSTRUCTIONS TO THE GOVERNORS OF LOWER CANADA.

DESPATCHES FROM SECRETARIES OF STATE.

- 31st August, 1807.—Transmits "Additional Instructions" under the Royal Sign Manual relative to grants of Land.
- 10th October, 1815.—Establishment of a Court of Escheats for the re-investment in the Crown of improvident grants of Land.
- 16th May, 1818.—Further instructions for the encouragement to be given by Government to Settlers.
- 8th August, 1821.—Respecting the granting of Lands in Godmanchester, Hinchinbrooke, and Hemmingford.
- 20th December, 1829.—Lands may be sold to any persons in any Township at the last upset price.
- 7th March, 1831.—Transmitting Regulations for granting Lands in North American Provinces.
- 5th September, 1831.—Regulations of 7th March, 1831, to be carried into effect.
- 21st November, 1831.—Relative to the complaint of the House of Assembly, termed "the vicious and improvident management of the Crown Lands of Lower Canada."
- 1st January, 1833.—Certain directions relative to sales of Land.
- 30th April, 1833.—Stating the only exception H. M. Government will permit to procuring Land without purchase.
- 4th June, 1833.—Discontinuing the system of making Free grants of Land to discharged soldiers and sailors.
- 14th August, 1835.—Authorizing the suspension for the present of the Clause in the Land Regulations which require that the purchase money should be paid in four half-yearly instalments.
- 15th February, 1837.—Transmitting Circular Instructions, that in future the whole amount of purchase money for waste Lands of the Crown should be paid for at the time of the sale.

Copy of Clauses of the Royal Instructions to the Governors of Lower
Canada, relative to Crown Lands.

30th. And whereas nothing can more effectually tend to the speedy settling of our said Province of Lower Canada, the security of the property of our subjects, and the advancement of our Revenue, than the disposal of such Lands as are our Property upon reasonable terms, and the establishing of a regular and proper method of proceeding with respect to the passing of grants of such Lands, it is therefore our will and pleasure that, all and every person and persons who shall apply for any grant or grants of Land, shall, previous to their obtaining the same, make it appear that they are in a condition to cultivate and improve the same: And in case you shall, upon a consideration of the circumstances of the person or persons applying for such grants, think it adviseable to pass the same, you are in such case to cause a warrant to be drawn up, directed to the Surveyor General, or other officers, empowering him or them to make a faithful and exact survey of the Lands so petitioned for, and to return the said warrant within six months at farthest from the date thereof, with a plot or description of the Lands so surveyed thereunto annexed. And when the warrant shall be so returned by the said Surveyor or other proper officer, the grant shall be made out in due form, and the terms and conditions required by these our instructions be particularly and expressly mentioned therein; and it is our will and pleasure that the said grants shall be registered within six months from the date thereof, within the Register's office, and a docket thereof be also entered in our Auditor's office, copies of all which Entries, shall be returned regularly by the proper officer to our Commissioners of our Treasury.

31st. And for the further encouragement of our subjects, it is our will and pleasure that the Lands to be granted by you as aforesaid shall be laid out in Townships, and that each inland Township shall, as nearly as circumstances shall admit, consist of ten miles square, and, such as shall be situated upon a navigable river or water, shall have a front of nine miles, and be twelve miles in depth, and shall be subdivided in such manner as may be found most adviseable for the accommodation of the settlers, and for making the several reservations for public uses, and particularly for the support of the Protestant Clergy, agreeably to the above recited Act, passed in the thirty-first year of our reign.

32nd. And whereas great inconveniences have heretofore 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 inconveniences in future, it is our will and pleasure that you observe the following directions and regulations in all grants to be made by you as aforesaid, that is to say:—

That no town lot shall be granted to any one person, being Master or Mistress of a family, in any Township, to be laid out as aforesaid, which shall contain more than one acre of land.

That no park lot shall be granted to any one person, being Master or Mistress of a family, in any Township so to be laid out, which shall contain more than twenty-four acres.

That no farm lot shall be granted to any one person, being Master or Mistress of a family, in any Township so to be laid out, which shall contain more than two hundred acres.

It is our will and pleasure, and you are hereby allowed and permitted to grant unto every such person or persons, such further quantity of land as they may desire, not exceeding one thousand acres over and above what may have heretofore been granted to them, and in all grants of Land to be made by you as aforesaid, you are to take care that due regard be had to the quantity and comparative value of the different parts of Land comprised within any Township, so that each grantee may have, as nearly as may be, a proportionable quantity of Lands of such different quality and comparative value, as likewise that the breadth of each tract of Land to be hereafter granted, be one-third of the length of such tract, and that the length of such tract do not extend along the banks of any river, but towards the Main Land, that thereby the said grantees may have each a convenient share of what accommodation the said river may afford for navigation or otherwise.

33rd. And as a further encouragement to our subjects who shall become settlers as aforesaid, it is our will and pleasure that the said Townships, and the respective allotments within the same, together with the Lands to be reserved as aforesaid shall be run and laid out by our Surveyor General of Lands for the said Province, or some skilful person authorized by him for that purpose, which surveys, together with the warrants and grants for the respective allotments, shall be made out for, and delivered to, the several grantees, free of any expense or fees whatsoever, other than such as may be payable to the different officers, according to the table of fees established upon grants of Land made in the said Province.

34th. And in order to prevent any persons disaffected to us and to our Government, from becoming settlers in our said Province of Lower Canada, it is our will and pleasure, that no warrants for surveying Lands be granted by you, or the Lieutenant Governor, or person administering the Government for the time being, unless the person or persons applying for the same do, at the time of making such application, besides taking the usual oaths directed by law, also to make and subscribe the following declaration in your or his presence, or in the presence of such person or persons as shall by you or him be appointed for that purpose, that is to say,—"I, A. B., do promise and declare, that I will maintain and defend, to the utmost of my power, the authority of the King in His Parliament as the Supreme Legislature of this Province."

35th. Whereas the reserving such bodies of Land within our Province of Lower Canada, where there are considerable growths of timber fit for the use of our Royal navy, is a matter of the utmost importance to our service, it is our will and pleasure that no grants whatever be made of Lands within any District or Tract in our said Province of Lower Canada, until our Surveyor General of Woods, or his Deputy, lawfully appointed, shall have surveyed the same, and marked out as reservations to us, our heirs and successors, such parts thereof as shall be found to contain any considerable growth of masting, or other timber fit for the use of our Royal Navy, and more especially upon the rivers: and you are hereby instructed to direct our Surveyor General of Lands, in our said Province, from time to time, with all due diligence, to complete the surveys and mark out the reservations as aforesaid in the most convenient parts of our said province: And you are, from time to time, to report the number, extent and situation of such reservations: and you are further to direct our Surveyor General not to certify any plots of ground, ordered and surveyed for any person or persons whatever, in order that grants may be made out for the same, until it shall appear to him, by a certificate under the hand of our Surveyor of Woods, or his Deputy, that the Land, so to be granted, is not part of, or included in any District marked out as a reservation for us, our heirs and successors as aforesaid, for the purpose herein before mentioned, and in order to prevent any deceit or fraud from being committed by the person applying for Lands in this respect, it is our will and pleasure that in all grants to be hereafter made for Lands in our said Province of Lower Canada, the following proviso and exception

be inserted, that is to say, "and provided also, that no part of the parcel or tract of Land hereby granted to the said _____ and his heirs, be within any reservation heretofore made and marked for us, our heirs and successors, by our Surveyor General of Woods or his lawful Deputy, in which case this our grant of such part of the Land, hereby given and granted to the said _____ and his heirs for ever as aforesaid, and which shall, upon a survey thereof being made, be found within any such reservation shall be null and void, and of none effect, anything herein contained to the contrary notwithstanding."

36th. And whereas it is necessary that all persons who may be desirous of settling in our said Province, should be fully informed of the terms and conditions upon which such Lands will be granted within our said Province of Lower Canada, in manner prescribed in and by the said Act passed in the thirty-first year of our reign, you are therefore, as soon as possible, to cause a publication to be made, by proclamation or otherwise, as you in your discretion shall think most adviseable, of the said terms and conditions respecting the granting of Lands, in which proclamation it may be expedient to add some short description of the natural advantages of the soil and climate, and its peculiar convenience for trade and navigation.

37th. And it is our further will and pleasure that all the foregoing instructions to you, as well as any which you may hereafter receive, relative to the passing grants of Land in conformity to the said Act passed in the thirty-first year of our reign, be entered upon Record for the information and satisfaction of all persons whatever that may be concerned therein.

38th. And whereas it hath been represented unto us, that many parts of the Province under your Government, are particularly adapted to the growth and culture of hemp and flax, it is therefore our will and pleasure, that in all surveys for settlement, the Surveyor be directed to report, whether there are any, or what quantity of Lands contained within such survey, fit for the production of hemp and flax.

39th. And whereas it hath been represented to us, that several parts of the Province of Lower Canada have been found to abound with Coals, it is our will and pleasure, that in all grants of Land to be made by you, a clause be inserted, reserving to us, our heirs and successors, all Coals, and also all mines of Gold, Silver, Copper, Tin, Iron and Lead which shall be discovered upon such Lands.

40th. You shall cause a survey to be made of all the considerable Landing Places and Harbours in our said Province, in case the same shall not have already been done and report to us, by one of our Principal Secretaries of State, how far any Fortifications be necessary for the security and advantage of the said Province.

(Copy.)

DOWNING STREET, 31st August, 1807.

Sir,—I transmit to you herewith additional Instructions under the Royal sign manual revoking the restraining and instruction of 6th March, 1790, relative to grants of Land, and authorizing you according to the terms and conditions therein specified to dispose of the waste Lands of the Crown within the Province under your Government, with directions by which your proceedings in this respect are to be governed.

I am particularly to enjoin you to pay the strictest attention to the regulations which limit to Five hundred acres, the extent of Land to be granted by one or more patents to the same parties. And it having been represented that claims have

been attempted to be set up by individuals to large tracts of Land without any sanction or authority having been obtained to that effect from Government, you are carefully to examine into this particular, and immediately to take the necessary measures for resuming on the part of the Crown all Lands whatsoever for which regular grants completed and passed in due form shall not be produced.

It is His Majesty's pleasure that all applications which shall be made to you for Land, be laid before the Council of the Province or a Committee thereof, and that the pretensions of the applicants be there examined into, and as the case may deserve approved or rejected, or sufficient quantity of Land allotted and the situation prescribed subject to your approbation. And you are to take care that copies of the proceedings of the Council upon this subject, be every six months or oftener transmitted to this Department. You are to direct an abstract to be prepared and transmitted with all convenient speed of all Grants heretofore issued, specifying the date thereof, in whose favor the same have been passed, with the number of acres granted and where situated.

I am, &c.,

(Signed,) CASTLEREAGH.

ADDITIONAL INSTRUCTIONS.

(Copy.)

GEORGE R.

Additional Instructions to Our Trusty and Well-beloved Sir JAMES HENRY CRAIG, Knight of the Most Honorable Order of the Bath, Our Captain General and Governor in Chief in and over Our Province of Nova Scotia, Our Islands of Prince Edward and Cape Breton, and the Territories thereunto belonging in America, or in his absence to the Lieutenant Governors or Commanders in Chief for the time being of the said Province and Islands respectively:—Given at Our Court at St. James's, the twenty-ninth day of August, 1807, in the Forty-seventh year of Our Reign.

1st. Whereas, in order to prevent irregularities in the mode of issuing grants of the Waste Lands of the Crown, and to the end that we might avail ourselves of the advantages which would arise to us, Our Heirs and Successors, by the introduction of some further regulations to be observed in the disposal of the said Lands, We thought fit by our Order and Instructions, under our Signet and Sign Manual, bearing date the sixth day of March, 1790, to suspend until our further pleasure should be signified, the execution of certain powers for granting Lands then vested in Our Captain General and Governor in Chief of Our Province of

And whereas, it has been represented to us that by authorizing the further allotment of such Lands as still remain vacant and unsettled, the population and improvement of the Colony may be rapidly promoted and increased. We, taking the circumstances before mentioned into our consideration, have thought fit to revoke and annul: And we do hereby revoke and annul our restraining Order and Instructions of the 6th of March, before recited, as far as the same relates to the Province of and to furnish you with these our present Instructions for the disposal of such Lands as may be our Property within our said Province, and it is our express will and pleasure, that in all matters relating thereto, you are to be governed by the directions herein contained, anything specified in our former Orders to Our Governors and Commanders in Chief of Our said Province to the contrary notwithstanding.

2d. It is our will and pleasure, and we do hereby authorize you by and with the

advice and consent of Our Council of Our Province of Nova Scotia, to issue Warrants of Survey for such Lands as shall be vacant and ungranted to such person or persons as shall be desirous of improving and cultivating the same. Provided, that all and every person and persons who shall apply to you for any Warrant or Warrants for Lands, shall previously to their obtaining the same, make it appear to you in Council that they are in a condition to cultivate and improve the Lands according to the conditions specified in these Our Instructions, or by establishing thereon a sufficient number of settlers, either servants or others, according to the proportion hereinafter prescribed, and shall at the same time produce such proofs of their Loyalty to Us, and attachment to Our Government, as shall be required by you and Our Council; and also, take the several oaths required by Law, and in case you shall upon a consideration of the circumstances of the person or persons applying, think it advisable to grant such Warrant, you shall issue the same under your hand and seal to the Surveyor General of Lands for Our said Province, authorizing and requiring him to make or cause to be made a faithful and exact Survey of the Land in such Warrant directed, and to return the said Warrant within six months at furthest from the date thereof, with a plot or description of the Land so surveyed thereunto annexed. And it is our will and pleasure, that the several persons to whom you, with the advice and consent of Our said Council, shall grant such Warrants of Survey, shall within six months apply for and take out grants for the Lands surveyed by virtue of such Warrants, which grants shall be made out in due form, and the terms and conditions required by these Our Instructions be particularly and expressly mentioned therein, and the said grants shall be registered in the Secretary's Office of Our said Province, to which Registry shall be attached a Duplicate of the plan annexed to the original grant, and a Docket thereof be entered in Our Auditor's Office, and also in the Office of Our Receiver General of Quit Rents within three months after signing the same, otherwise such grants shall be void and of none effect: copies of which entries shall be returned regularly by the proper Officer to the Commissioners of Our Treasury within six months from the date thereof, and you will take care that an abstract of all grants be every six months transmitted to us through Our Principal Secretaries of State, and a Duplicate thereof to the Committee of Our Privy Council for Trade and Plantations.

3d. And whereas great inconveniences have arisen in some of our Colonies from granting large quantities of Land to persons who have been unwilling or unable to settle and cultivate the same, whereby the prosperity of the Colony has been checked and retarded to the manifest injury of the active and industrious settlers and of the public interest. It is our will and pleasure that in granting Warrants of Survey as aforesaid, you do take special care that the quantity of Land be in proportion to the ability of the applicant to cultivate the same, and you are hereby required to observe the following directions and regulations in all grants to be made by you; namely,—that One hundred acres of Land be the proportion to be allotted to any person being Master or Mistress of a Family, and fifty acres for each of their children actually present at the time of making out the grant; and in case it shall appear to you and our said Council that the person applying for such Warrant of Survey shall be of sufficient ability to cultivate a larger quantity of Land than the real number of persons in his or her family would entitle such person to take up, you are hereby allowed to grant an additional number of acres according to the circumstances of the case. Provided always, that no greater quantity than Five hundred acres in the whole shall be granted to any one person without our express permission; and provided, that if the grant shall exceed Two hundred acres and not otherwise, the grantee shall pay to the Receiver General of Our Quit Rents or to such other Officer as shall be appointed to receive the same, the sum of five shillings only for every fifty acres so granted over and above the quantity of Two hundred acres on the day of the date of the grant; nevertheless, should any case arise in which

from special circumstances, you, with the advice and consent of our said Council, should think fit to recommend a grant of Lands to any person over and above the quantity of Five hundred acres, you are to represent the same to us, through one of Our Principal Secretaries of State, together with your reasons for such recommendation, in order that our pleasure may be signified to you thereupon.

4th. And our will and pleasure is, that for every fifty acres accounted plantable, each grantee shall be obliged within five years from the date of his grant to clear and work three acres at the least in that part of the Land granted, which he shall judge most convenient, or else to clear and drain three acres of swampy or sunken grounds, or drain three acres of marsh, if any such be within the bounds of his grant. That for every fifty acres accounted barren, the grantee shall be obliged to put and keep on his Land within three years after the date of his grant, three neat cattle, which number he shall be obliged to continue on his Land until three acres of every fifty acres of the improveable Land be fully cleared and improved; and if any person shall take up a tract of Land wherein there shall be no part fit for present cultivation, every such person shall be obliged to erect thereupon, within three years from the date of his grant, an habitable dwelling house, and also, to put on his Land the like number of three neat cattle for every fifty acres, and if any person shall take up Land which shall be so rocky and stoney as not to be fit for culture or pasture, such person employing, within a reasonable time from the date of his grant, and continuing to employ for the space of three years then next ensuing, one able hand for every hundred acres in cutting wood, clearing the Land, or in digging any Stone Quarry, it shall be deemed a sufficient cultivation, and in order to ascertain the true quantity of plantable or rocky and barren Land contained in each grant to be issued in Our said Province, you are to take especial care that in all surveys hereafter to be made, every Surveyor be required to take particular notice, according to the best of his judgement, how much of the Land so surveyed is plantable, and how much of it is barren, rocky, or otherwise unfit for cultivation, and to insert in the Survey and Plot, by him to be returned as aforesaid, the true quantity of each kind. And our will and pleasure is that in all grants of Lands to be made by you as aforesaid, regard be had to the profitable and unprofitable acres, so that each grantee may have a proportionable number of one sort and the others as far as local circumstances may admit.

5th. And when any persons who shall hereafter take out grants for any Lands, shall have settled, planted, and cultivated or improved the said Land or any part of it according to the directions and conditions above mentioned, such persons may make proof of such seating, planting, cultivation and improvement in the general Courts of the Counties or Districts where such Lands shall be, and such proof shall be certified by the Judges and Foremen of the Grand Juries of the said Court to the Register's Office, and be there entered with the Record of the said Patent, a copy of which shall be admitted on any trial to prove the seating and planting of such Land. And every three acres which shall be certified to be cleared and worked as aforesaid, shall be accounted a sufficient seating, planting, cultivation or improvement to save from forfeiture fifty acres of Land in any part of the tract contained within the same grant or patent.

6th. It is our will and pleasure, that all grantees be subject to the payment of two shillings sterling, for every hundred acres, to commence on the mid-summer day, after the expiration of two years from the date of such grant, and to be paid yearly and every year, or in default of such payment the grant to be void.

7th. And it is our further will and pleasure, that the conditions of cultivation and settlement required to be performed, and the amount of Quit Rent directed to be paid by the Fourth and Sixth Articles of these Our Instructions, be specified in every grant of Land to be issued by you as aforesaid, and that it be also expressly stated therein, that in case the grantee shall not, within the space of five years from

the date of the grant, have fulfilled the several terms and conditions prescribed, the same shall be void and of none effect, and the Lands thereby intended to be granted shall revert to us, Our Heirs and Successors.

8th. And it is our will and pleasure, that the Lands to be surveyed by virtue of Warrants to be by you, with the advice and consent of Our said Council, granted as aforesaid, be run and laid out in such a manner that the length of such tract do not extend along the shore, or along the banks of any river, but into the main Land, that thereby the said grantees may have a convenient share of what accommodation such shores or rivers may afford; and it is our will and pleasure, that a sufficient space be left at the most convenient places upon the sea shore or inlets therefrom, or rivers for the settlers in the interior parts to ship their produce, and that sufficient spaces be marked out and reserved for roads from the interior settlements to the said shore, inlets, or rivers. And it is our will and pleasure that as far as circumstances will allow, the tracts or lots shall severally front either to the sea shore or the rivers or lakes or the public roads, and where there are no public roads actually laid out, that there shall be sufficient Land reserve in front of each range of lots for a public road; and also, that the front of every lot ought not to exceed eighty rods.

9th. And whereas, it is understood, that many persons since the date of our restraining order of the sixth day of March, 1790, have been induced to settle upon portions of the waste Lands within our said Province, in the expectation of receiving regular titles thereto when the above mentioned restriction should be withdrawn, It is our will and pleasure, that all due preference and encouragement should be given to the applications of persons so circumstanced for grants of the Lands upon which they may have actually settled, or which they had received permission to occupy, subject, however, to the restrictions contained in these instructions, with respect to the number of acres to be granted, and provided they do, within twelve months after public notice given by you of our gracious intention in this respect, apply for and take out grants in proper form for the same.

10th. And whereas the settling Planters in Townships has been found expedient and advantageous, you are to cause Townships to be laid out in such places as you, with the advice and consent of our Council, shall determine, each Township being of a convenient size and extent, and having as far as may be, natural boundaries extending up into the Country, and comprehending a necessary part of the Sea Coast, where it can conveniently be had. You are also to cause a proper place in the most convenient part of each Township, to be marked out for a Town, sufficient to contain such a number of Families as you shall judge proper to settle there, with Town and Pasture Lots convenient to each Tenement, taking care that the said Town be laid out upon, or as near as may be, to some navigable River or the Sea Coast. And you are to take care, that a sufficient quantity of Land be laid out adjoining to such Town, for a Common, and that proper Lots be reserved for Public Buildings, and other Public purposes, in the situations best adapted thereto, and it is our further will and pleasure, that sufficient quantities of Land be reserved to us in every Township, which shall be laid out as aforesaid, (more especially where there may be any Harbours, or considerable Landing places,) for erecting Fortifications, and Barracks, and for other Military or Naval Services, and for the growth and production of Naval Timber, if there are any Woodlands fit for that purpose, and that due care be taken that such situations be selected for those purposes, as shall be most convenient and proper. And it is our further will and pleasure, that you do take especial care, that all the reservations and Allotments before specified, be set apart and preserved in any Township which may have already been laid out in pursuance of any former instructions.

11th. And whereas it is expedient, that the Province should be divided into Counties, and that each County should be subdivided into Parishes, to be named,

and also that a County Town should be designated, and named to each County. It is hereby required that particular attention be paid to these points, and that the ungranted Lands of each Parish should be divided into Lots of two hundred Acres each, and that all new Grants should specify the Counties and Parishes to which such grants apply. And our will and pleasure is, that a particular spot be set apart in each Parish for the building of a Church, and five hundred Acres adjacent thereto, allotted for the maintenance of a Minister, and also that grants of Lands not exceeding five hundred Acres should be made for the establishment and use of Schools in every Parish, such grants of Land for Ministers and for Schools to be vested in Trustees, named by you, for that purpose. And it is our further will and pleasure, that a Tract of Land, not exceeding Twenty thousand Acres, be set apart for the Endowment of our College, at Windsor, in our said Province of Nova Scotia, and that the same be vested in the Governors of the said College. And also, that a Tract of Land, not exceeding Twenty thousand Acres, be allotted for the support of the Dean and Chapter of a Cathedral Church, to be established in our said Province.

12th. And you are to give strict orders to the Surveyors, who may be employed to mark out the said Townships and Towns, to make returns to you of their Surveys as soon as possible, with a particular description of each Township, and the nature of the soil within the same. And you are to take care that the Surveyor General and the several persons who may be appointed under him, to Survey the Lands in our said Province, do take an Oath respectively for the due performance of their offices, and for obliging them respectively to make and return exact Surveys and Plots, of all such Lands as may be by them laid out as aforesaid.

13th. And it is our will and pleasure, that in all grants of Land to be made by you, a Clause be inserted, reserving to us, our Heirs and Successors, all Coals, and also all Gold, Silver, and other Mines and Minerals.

14th. Whereas the reserving such tracts of Land within our Province of Nova Scotia, where there are considerable growths of Timber, fit for the use of our Royal Navy, is a matter of the utmost importance to our Service. It is our will and pleasure that no grants whatever be made of Lands within our said Province of Nova Scotia, until our Surveyor General of Woods, or his Deputy lawfully appointed, shall have viewed and marked out such Districts, within our said Province as Reservations to us, our Heirs and Successors, as shall be found to contain any considerable growth of Mastig or other Timber, fit for the use of our Royal Navy, and more especially upon any of the Rivers in our said Province, convenient for Transportation. And you are hereby instructed to direct our Surveyor General of Lands in our said Province, not to certify any Plots of Land ordered and surveyed for any person or persons whatsoever, in order that grants may be made out for the same, until it shall appear to him by a Certificate, under the hand of our said Surveyor of Woods, or his Deputy, that the Land to be granted is not part of or included in any District marked out as a reservation for us, our Heirs, and Successors as aforesaid, for the purpose hereinbefore mentioned. And in order to prevent any deceit or fraud from being committed by the persons applying for Lands in this respect, it is our will and pleasure, that in all grants hereafter made for Lands, within our said Province of Nova Scotia, the following Proviso, Exception, and Condition, be inserted, *videlicet*:—" And provided also, that no part of the Parcel or Tract of Land hereby granted to the said _____ and his Heirs, be within any reservation heretofore made and marked for us, our Heirs and Successors, by our Surveyor General of Woods, or his lawful Deputy, in which case this our Grant for such part of the Land hereby given and granted to the said _____

and his Heirs, for ever as aforesaid, and which shall upon a Survey thereof being made, be found within any such reservation, shall be null and void, and of none effect, any thing herein contained to the contrary notwithstanding."

15th. And whereas many parts of our Province of Nova Scotia are represented to be particularly adapted to the growth and culture of Hemp and Flax, it is our will and pleasure, that in every survey for settlement, the Surveyor be directed to report, whether there is any or what quantity of Lands contained within such Survey, fit for the production of Hemp and Flax. And you are to take particular care to insert a clause in every grant of Land, where any part thereof is fit for such production, obliging the Grantee, annually, to sow a proportionable part of his grant with Hemp or Flax seed.

16th. And in order to prevent any disputes or difficulties which might hereafter arise, with regard to the precise Boundaries of our Province of Nova Scotia, where the same may not have been clearly ascertained, you are to take especial care that no Grant be allowed of any portion of Land which may be within a certain distance of any supposed limit or line of Boundary of our said Province, such space or distance to be previously determined by you, with the advice and consent of our Council.

17th. And to the end that all persons concerned, may be lawfully informed of the terms and conditions upon which Grants of Land, in our said Province, are hereafter in all cases to be made out and issued, you are hereby directed, as soon as conveniently may be, after the receipt of these instructions, to cause all and every, the terms, conditions and regulations hereinbefore specified and prescribed, respecting the granting of Lands, to be publicly made known by Proclamation or otherwise, as shall appear to you most advisable. And it is our further will and pleasure, that all the foregoing instructions to you, as well as any which you may hereafter receive, relative to the form and method of passing Grants of Land, and the terms and conditions to be annexed to such Grants, be entered upon record for the information and satisfaction of all parties whatever, that may be concerned therein.

18th. And whereas considerable bodies of Land within our said Province, are claimed, or held by persons who have not improved and cultivated the same, nor otherwise complied with the terms and conditions of their respective grants, and in most instances, no Quit Rents reserved to us, have been paid thereupon, and whereas many loyal subjects who may hereafter come into our said Province, may be desirous of settling and improving the Lands which are under the circumstances aforesaid, it is our will and pleasure that you do give directions to the proper officers, that such legal steps be taken, as may effectually revest in us our Heirs and Successors, such Lands as by Law are liable to be escheated and forfeited within our said Province, either by non-improvement, non-payment of Quit Rents, or non-performance of any other of the conditions of the grants; and thereupon, to grant the same to such persons, in such quantities, and upon such conditions, as by these instructions you are directed and authorized.

19th. And it is our further will and pleasure, that you do consider of a proper and effectual method of collecting, receiving, and accounting for our Quit Rents, when the same shall become payable, whereby all fraud, concealment, irregularity, or neglect therein, may be prevented, and whereby the receipt thereof may be effectually checked, and controlled, and if it shall then appear necessary to pass an Act, for the more speedily and regularly collecting our Quit Rents, you are to prepare the heads of such a Bill as you shall think may most effectually conduce to the procuring the good ends proposed, and to transmit the same to us, through one of our Principal Secretaries of State, for our further directions therein.

(Signed) G.R.

To Sir JAMES HENRY CRAIG, K.B.

(Copy.)

DOWNING STREET, 10th October, 1815.

Sir,—I have the honor to acknowledge the receipt of your letter of the 6th of June, stating the difficulty which has arisen from the improvident grants of Land which have heretofore been made to private individuals, and which still remain uncultivated. In reply I have to acquaint you that I entirely approve of your recommendation for the establishment of a Court of Escheats for the re-investment of these Lands in the Crown, and I only forbear urging the immediate commencement of its labors from a conviction that you are perfectly aware of their importance and necessity.

I have the honor to be, Sir,

Your most obedient humble Servant,

(Signed,)

BATHURST.

Lieutenant General,

Sir GORDON DRUMMOND, K.C.B.

&c., &c., &c.

(Copy.)—No. 162

DOWNING STREET, 16th May, 1818.

Sir,—Having brought under the consideration of the Prince Regent the superior advantages which appear likely to result from encouraging more connected settlements in Canada, His Royal Highness has been pleased to command that the encouragement to be afforded hereafter should be principally bestowed on those Emigrants who possess adequate means for the cultivation of the lands assigned to them, and enter into previous engagements to convey to the Colony and settle under their direction a certain number of individuals. I cannot better explain the views of His Royal Highness on this subject, than by enclosing you copies of the letter which was addressed by my direction to the Lords Commissioners of the Treasury, and of the reply now usually given to all applicants for grants of Land. As these documents will sufficiently explain to you the principles upon which Settlers are encouraged to proceed, it is only necessary for me to call your attention to the several particulars therein stated, and to direct an uniform adherence to the rules laid down in the printed circular.

With respect to those settlers on behalf of whom the required advance of £10 per man has been made, you will take care that the sum be not re-paid until the settlers are *bonâ fide* located on the lands allotted to them, but on the other hand you will be equally careful not to withhold it beyond the time at which this condition shall have been fairly complied with, for all sums so repaid you will from time to time draw upon my under Secretary, advising me at the same time of the amount of the Bill so drawn.

I have, &c.

(Signed,)

BATHURST.

Lieutenant General

Sir J. C. SHERBROOKE, G.C.B.,

&c., &c., &c.

(Copy.)

DOWNING STREET, 6th December, 1817.

Sir,—I have received Lord Bathurst's directions to request that you would take an early opportunity of submitting to the Lords Commissioners of the Treasury, His Lordship's opinion of the expediency of adopting some regular plan for settling the waste Lands of the Crown in the several British Colonies.

Their Lordships are aware that no plan of this nature has hitherto been attempted in any but the North American Provinces, but as Lord Bathurst has every reason to believe that equal advantages, both as regard the individuals emigrating and the general prosperity of the country, would result from extending to the settlement of the Cape the same encouragement which may be deemed proper to hold out to emigrants to North America, his Lordship is desirous that the system to be adopted should be generally applicable to all British Colonies in which there are any Lands to be granted. The plan upon which settlers have been hitherto placed upon the Crown Lands in North America, has been to make to every individual who has attained the age of twenty-one years, a grant of one hundred acres of Land, under the condition of a proportionate cultivation within a limited period. With those settlers who possess energy and industry, and are located at the proper season of the year, this plan has to a degree answered, as they have been able with some assistance, and by working for others in the first instance, to maintain themselves on their own lands at the expiration of twelve or fifteen months; but the generality of settlers being destitute of capital and disheartened by the difficulties which always attend a first settlement, have been unable to provide for themselves, and have thus either become a burthen upon the Colony, or have left their lands in disgust and proceeded to the United States.

To obviate these evils, it is proposed to grant the Crown Lands in future upon a different principle, and to limit grants exclusively to those persons who may be willing to embark a certain degree of capital in the speculation, and to engage persons to proceed with them and under their control as cultivators. It is therefore proposed by Lord Bathurst, that no person shall henceforth receive a grant unless he can engage to employ, and permanently settle on the Land so granted, at least ten individuals above the age of twenty-one, and can command a sum of money at the rate of twenty pounds for every such individual. To persons of this description a grant will be given at the rate of one hundred acres for each person carried out, and an assurance of a further extension of the grant when the Land is to a limited extent brought into cultivation. It will be required, however, that every person receiving such a grant should advance, in this country, half the capital which he professes himself to have at his disposal, in order to its being repaid to him in the Colony, on his location upon the land allotted to him.

By this arrangement it is hoped to obviate the principal inconveniences to which the existing system in Canada has been found to be liable.

In the first place, the settlers, instead of being spread over a great extent of country, in separate wildernesses of one hundred acres each in extent, (which has a most pernicious effect upon their moral character as well as upon their success as settlers) may be placed altogether under the control and protection of one individual.

In the second place, the capital which that individual has at his disposal will, if properly employed, (and it will be his interest so to employ it) ensure the due cultivation of the Land, and the means of comfortably maintaining those under his charge at the end of the first twelve months.

Lastly, the Colony will no longer be exposed to an inundation of idle persons, who have neither means of maintenance, nor energy sufficient to make use of the Land offered to them, are a burthen and a disgrace to it.

On the other hand, it is scarcely to be expected that a plan of this nature should succeed, unless some assistance be in the first instance afforded by the Government to those who undertake it. However advantageous speculations of this nature may hereafter prove, they will not be at first very popular, especially with men who have capital at command, and are ignorant of the probability of great profits from its being so employed. It will, therefore, be for their Lordships to decide as to the degree of encouragement to be afforded, and whether it will be most advisable to give it in the shape of a free passage to the Colony, or in Rations to the persons located on the Lands of the Crown, for a limited period, after their location, or in any other manner which may act in diminution of the first difficulties and expenses to which the clearing of the Land must expose them.

I have only further to add, that as the season for emigrating to Canada is fast approaching, Lord Bathurst would be obliged by an early communication of their Lordship's opinion on the subject.

I am, &c.,

(Signed,) HENRY GOULBURN.

G. HARRISON, Esquire.

COLONIAL DEPARTMENT,

Downing Street, 181

Sir,—I am directed by Lord Bathurst to acquaint you, in reply to your Letter of the that His Majesty's Government have ceased to give any encouragement to individuals desirous of proceeding as Settlers to His Majesty's Colonies abroad, beyond a grant of 25 Acres of Land, in the Colony which they may select, and that they are neither to expect a passage at the expense of Government nor any assistance after their arrival in the Colony.

Lord Bathurst is however ready to receive proposals from any persons willing to undertake, either in person or by their Agents, the cultivation of larger grants of Land, either at the Cape of Good Hope, or in the North American Provinces, under the following conditions:—

Such Grants will only be made to those who can engage to take out and locate upon the Land granted, Ten Settlers at the least, and the quantity of Land granted in each case, will be in the proportion of 100 Acres for every Settler proposed to be taken out.

In order to prevent any evasion of this condition, the person applying for a grant of land will be required to pay down a sum at the rate of £10 for every Settler, which sum will be repaid to him so soon after his arrival in the Colony, as the Settlers shall have been located upon the land assigned.

I am only further to acquaint you that in case of your being willing to undertake the cultivation of land under these conditions either at the Cape of Good Hope, or in North America, and in the event of your proposal being approved by his Lordship, a grant will be made to you free of expense, and the necessary tonnage will be provided for the conveyance of yourself or your Agents and the Settlers whom you may have engaged to accompany you. The expense of victualling the Settlers will be to be defrayed by yourself.

I am, Sir,
Your humble Servant,

MEMORANDA.

MILITARY and Naval Officers will receive Grants of Land agreeably to the annexed Schedule:—

Lieutenant Colonel.....	1200 Acres
Major	1000 "
Captain.....	800 "
Subaltern	500 "
Serjeant Major.....	} 300 "
Quarter Master Sergeant.....	
Sergeant.....	200 "

Pensioners of the Army and Navy will receive Grants of Land of 100 Acres each; but they cannot be conveyed to the Colonies at the Public Expense.

Their Pensions will be paid to them in the Colonies.

Settlers may take their Wives and Children with them.

Notice of place and time of Embarkation will be duly forwarded to such Settlers, whose Proposals may be accepted.

(Copy.)

DOWNING STREET, 8th August, 1821.

My Lord,—I have the honor to acknowledge the receipt of your Lordship's Despatch to me, No. 36, referring to various instructions by which the Governor of Canada is prohibited from granting waste Lands, or making roads in the Frontier Townships between Montreal and Lake Champlain, and I am to acquaint you in reply, that under the circumstances stated by your Lordship, His Majesty is pleased to remove the prohibition heretofore enforced with respect to the Townships in question, and to authorise the settlement of them by loyal British subjects, under the usual conditions of residence and cultivation within a limited period.

I have, &c.,

(Signed,) BATHURST.

Lieutenant General
The Earl of DALHOUSIE,
&c., &c., &c.

(Copy.)—No. 89.

DOWNING STREET, 20th December, 1829.

Sir,—I have the honor to acknowledge the receipt of your Despatch of the 18th October last, transmitting a Report of the Executive Council, recommending that all persons be permitted to purchase Lands in any Township, at the last upset price, at any time, without restriction, and I have to convey to you my sanction of the recommendation of the Council in this respect.

I have the honor to be, Sir,

Your most obedient humble Servant,

(Signed,) G. MURRAY.

Lieutenant General
Sir JAMES KEMPT, G.C.B.

(Copy.)—CIRCULAR.

DOWNING STREET, 7th March, 1831.

My Lord,—Having had under my consideration the Regulations which are at present in force for the disposal of Lands in His Majesty's North American Provinces, I am of opinion, after having consulted those who are the most competent to give an opinion on the subject, that some of the clauses or heads of Instructions by which the Commissioner of Crown Lands is now governed, are liable to considerable objection. I allude more particularly to those clauses which have reference to the disposal of Lands on a quit rent of 5 per cent. on the estimated value. I altogether disapprove of this system; and I therefore desire that the practice may be immediately discontinued.

I enclose, for your information, a copy of the new Regulations which I propose to establish for granting Lands in the North American Provinces; and if, upon consideration, you should be of opinion that they are liable to no serious objection, I am to desire that you will forthwith convey the necessary directions to the Commissioner of Crown Lands in order that they may be brought into immediate operation.

I think it necessary to apprise you that in future, grants of Land will not be given to any persons whatever, with the exception of Military Settlers.

I therefore request that you will decline to forward to me any applications which may be addressed to you for free grants of Land.

I have, &c.,

(Signed,)

GODERICH.

Lieutenant General

Lord AYLMER, K.C.B.,

&c., &c., &c.

REGULATIONS FOR GRANTING LANDS IN THE BRITISH NORTH AMERICAN PROVINCES.

For the information of persons desirous of proceeding as Settlers to His Majesty's North American Provinces, the following summary of the rules which have been established for the future Regulation of Grants of Land, has been prepared by the direction of His Majesty's Principal Secretary of State for the Colonial Department.

2. The Commissioner of Crown Lands will, at least, once in every year, submit to the Governor a Report of the Land which it may be expedient to offer for Sale within the then ensuing year, and the upset price per Acre, at which he would recommend it to be offered. The Lands so offered having been previously surveyed and valued in one or more contiguous tracts of those most adapted for settlement, according to the local peculiarities of the Province, and in proportion to the number of Deputy Surveyors who can be employed.

3. The Lands to be laid out in Lots of 100 Acres each; and plans of such parts as are surveyed to be prepared for Public Inspection, which plans may be inspected in the office of the Surveyor General or in that of his Deputies in each District, on payment of a fee of 2s. 6d.

4. The Commissioner of Crown Lands will proceed to the Sale in the following manner:—He will give Public notice in the Gazette, and in such other Newspaper as may be circulated in the Province, as well as in any other manner that circumstances will admit of, of the time and place appointed for the Sale of Lands in each District, and of the upset price at which the Lands are proposed to be offered;

that the Lots will be sold to the highest Bidder, and if no offer should be made at the upset price, that the Lands will be reserved for future Sale in a similar manner by Auction.

5. The purchase money will be required to be paid down at the time of Sale, or by four Instalments with interest. The first Instalment at the time of the Sale, and the second, third and fourth Instalments at intervals of half a year.

If the Instalments are not regularly paid, the Deposit Money will be forfeited, and the Land again offered for Sale.

6. Public Notice will be given in each District, in every year stating the names of the persons in each District who may be in arrears for the Instalments of their Purchases, and that if the arrears are not paid up before the commencement of the Sales in that District for the following year, the Lands in respect of which the Instalments may be due, will be the first lot to be exposed to Auction, at the ensuing Sales; and if any surplus of the produce of the Sale of each Lot should remain, after satisfying the Crown for the sum due, the same will be paid to the original purchasers of the Land who made default in payment.

7. The Patent for the Land will not be issued, nor any transfer of the Property allowed, until the whole of the Instalments are paid. The Lands sold under this regulation are not to be chargeable with Quit Rents, or any further payment beyond the purchase money for the expense of the patent.

8. Persons desirous of buying Land in situations not included in the tracts already surveyed must previously pay for the expense of survey, and the price must of course depend upon the quality of the Land and its local situation.

9. The Crown reserves to itself the right of making and constructing such Roads and Bridges as may be necessary for public purposes, in all Lands purchased as above, and also to such indigenous Timber, Stone, and other materials, the produce of the Land, as may be required for making and keeping the said Roads and Bridges in repair, and for any other Public Works. The Crown further reserves to itself all Mines of precious Metals.

10. The Regulations for granting Licenses to cut Timber will be learnt by application to the Surveyor Generals Office in the Province.

Colonial Office.

(Copy.)—No. 61.

DOWNING STREET, London, 5th September, 1831.

My Lord,—I have the honor to acknowledge the receipt of Your Lordship's Despatch, No. 60, of the 14th July last, stating that the Commissioner of Crown Lands having applied to you for instructions for his guidance in the sale of Crown Lands in Lower Canada for the ensuing year, you had determined not to carry into effect the instructions contained in my Circular Despatch of the 7th March last, but have directed Mr. Felton to offer the Crown Lands for sale on the same conditions of payment as heretofore for one year, or until you had heard further from me on the subject.

I regret that you should have been induced to depart from the regulations which I was desirous of introducing as an uniform system in the whole of the British North American Provinces. I cannot agree with you in opinion that it would be more advantageous to the Crown and to the Province, to adhere to the system of sale which has been hitherto pursued. It was considered as forming an essential point in the new regulations, that the purchasers of Land should be required to complete their purchase within a limited period. It does not appear to me that per-

sons of small capital will by this system be kept out of the market. The effect of the new plan will be to deter purchasers from obtaining larger portions of Land than they are prepared to bring into immediate cultivation and profit. They will not be precluded from becoming purchasers, but will only become purchasers to such an extent as will be beneficial to themselves and to the Colony.

I am desirous, therefore, that you should (if it be not too late,) cancel the orders which you have issued to the Commissioner of Crown Lands, for the sale of Lands during the ensuing year, and direct him to carry into effect the regulations contained in my Circular Despatch of the 7th March last, in all its most essential features; but especially in regard to the length of time which is to be allowed for the payment of instalments for Land purchased.

Great inconvenience has been experienced, from this Department being unable (in consequence of the proposed alteration) to issue any regulations for the information of persons proceeding to North America as settlers, and it is on this account, very desirable that no time should be lost in placing the regulations in regard to the whole of the Provinces upon an uniform footing.

I shall be glad, therefore, to hear, that no delay has taken place in adopting this system in Lower Canada.

I have, &c.,

(Signed,) GODERICH.

Lieutenant General

Lord AYLMER, K.C.B.,

&c., &c., &c.

(Copy.)—No. 69.

DOWNING STREET, 21st November, 1831.

My Lord,—In my Despatch of 7th July last, (No. 51) in which I adverted to the various complaints contained in the Petition addressed to His Majesty by the Assembly of Lower Canada, I informed you that I would make what is there termed “the vicious management of the Crown Lands the subject of a separate communication.” In proceeding to do so, I will, in the first place, consider separately, what I believe to be the most prominent of the particular grievances which the Assembly intended to comprehend under the general head; these are,

1st. The difficulties in the acquisition of Land, under a secure title, encountered by the *bonâ fide* Settler.

2nd. The abuse, by which large Tracts of Land have come into the possession of persons unable or unwilling to improve them, and have in consequence been rendered useless to the Province and injurious to the real Settlers, by separating them from each other, and interrupting their communications, and

3rd. The similar inconvenience which has arisen from the Clergy Reserves.

Upon each of these subjects I shall proceed to offer some remarks in the order in which I have mentioned them. Difficulties are I believe, at present, met with by the *bonâ fide* Settler in acquiring Land under a secure title in consequence of the forms of conveyance now in use, which seem calculated to cause needless delay and expense. I entirely concur with the Assembly in thinking that this is an inconvenience which ought immediately to be got rid of. I have had under my consideration the best means of doing so, and I trust, if the measure I shall propose in a subsequent part of this Despatch is adopted by the Assembly, I shall be able, without delay, to furnish you with Instructions by which this important improvement may effectually be accomplished. The complaint, however, which I am now con-

sidering seems to relate, not only to the delay experienced in obtaining Patents for Land, and to the Fees which are charged upon them, but also to the practise which has of late years been introduced of selling the Crown Lands instead of parting with them gratuitously. In recapitulating at the end of their Petition the principal grievances of which they complain, the Assembly particularly advert to the "management of the waste Lands of the Crown, in consequence of which applicants for actual occupation are prevented from freely possessing the same under secure titles, in sufficient quantities for cultivation, without unnecessary delay, and without any expense or burthen, other than the fair and necessary costs of survey and title."—I must dissent from the view here taken by the Assembly, and I am persuaded that a more careful consideration of this subject would have led to a conviction, that to restrain in some degree the extreme facility of acquiring Land, by demanding a moderate price from all who are anxious to obtain it, instead of being injurious to the interests of those who desire to become Settlers on the Crown Lands, would be found calculated to promote their success no less than the welfare and prosperity of the Province at large.

It has been urged that to compel the *bona fide* Settler to pay for his Land any thing beyond the necessary expense of surveying it, and making out his limits, is to deprive him of a portion of his capital, which if allowed to retain, he might employ to great advantage. Plausible as this objection is, experience has demonstrated, that by yielding to it, and making free grants, much more inconvenience is incurred than can arise from this alleged defect in the system of sale. If no consideration is to be given in return for Land, all persons will be desirous to obtain it, and that too in quantities not limited by their ability to turn it to advantage. Either, therefore, Land must be lavished in a manner which will quickly leave none unappropriated, and open for the occupation of those who can really make use of it, or a power must be entrusted to the Executive Government of deciding which claims are to be admitted, and what rejected. To such a power being placed in any hands there are the strongest objections; it gives a species of patronage to its possessors almost without responsibility, since its due exercise is with difficulty to be distinguished from its abuse, and the latter, therefore, is as easy as it may prove to be dangerous. The same difficulty of judging of the manner of exercising a discretion of this sort, which in bad hands facilitates its abuse, also exposes to suspicion even the most perfect impartiality and fairness; whether, therefore, the abuse which it confers is considered, or the unmerited obloquy which it may occasion, it is most inconvenient that the Government should be called upon to undertake the task of the gratuitous distribution of Land. It is likewise found practically, that under the system I am now considering, no degree of caution is sufficient to prevent large tracts of Land from getting into the possession of persons whose object is not to improve it, but at a future day to dispose of it, when it shall have acquired an increased value from the settlement and improvement of the vicinity; the effect of this being to enable the idle or fraudulent proprietor, not only to put his more industrious neighbours to great inconvenience, but also to derive a profit from their exertions, to which he has in justice, not the slightest claim.

As far as I am acquainted with the history of new settlements, there is no instance in which the practice of making free grants has been followed without leading to the abuse I have described. Various regulations have been adopted with a view of guarding against it, but these, though complicated and otherwise inconvenient, have uniformly failed to accomplish their intended object. It has been supposed that it would be a simple mode of attaining the end in view, to prevent any individual from acquiring more than a certain fixed extent of Land, imposing upon him at the same time, the condition of improving it; the difficulty, however, of defining beforehand, what this improvement is to be, immediately occurs; no ge-

neral rule can be laid down applicable alike to all situations, and without such a rule, it is impossible to avoid either on the one hand permitting the condition to become a dead letter, or on the other giving rise to endless disputes and litigation. Again, the effect of the limitation upon the quantity of Land to be acquired by a single individual is liable to be defeated, as those who have money will prevail upon their poorer neighbours to allow them to make use of their names, in order to obtain more extensive grants than the regulations would permit.

If to guard against this, the transfer of Land is prevented, persons able and willing to improve their Land are unable to obtain from those who are not so, what in their hands is useless; besides that, improvement is greatly discouraged, and the spirit of enterprise injuriously checked, by preventing the conversion into money of the increased value which the industry of a Settler has given to his grant.— Another plan is, to allow to every Settler, a grant proportioned to the amount of his capital, and to require from him before he is permitted to alienate it, that a certain sum should be expended in its improvement. This is the principle of the Regulations lately in force in the Australian Colonies, but notwithstanding the care with which they were drawn up, in practice they have not been found to answer.

It is not necessary that I should do more than thus generally point out the objections to a system of free grants, since experience has not only shown these objections to be well founded, but has further proved the advantage of the opposite plan, of disposing of Land by sale instead of by grant.

The example of the United States has shewn that, without any complicated regulations, by which it has been attempted to guard against the mis-application of Land acquired gratuitously, without those conditions or restraints which have been equally inoperative in the prevention of fraud, and inconvenient to the *bonâ fide* Settler, we may safely trust to the interest of purchasers as a sufficient security that Land which has been paid for will be turned to good account.

It has been said that by a strict adherence to this system, by refusing Land to the poor man whose labour is his only wealth, a most useful class of Settlers will be discouraged. I see no ground for such an apprehension; whatever promotes the prosperity of the Colony will naturally attract Settlers, both of the labouring and of all other classes, nor do I see any reason to suppose that the former will consider it any hardship to be required to pay for the Land which they acquire while its price is moderate, and while wages are so high as to enable them, if industrious, to earn in no long period the means of purchasing it. Has it, on the other hand, been sufficiently considered by those who make this objection, whether it would conduce to the real prosperity of the Province to encourage every man who can labour to do so only on his own account, to obtain and cultivate his allotment of land without giving or receiving assistance from others? Without some division of labour, without a class of persons willing to work for wages, how can society be prevented from falling into a state of almost primitive rudeness, and how are the comforts and refinements of civilized life to be procured? Declining, however, to pursue any further the discussion of this question, I must observe that the price paid by the Settler for his Land is not, in fact, lost to him, it is applied in diminishing the burthen of taxation, by defraying part of the necessary expenses of the Government; and it will also, it is hoped, afford the means of opening roads, of erecting schools and churches, and of making other local improvements. Indeed, for one of these purposes, more particularly the opening of roads, I think there would be a considerable advantage in demanding a higher price for Land than is usually paid, upon the principle that a public object is always better, and more certainly effected by enlisting in its favor the individual interests of those by whose efforts it is to be accomplished, than by requiring their services by a Mandatory Law; it would seem an obvious improvement in the mode of disposing of waste Land, to sell it at a higher price than heretofore, free from all conditions, allowing

the Settlers to earn again a part of the price, by their labour in effecting these improvements which are now required from them, in discharge of the obligation that they incur by the acquisition of their Land. The effect of this would be, that instead of paying beforehand in Land for work which may never be done, it would be paid for when actually performed, in money previously received in exchange for the same Land; the industrious Settler would, therefore, lose nothing, whilst those who chose to be idle would be prevented from injuring any but themselves.

2nd. What I have now stated will sufficiently explain to you the manner in which, with respect to the still unalienated Estate of the Crown, I think the abuse complained of, the acquisition of Land by persons unable or unwilling to improve it, may be guarded against. I am, however, aware that large grants already made in some parts of the Province remain in a state in which they greatly retard and impede the improvement of the surrounding country. I can only direct you by a strict enforcement of the existing Law to endeavour to correct the evil, and if any further Legislative measures should be found to be necessary for that purpose, to call the attention of the Assembly to the subject, perhaps a small tax levied upon all unimproved Land would be the most effectual remedy, it would make it the interest of the holders either to clear it themselves, or to part with it to those who would.

3rd. With respect to the Clergy Reserves, I have no hesitation whatever in stating, that I entirely concur with the Assembly in thinking that they form a great obstacle to the improvement and settlement of the Province, without being productive of any corresponding advantage to make up for this inconvenience; during the forty years the system of making these Reserves has existed, the total amount of the income they have afforded has not equalled the expense incurred in their management. I find by a Report made by Sir James Kempt, that in the year 1827, the expenses of collection and management exceeded the proceeds by £58 3s. 6d.; that in 1828 and 1829, the first years in which there has been any surplus, the net proceeds were £177 15s. 6d. in the one, and £217 18s 0d. in the other. For the year 1830, I have no account of the sums actually received; but although, I find that out of the half million of acres at which the Reserves in Lower Canada are estimated, nearly 100,000 are under lease at a nominal rent of £1190 currency; judging from the example of former years, I should not anticipate that the clear income which has been obtained has been greatly improved.

There seems indeed every reason to believe from what has been experienced not only in Canada, but in the Australian Colonies, that Land in countries where so much remains unappropriated, can only be profitably occupied by those who have the stimulus of personal and permanent interest.

Hence the income derived from landed property retained in the hands of the Government for any public purpose is trifling, compared to the inconvenience it occasions; the same sum raised in almost any other manner, would be much less burdensome to the Colony. Under these circumstances, I cannot entertain a doubt, that an end should immediately be put to the system of reserving a seventh of the waste Lands of Canada for the support of a Protestant Clergy; that which would be an objectionable mode of raising a Revenue for any public purpose, is still more strongly to be condemned as a provision for the Ministers of Religion, since it must have a direct tendency to render odious to the inhabitants, those to whom their good will and affection are so particularly needful.

Such are the reasons which have led me to the conclusion, that the continuance of the present system is inexpedient, and in a separate Despatch, I have detailed the measures it will be necessary to adopt, for the purpose of causing these Reserves to revert into the general mass of the Crown Estate, when they will be managed by the same officers, and according to the same rules. In the preceding part of this Despatch, I have in a great measure anticipated what I have to say in

explanation of the principles on which I conceive these rules should be founded. I have, therefore, to add little beyond a recapitulation of the points to which it is of most importance to attend.

In the first place, the form of the instrument by which Land is granted, should be as simple, and its expense as small as possible; the adoption of a mode of conveyance answering this description has been hitherto prevented, chiefly by the necessity under the Act of Parliament of specifying in each grant of Crown Land the particular Reserve made in respect of it for the support of the Clergy. The removal of this difficulty will be one of the most beneficial results I anticipate from the measure, which in the Despatch already referred to, I have directed you to the Legislature as soon as the legal difficulty is thus got rid of, I will transmit to you detailed Instructions (which are already in a state of preparation) as to the manner in which the desired improvement may be effected.

2ndly. The transfer of Land from hand to hand should be left perfectly free and unrestricted; all persons should be permitted to acquire Land in any quantity, and for any purpose they may think fit; the abuse of this privilege being guarded against, by demanding a moderate price for all Land alienated by the Crown. This will likewise supersede the necessity of inserting in grants conditions as to making roads, and other improvements. Instead of exacting the performance of what are termed the duties of Settlement, Land may be sold free of all conditions whatever, and a portion of the price obtained applied in doing what was formerly required of the Settler.

3rdly. In order to guard the Government against even the suspicion of partiality in the distribution of Land, the utmost freedom of competition should be permitted, and the highest bidder, or the first applicant, should be entitled as a matter of course to the preference. The regulations best calculated for securing this object must be left to you to determine.

Such is the system of management which I propose to adopt with respect to the Crown Lands. It has been formed after no little consideration and inquiry into a subject of the utmost importance to the prosperity of a country circumstanced like Canada. To promote that prosperity, to adopt the measures best calculated to favor the full development of the natural resources of the Province, has, I trust, I need not assure the Assembly, been my only aim. If however, upon a full consideration of the reasoning upon which my views are founded, they can recommend any modification by which this plan can be rendered more likely to forward that which is our common object, any suggestions which they may have to offer shall receive the fullest and most attentive consideration.

I have the honor to be,

My Lord,

Your Lordship's most obedient, humble Servant,

(Signed,) GODERICH.

Lieutenant General

Lord AYLMER, K.C.B.,

&c., &c., &c.

(Copy.)—No. 167.

DOWNING STREET, 1st January, 1833.

My Lord,—Recent circumstances having rendered it necessary that I should address the Lieutenant Governor of Upper Canada, upon the subject of Land, I have found myself led by the course of my observations to issue some directions appli-

cable to Lower Canada. I therefore enclose a copy of my Despatch to Sir John Colborne, dated this day, requesting Your Lordship's attention to that part of it which relates to the establishment of a minimum price. It will probably be unnecessary to report to me on the subject until you shall have communicated with Sir John Colborne, but on this point you will be guided by your own judgment. The whole of my Despatch, herewith enclosed, contains views of which I think it very important that Your Lordship should be in possession. I have only to state in conclusion, that the Despatch No. 55, of the 21st November, 1831, alluded to in my communication to the Lieutenant Governor of Upper Canada, corresponded precisely with the Despatch No. 69, of the 21st November, 1831, addressed to Your Lordship, and that the Despatches of the 31st October, 1831, and 1st February, 1832, were transmitted to you in my Despatch to Your Lordship of 1st February, 1832.

I have, &c.,

(Signed) GODERICH.

Lieutenant General
The Lord AYLMER,
&c., &c., &c.

No. 109.

DOWNING STREET, 1st January, 1833.

Sir,—The consideration of the war claims has once more attracted my attention to the principle of disposing of the public Lands by Sale. In my former communications on the adoption of this principle, I have treated it rather with reference to the necessity of it in order to prevent the dispersion of the population, than with reference to the attendant advantage of the funds which it must produce. I treated it as a matter of Policy rather than as a matter of Revenue. The consideration of the war claims has led me to look at it more particularly in the latter light.

I am satisfied that, viewing the Lands as a great financial resource, the sale of them at a high price is no less expedient, than in reference to that other object of keeping the inhabitants of the Colony within limits, and of preventing a forced determination of the people to the single class of Land owners. When I speak thus of the Financial effects of the sale of Land, I do not merely mean that the Sale must be more productive than the granting of it with a reservation of rents, which have never yet in any place or at any time been successfully collected. This proposition would be self evident. But I mean that the sale of Land at a price fixed somewhat high, is more judicious, even as regards the pecuniary proceeds of the property, than the sale of it at such a price as shall render it obtainable by almost every seeker. First, there is the obvious consideration that at the higher price the sale of a reduced quantity of Land may produce a Revenue equal to the larger quantities sold at the low price. This is one important consideration, although I would not have it supposed that the price ought to be calculated expressly with this view of compensating by its increase the diminished extent of the Sales. Another point to be borne in mind, and this is the one which, as regards the present part of the subject, I consider all important, is the necessity of husbanding the Land. When it is remembered how rapidly the value of Land in Canada has increased, and must continue to increase, it would be the height of improvidence to squander the possession of the Crown with profusion for the sake of the price they will immediately fetch in the market. Moreover, the property of the Crown, notwithstanding the vastness of the Tracts over which it nominally extends, is not inexhaustible. Considering the multitudes of Emigrants who have poured into

Upper Canada, during the last two or three years, it is much more possible, than at a superficial glance might appear credible, that the amount of Lands at the disposal of Government in situations where purchasers would buy them, may be curtailed to an inconvenient degree. Then would come Sales by private owners, willing to sell their well-situated Lands on terms which would drive the distant lands of Government out of the Market, until at last the financial resource, now afforded by the wide and valuable possessions of the Crown, would be found to have dwindled into insignificance, or to have for a period utterly vanished.

These are the reasons for which I think that the establishment of an adequate price on land is by no means less conducive to the interests of the Revenue than it is to the general welfare of society in growing colonies. The inference which I would have you draw from my remarks is this, that the price fixed on land should not be regulated by a mere regard to its effect on the Revenue, within any one year, but to the effect which it is likely to create in the lapse of time. I have thought it the more necessary to call your attention to the reasoning whence the above stated inference is drawn, as I think the time is come at which a uniform minimum price may with propriety be established in Canada. Hitherto five shillings an acre appears to have been under your Government the minimum price in practice, but then different classes of settlers have been allowed different periods of credit. I wish that all classes equally should be limited to the single period of credit prescribed in the enclosure to my circular Despatch of the 7th March, 1831. And with reference to the amount of the minimum price I cannot think it nearly so high as on the principle I have now explained it ought to be. Ten shillings an acre would appear to me, according to the information I daily receive from Canada, not too high. I cannot too repeatedly impress upon you that the object is, not to sell immediately a great quantity of land, but first to sell it with such limitations as shall prevent an injurious dispersion of the people. Secondly, with such limitations as shall guard against an improvident alienation of the Land for the sake of realizing a speedy Revenue. I am unwilling at once to issue positive directions on this subject; But I desire to be furnished with an early report of your opinion whether an higher price than the one I have suggested may be named, and if not, whether there be any objection to adopt that which I have proposed. Should you come to the last mentioned conclusion, you will supply me with a particular statement of the reasons on which it is founded. Finally, as it will be proper that a minimum price should be fixed in each of the Canadas, and that the price in either one should not be adopted without reference to the other, you will have the goodness to communicate on the subject with Lord Aylmer to whom I shall send a copy of the present Despatch.

Having stated so fully my opinion on the mode of alienating the Crown Lands so far as it is question of Revenue, I trust I need not at any length urge the considerations by which I am led to think the sale of Land at an adequate price is a necessary measure of Policy. It is scarcely possible for me to express myself more fully on this subject than I have done in my Despatch, No. 55, of the 21st November, 1831. Nevertheless, I observe a passage in a recent Despatch from you, which induces me to think some further explanation requisite.

In my Circular Despatch of the 7th of March 1831, I announced the new system which I desired to be adopted in the disposal of Crown Lands. In my subsequent Despatch, No. 55, of the 21st November, 1831, I set forth very largely the reasons on which the new system was founded. My Despatches of the 31st October, 1831, and the 1st February, 1832, pointed out the mode in which I thought that indigent Emigrants might be provided for consistently with the new Regulations respecting Land. From the tenor of all these communications, I trusted that you would gather my intention that indigent Emigrants should never, except as a measure of the last necessity, be settled on Lands allowed them on more favorable

terms than to any other class. When therefore I approved the settlement of poor Emigrants reported in some of your Despatches of last year, and adverted to in your Despatch No. 24, of the 4th of May last, I proceeded on the supposition that the parties could not possibly have been provided for in any other way. I by no means proceeded on an assent to the doctrine, suggested in your Despatch of the 4th May, that as every industrious Emigrant can in two years become an owner of Land, it is better for the Province that he should commence immediately on his own property. It is precisely by the prevention of this event that I think the rigid establishment of a high minimum price will be beneficial. I know not how to propound in plainer terms, than I have already done in my Despatch, No. 55, of the 21st November, 1831, the necessity that there should be in every society a class of Laborers as well as as a class of Capitalists or of Land-owners. The high rate of wages and the scarcity of labour, is the complaint of every growing Society. To force that condition artificially, by tempting into the class of Landowners those who would naturally remain laborers, appears to me a course opposed to the dearest interests of the Colony. It is injurious to the individuals themselves, who would eventually profit more by passing through two years of labour and then enjoying the services of others doing the same, than they can profit by the immediate acquisition of land with no Capital and no supply of labour. I object, therefore, to favoring indigent settlers, either in the price of their land or in the period of credit allowed to them. I object to it as regards the Revenue, both because it directly depreciates the value of land, and because it operates indirectly to the same end by diminishing the number of competitors for land on the usual terms. I object to it as it effects the welfare of the Colony, because, as I have stated, to the good of every Society a supply of labour and a division of employment must be indispensable. For these reasons I have to desire that in future no one class of Emigrants may be allowed to acquire lands on more favorable terms than another, but that all shall be required alike to make their purchases at Sales where the lands shall be put up at minimum price; and that those Emigrants who may not be able to pay the price, shall be left to work for themselves, at wages, until they can earn the means of buying in accordance with established regulations. The only event in which I would sanction an exception in favor of indigent Emigrants, would be the case of there being no other possible means of providing for their subsistence than by their settlement on land.

I have the honor to be, Sir,

Your most obedient humble Servant,

(Signed) GODERICH.

(Copy.)—No: 6.

DOWNING STREET, 30th April, 1833.

My Lord,—I have the honor to acknowledge the receipt of your Lordship's Despatch No. 17, of the 8th of February last, relating to the terms on which certain settlers from Arran have been allowed to hold their lands in Canada; and with reference to the observations which you have made on the inexpediency of repeating the indulgence which has been granted to these people. I beg to acquaint your Lordship that favor was shown to them in consequences of promises made before the introduction of the new system in the disposal of land, and that His Majesty's Government has no intention of admitting any exception to the general rule of requiring all lands to be obtained by purchase, except in so far as the remission of

purchase money allowed to military and naval officers may be considered an infringement of that Rule.

I have, &c.

(Signed,) E. G. STANLEY.

Lieutenant General

The Lord AYLMEY, K.C.B.

&c., &c., &c.

(Copy.)—No. 12.

DOWNING STREET, 4th June, 1833.

My Lord,—I have the honor to acknowledge the receipt of your Despatch of the 12th of April last, in answer to the instruction which was addressed to you by my predecessor on the 1st of January on the subject of the sale of Crown Lands and the distribution of Emigrants; and I shall take an early opportunity of furnishing you with such further instructions on the subject as may appear to be required.

At present I shall only advert to that part of your Despatch which relates to the injurious effect of the present system by which free grants of land are made to discharged soldiers and sailors and commuted pensioners. It has been a principle laid down by my Predecessor, and one in which I entirely concur, that indigent Emigrants should, under no circumstances, be allowed to possess themselves of land from the Government on more favorable terms than other settlers. The policy of such a regulation has been so clearly explained in the Despatch above alluded to, that I do not think it necessary to enlarge upon it. It is, however, a principle which appears to me to be particularly applicable to the cases of discharged soldiers and sailors. It is not intended any longer to afford the means of emigrating to military Pensioners by commuting their pensions. The Pensioner therefore who emigrates at his own expense, may with propriety be considered a pauper Emigrant, and his own interest, and that of the Colony of his adoption, will be best consulted by including him in the class of laborers rather than that of landowners. It is therefore my desire, that the system of making free grants to discharged soldiers and sailors may be altogether discontinued. I am not prepared to say that there may not be cases in which this rule may, in a certain degree, be modified. In the cases of persons on the Staff Corps, for instance, who have been employed in the construction of Canals and Government Works, and also, of soldiers who have been discharged from Regiments serving in the Province, it may not be improper that some small grant should be made. The previous residence of such persons in the Colony, and the experience which they may have had the means of acquiring of the mode of life of a settler, may justify a reward for their former services, which would not be attended with public inconvenience. But on no account should grants of this description be sanctioned to an extent which would place the Lands of the Crown, to any considerable extent, in the hands of persons who have not the means at their disposal of bringing them into cultivation, and who may be tempted to throw them again into the market, to the deterioration of the property belonging to the Crown.

I have, &c.,

(Signed,) E. G. STANLEY.

Lieutenant General

Lord AYLMEY, K.C.B.,

&c., &c., &c.

(Copy.)—No. 11.

DOWNING STREET, 14th August, 1835.

My Lord,—I have had under my consideration, Lord Aylmer's Despatch, of the 28th June last, No. 62, reporting that, with the advice of the Executive Council of Lower Canada, he had refrained, until he should receive further instructions from His Majesty's Government, from carrying into effect that portion of the Land Regulations issued from this Department, on the 7th March, 1831, which requires that the purchase money should be paid in four half-yearly instalments, with interest.

In the Instructions addressed, on the 17th ultimo, to Your Lordship, and to the other Commissioners appointed by His Majesty to proceed to Lower Canada, the system under which the yet ungranted Lands within the Province can be most conveniently alienated, was pointed out as one of the subjects to which it is necessary that your attention should be devoted. Under these circumstances, it would be premature for me at present to adopt any conclusive decision upon the point submitted to me by Lord Aylmer; and I can only, therefore, convey to Your Lordship my authority for continuing to suspend the execution of the clause in question, until you shall have had it in your power to become personally acquainted with the operation of the general Regulations established upon the subject.

I have, &c.,

(Signed,)

GLENELG.

The Earl of GOSFORD,
&c., &c., &c.

(Copy.)—No. 178.

DOWNING STREET, 15th February, 1837.

My Lord,—I have had under my consideration, that part of the General Report from the Commissioners of Enquiry which relates to the disposal of the Wild Lands in the North American Provinces, and I entirely concur in their opinion as to the propriety of discontinuing the existing system of receiving the payment for such Lands by Instalments. I have accordingly addressed to the Governors of the other North American Provinces, a Circular Despatch, a copy of which I enclose for Your Lordship's information, directing them forthwith to issue a notice, that after the 1st of June next, no Land will be sold under the present system, but that a deposit of 10 per cent. upon the whole value of the purchase must be paid down at the time of sale; and the remainder of the price within fourteen days, on pain of forfeiture of the deposit money. I have to request that Your Lordship will issue a similar notice, for the information of all persons residing in Lower Canada.

I have, &c.,

(Signed,)

GLENELG.

The Earl of GOSFORD,
&c., &c., &c.

(Copy.)—CIRCULAR.

February, 1837.

Sir,—My attention having latterly been drawn to the system under which land in Her Majesty's North American Possessions, is at present disposed of, it has appeared to me that the regulation by which the purchase money of such Land is al-

lowed to be paid by instalments, is open to very serious objection. It has been stated that the collection of these instalments is very expensive, and that the recovery of the interest on the unpaid portion of the purchase money is virtually impossible. And although, the Land becomes liable to forfeiture on a neglect of the established conditions of sale; the nature of the case necessarily precludes a resort to so extreme a remedy.

The tendency therefore of the system is to lead settlers to buy more Land than they require, and consequently to disperse them over a wider extent of country than they can beneficially occupy.

The effect in the case of timber Land, is stated to be still more injurious, inasmuch as it induces parties who wish to cut timber to purchase the Land on which it grows by the payment of the first instalment, and after stripping it of its timber to abandon it; whereby, not only is the produce of the timber fund diminished, but large tracts of uncultivated and unoccupied Lands locked up for a considerable period from the general purchase.

It is probable that some of these inconveniences might be considerably diminished, if not altogether overcome by more rigidly enforcing the penalties attached to the neglect of the conditions of sale; but such a course would be attended with much expense and difficulty, and might, perhaps, in many instances, press with severity on the settlers. A more effectual remedy appears to exist in the establishment of a system of ready money payments. I have therefore to desire, that you will forthwith issue a notice, in the Province under Your Government, that from and after the 1st of June next, purchasers of Lands belonging to the Crown, will be required to pay down, (at the time of sale,) ten per cent. on the whole value of the purchase, and the remainder within fourteen days from the day of sale; that until the whole price is paid, the purchaser will not be put in possession of the Land, and that in the event of payment not being made within the prescribed period, the sale will be considered void, and the deposit be forfeited. I have deferred the operation of this rule until the 1st of June next, in order to permit those settlers who may have already proceeded to North America, on the faith of the existing regulations to obtain their Lands on the terms which they had been led to expect; but in order as much as possible to repress the purchases in the interim of speculators not intending to become *bonâ fide* settlers, you will give notice that it is the intention of the Government, strictly to enforce the conditions annexed to the sale of Lands under the existing regulations.

I have the honor to be, Sir,

Your most obedient humble Servant,

(Signed,)

GLENELG.

REPORTS
ON THE
REBELLION LOSSES,
1837 & 1838.

REPORTS of the COMMISSIONERS appointed under the authority of the Act of the Provincial Parliament, 12 Vic. Cap. 58, intituled, "An Act to provide for the Indemnification of parties in Lower Canada, whose Property was destroyed during the Rebellion, in the years 1837 and 1838."

To His Excellency the Right Honorable JAMES, EARL OF ELGIN AND KINCARDINE, Knight of the Most Ancient and Most Noble Order of the Thistle, Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c., &c., &c.

May it please your Excellency ;

The Commissioners appointed under the authority of the Act of the Provincial Parliament, 12 Vic. cap. 58, intituled, "An Act to provide for the indemnification of parties in Lower Canada, whose property was destroyed during the Rebellion, in the years 1837 and 1838," beg leave to submit to Your Excellency a further Report of their proceedings.

Instructed by Your Excellency's commands, signified to us by Mr. Secretary Leslie's letter, dated the 12th April last, "to proceed immediately to the decision of "all claims investigated," which have not been adjudicated on, and to continue simultaneously the investigation of the claims not yet proved, the Commissioners have now the honor to transmit their Report on 348 claims, amounting to the sum of £19,683 17s. 2d., with their awards, amounting to the sum of £7,809 18s. 7d.

It was not without regret that the Commissioners, in submission to Your Excellency's commands, deviated from their original determination of delaying the adjudication of every claim, until the investigation of the whole had been completed.

This course was deemed necessary from the manner in which the claims were necessarily examined. The parties claiming choose their own witnesses to establish the nature of the loss, their conduct during the Rebellion, and the correctness of the valuation charged. These witnesses are frequently, and indeed, most commonly, the wives, sisters, brothers or children, and more distant relations of the claiming

parties. This description of testimony, however objectionable in ordinary cases, they were compelled to admit, as the only producible evidence; such testimony might be impeachable as not coming within the terms of the 13th Section, as "indifferent and unsuspected witnesses" and but for the addition of the words, "or of other testimony," might have excluded half the evidence on their Journals. This exclusion would have rendered nugatory the very aim and object of the statute. During the panic occasioned by the arrival of the Troops, the men generally fled to the woods, the women relying on their sex for safety and protection remained at home; and are in a multitude of cases, the only witnesses of the burning or pillage. To refuse such testimony would have been a denial of Justice, from the utter impossibility to bring witnesses without the pale of propinquity.

They therefore interpreted "other testimony" to mean the best testimony, which from the nature of circumstances they were able to produce, and such being the *only* testimony *present* at the burning or pillage, it was considered eligible, because inevitable.

But, in order that this latitude of construction might not admit of abuse or imposition, by the admission of witnesses who might by their relationship be supposed interested in the result, the Commissioners reserved to themselves the right to call other disinterested and impartial witnesses to the nature and amount of the loss, as well as the character and conduct of the claimants, so that the main points of loss and conduct might be corroborated or disproved. It was after much debate and deliberation that the Commissioners deemed it advisable to suspend all action on the claims investigated, the more determinedly after the expiration of the Act on the 1st September last, and with the expiration, the compulsory attendance of witnesses, so necessary to give effect to it. It was evident to them that the promulgation of the awards could not accelerate the distribution of the sum appropriated by the Legislature, for if that sum proved insufficient for payment of their adjudication of the whole, the adjudication could only be regulated by a *pro rata* payment, which it required the adjudication of the whole to establish.

That the investigation of other claims frequently elicited and brought to light facts necessary to the proper adjudication of claims much earlier or later investigated, both as to the conduct of the claiming parties, the amount of loss suffered, as well as the actual possession of property to the extent of the sum claimed for the loss. This course now deviated from, and with it, the safeguards which surround it; the Commissioners most respectfully beg to add, that the accompanying judgments are not delivered as their final and irrevocable awards; that they reserve to themselves the right to alter, to review, or to revoke any judgments given, or that, in obedience to Your Excellency's command, they may continue to give, until the investigations of all the claims before them.

To justify their claim to this reserve, the Commissioners solicit Your Excellency's attention to their Report from St. Eustache, dated the 6th July last, in which they stated that they had only heard evidence on six hundred and nine-three claims, on none of which had any judgment been rendered, leaving one thousand nine hundred and thirty-five claims still to be investigated. They further stated that "it must be apparent that no human intelligence or industry could accomplish this within the time prescribed by the statute."

In the decisions now reported, there will be found some to whom indemnity has been denied. That the ground of these decisions may be more perfectly understood than in the summary of those judgments, the Commissioners feel it necessary to refer to the statute itself, and the interpretation which they consider themselves bound to give it.

The Act was made to provide for losses incurred during the Rebellion of 1837 and 1838, so far only as they may have arisen from the total or partial, unjust,

unnecessary, or wanton destruction of the dwellings, property, or effects of the said inhabitants, provided that none of the persons who have been convicted of high treason, or who having been committed to the custody of the Sheriff in the Gaol of Montreal, submitted themselves to the will and pleasure of Her Majesty, and were thereupon transported to Her Majesty's Islands of Bermuda, shall be entitled to any indemnity for losses sustained during or after the said Rebellion, or in consequence thereof. "If these exceptions were intended to be the literal boundaries of proscription, their duty would have been simply to determine the actual amount of loss sustained and to award it. Such an interpretation would be contrary to any principle of public morals. It would reduce the loyal defenders, who risked life, limb and property to maintain the integrity of the Empire, and those who fought to dismember it, to one common and degrading level. It would "palliate the crime of Rebellion," and encourage future attempts by the precedent it would establish of general impunity. That this could not be the meaning intended to be conveyed, is manifest from the amount of indemnity being restricted to the sum of £90,013 12s. 10d., to meet claims exceeding £200,000, and keeping in view those essential principles of paramount obligation, which constitute the strength and union of the constitution, the loyal adherence to maintain, and the aggressive determination to destroy it, they would be guilty of a public error and a private wrong, if they could so misapply the bounty of the Legislature.

Their predecessors, the Commissioners appointed under the authority of the Provincial Ordinance 1st Vic., cap. 7, to investigate the claims of certain loyal Inhabitants of this Province for losses sustained during the late unnatural Rebellion, reported awards to the amount of £30,782 19s. 6d.—£9,986 7s. 2d. of which remained unpaid until the passing of the Act 12th Vic., cap. 58, which sum was then paid and forms part of the £100,000, and is to be deducted from it.

If the remaining sum of £90,013 12s. 10d., is to be divided between the loyal sufferers for the destruction of property, brought upon them by their attachment to the constitution, and which pre-eminently come within the category of wanton, unnecessary and unjust, and the owners of property burnt and pillaged for their attempt to subvert it, the union of such dissimilar and opposite claims will be as unjust as it is impolitic. The burning and pillage, the one by the Rebels, the other by the Troops and Volunteers, "in the suppression of the Rebellion, and for the prevention of further disturbances."

Such an association of right and wrong would sap the foundation of Public morality, and lead men to abjure a government which gave no protection for allegiance, that took from them their hard earned right to indemnity for losses inflicted for their maintenance of order, to re-instate those who had brought loss on themselves by their endeavours to disturb it.

The Commissioners cannot bring themselves to consider such an assimilation either expedient or just, and they cannot by their sanction become a party to it. The majority of the Commissioners had the honor to be appointed to the same duty in 1846 by the late Lord Metcalfe. The Report made by them stated that the sum of £100,000 would, in their opinion, be sufficient to meet the sum claimed, which sum exceeded £200,000. Out of this Report arose the present Statute and grant of £100,000 as recommended.

In that Commission they were appointed to "institute inquiry into the losses sustained by Her Majesty's loyal subjects."

But if the Act admitted of the interpretation which is contended for by a portion of the Commission, a reference to Your Lordship's despatch to Earl Grey, dated the 5th May, 1849, should, in the opinion of the majority, remove all doubt.

In that despatch Your Lordship observes, "That it is notorious that much property belonging to unoffending persons had been wantonly destroyed in this section

“ during the Rebellion. That it was false to affirm that the measure was intended for the benefit of Rebels, that, on the contrary, all convicted Rebels, as well as all who confessed their guilt and were sent to Bermuda, were expressly excluded, and that for the rest the Commissioners appointed under the Act would be bound, under the sanction of an oath, precisely as the Commissioners in Upper Canada had been before them, to examine minutely into the justice of all claims preferred before them, and apportion the indemnity according to the true intent and meaning of the Act.” In the letter of Instructions which Your Lordship directed the Honorable Provincial Secretary to accompany the Commission, the Commissioners were informed “ of the views in which the Act originated, and according to which, it ought, in the opinion of Your Excellency, to be carried into effect. That the object of the Act was not to countenance Rebellion, or to compensate the losses of persons guilty of the heinous crime of Treason. That its design, as conveyed in the language of the Statute, was to secure indemnity for just losses sustained by the inhabitants of Lower Canada, during the Rebellion of 1837 and 1838, so far only as they may have arisen from the total or partial, unjust, unnecessary, or wanton destruction of the buildings, property and effects of the said inhabitants, and from the seizure, taking and carrying away of their property and effects, claims which had been already recognized by the deliberative Acts of preceding Parliaments and Governments.” It concludes by informing the Commissioners that “ His Excellency commands me to say that in this spirit was the measure under which you are called upon to act, introduced and passed through Parliament, and that in the same spirit, he doubts not, you will discharge the important and delicate duty imposed upon you by the Commission issued under it.” The Commissioners comprehend the true intent and meaning of the Act “ which Your Lordship’s fiat gave force to,” in the sense as conveyed in the instructions above, and in the despatch to Earl Grey; in effect that persons who, by their examination, or the testimony of others, shall be proved as guilty as those in the two excluded classes, shall be no more entitled to the indemnification than they are. They have in every case made this their rule of action.

That it was so interpreted by Her Majesty and Her Majesty’s Ministers, they have the assurance of Earl Grey in the Despatch of 13th June, 1850, in reply to Your Lordship’s Despatch cited above. His Lordship observes, “ We certainly should not have decided on adopting this course, had we regarded the Act as one, under which, persons guilty of the heinous crime of Rebellion could be relieved from losses brought on them by their own offences. If the Act had appeared to us to be either intended to provide compensation for losses of this description, or even to have been drawn up so loosely as to afford facilities for such an abuse, we should have felt it our duty to advise Her Majesty to avail Herself of Her power to disallow it, because a measure tending to palliate the crime of Rebellion, could not be sanctioned without injury to the safety and honor of the Crown. One further question remains. Will the execution of the Act be in conformity with the terms in which it is drawn? On this point, likewise, Her Majesty’s Government are entirely satisfied. For as the appointment of the Commissioners by whom the law is to be carried out, is entrusted to the Governor, I cannot entertain the slightest doubt that persons will be selected, whose honesty and firmness in applying the rule laid down for their guidance, may be implicitly relied on.”

The Commissioners feel it due to make this explanation, because they have not been unanimous either as to “ the true intent and meaning of the Act itself, or of their power under it of their right to question claimants as to their conduct, of the validity and application of testimony given before their predecessors, or of the decisions themselves.”

It has been contended that, to ask a claimant where he was when his property was burnt or pillaged, whatever the antecedents which might occasion or explain

it, in short, directly to ascertain from the claimants or witnesses whether the losses were brought on him by his own conduct or offences, was putting him on his trial, a mode of inquiry more consonant with the practice of the Star Chamber, than of a Court of Justice; that to enquire of a claimant or witness of the conduct of a neighbor (whose claim had been before investigated) as to his conduct during the Rebellion, or to summon a witness to corroborate or disprove testimony, unless in the presence of all whose testimony might be effected, was alike contrary to every rule of justice. But the majority of the Commissioners deny that this is a violation of justice, but a true and equitable administration of it, keeping in view that the object of the Act is not to relieve from losses brought on by their own offences, and that, were they to neglect any means of ascertaining the conduct of a claimant, or negligently award indemnity, they would be accusable of "compensating persons guilty of the heinous crime of Rebellion" contrary to the intention of the Act, as understood by Her Majesty, Her Ministers, Your Excellency, and themselves.

But the Statute is remedial, not penal. It is for the reparation of loss "unjustly, wantonly, or unnecessarily" inflicted. It is an immunity—a reward—a right only to those who, from their title to it, not common and catholic.

It is to provide a remedy for wrongs and abuses committed during a tumult, which the government at the time was unable to prevent.

The candidate who claims this reward or indemnity is bound, as the Commissioners understand it, to prove to their satisfaction his title to that privilege. He is not compelled to claim it, but if in doing so he refuse to satisfy the Commissioners, or admit the guilt of Rebellion, he suffers neither pain, penalty nor forfeiture; he only proves that he is not one of that class contemplated by the Legislature as entitled to share its bounty. If that bounty be alone to compensate sufferers for damage or loss inflicted for supporting the Government, those who occasioned it by their attempt to overthrow it, can have no title to participate with them. It is a claim for a sum of money, and the Commissioners, as Trustees of its distribution, do no more than every Plaintiff, Defendant, or Trustee, has the right to demand in every Civil Court of the Province of Lower Canada—the right of examination on *faits et articles*. With regard to the opposition to the examination of parties who present themselves voluntarily, or who are summoned to give evidence to the conduct of claimants, or the character of witnesses in support of their claims in the absence of parties, it must be recollected that those claims have been established by *ex parte* testimony; that the Commissioners have the *right to be satisfied* of the conduct of the claimant, and the possibility of a mere sustaining a loss or damage of one hundred pounds, who was never worth five.

They can have no objection to confront those they impugn, with those they summon, whenever practicable or necessary, but it would prolong an enquiry unavoidably long of itself, and render it bootless to all but the survivors; all that can be done they are willing to do, that is, to acquaint the claimants thus impugned, of the evidence against them, give them an opportunity of rebutting, or recusing the testimony, then weighing the conflicting evidence, judge between them, and make their award; under any and all circumstances the Commissioners are compelled to judge to the best of their ability, and they indulge the hope that they do not arrogate to themselves too much in the expectation, that in the language of Earl Grey, some confidence may be not undeservedly "reposed in their honesty and firmness; and that the rule laid down for their guidance may be implicitly relied on."

(Signed)

P. H. MOORE,

"

JS. VIGER,

"

JOHN SIMPSON,

"

W. C. HANSON, (in Minority.)

Commissioners' Office,
Beauharnois, 20th May, 1851.

To His Excellency the Right Honorable JAMES EARL OF ELGIN AND KINCARDINE, Knight of the Most Ancient and Most Noble Order of the Thistle, Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c., &c., &c.

May it please your Excellency;

The Commissioners appointed in virtue of the Provincial Act, 12 Vic., cap. 58, most respectfully transmit herewith a statement of their adjudications under it, and on the termination of their duties, beg permission to state under what circumstances those duties have been performed.

In their Report of the 6th July, 1850, in obedience to an Address from the Legislative Assembly of the 14th June, they gave a summary of their proceedings, describing the examination deemed necessary to the investigation of claims, as well as into the conduct of the claiming parties, stating that they had heard evidence on six hundred and ninety-three claims only, that one thousand nine hundred and thirty-five claims remained to be examined, and the whole to be adjudged; that the statute would expire on the first September following. They took the liberty further to add, that no human industry could accomplish the task within the time prescribed by the statute.

In their Report on the 20th May last, in answer to your Excellency's commands, that they should proceed to the adjudication of the claims, they represented at length the obstacles in the way of adjudicating them. They also represented under what interpretation they were administering the Act, adding that they labored under great difficulty and embarrassment from the loss of the powers necessary to give effect to it.

Two sessions of the Provincial Parliament have been held since they commenced their duties. They made two Reports during those two sessions:—They stated that the Commissioners were divided not only on the interpretation of the Act itself, but also on the mode of conducting the investigations under it. During these two sessions, with the exception that their Report of the 6th July, 1850, was printed and published under the authority of the Legislative Assembly, no notice was taken of the division in the Commission on the construction of the Act—its approaching expiration—or of the disputed mode of investigating the claims.

With respect to the ambiguity of the Act, the Commissioners looked to its origin, and that which it proposed to remedy, to guide them to its true interpretation. It was passed in compliance with an Address of the Legislative Assembly to Lord Metcalfe, of the 28th February, 1845, praying "that His Excellency would be pleased to cause proper measures to be adopted, in order to insure to the inhabitants of Lower Canada, indemnity for just losses by them sustained during the Rebellion of 1837, and 1838," the 10th section of which enacts, "That it shall be the duty of the Commissioners, faithfully and without partiality, to inquire into and ascertain the amount of losses mentioned in the preamble to this Act, as those for which compensation ought to be made." The preamble states that, "Whereas on the 28th February, 1845, an humble address was unanimously adopted by the Legislative Assembly of this Province, and by them presented to the Right Honorable Charles Theophilus Baron Metcalfe, then Governor General of the same, praying that His Excellency would be pleased to cause proper measures to be adopted in order to ensure to the inhabitants of that part of this Province, formerly Lower Canada, indemnity for just losses by them sustained during the Rebellion of 1837 and 1838; and whereas, on the 24th day of November, 1845, a Commission of five persons was, by His Excellency, the said Governor General, duly appointed to inquire into such losses arising from and growing out of the said Rebellion; and whereas it appears by the Report of the said Commissioners,

" dated the 18th day of April, 1846, that the want of power to proceed to a strict
 " and regular investigation of the losses in question, left the Commissioners no
 " other resource than to trust to the allegations of the claimants, as to the amounts
 " and nature of their losses; and whereas, in order to redeem the pledge given to
 " the sufferers of such losses, or their *bonâ fide* creditors, assigns or *ayants droit*, as
 " well to the said Address of the said Legislative Assembly, and the appointment
 " of the said Commission, as by the letter addressed by the Honorable the Secre-
 " tary of the Province, by order of the Right Honorable Charles Murray, Earl
 " Cathcart, the then administrator of the Government of the same, to the said
 " Commissioners on the 27th day of February, 1846, it is necessary and just that
 " the particulars of such losses, not yet paid and satisfied, should form the subject
 " of a more minute inquiry under Legislative authority, and that the same, so far
 " as they may have arisen from the total or partial, unjust, unnecessary, or wanton
 " destruction of the dwellings, buildings, property, and effects of the said inhabi-
 " tants, and from a seizure, taking or carrying away of their property and effects,
 " should be paid and satisfied, provided that none of the persons who have been
 " convicted of high treason, alleged to have been committed in that part of this
 " Province formerly the Province of Lower Canada, since the 1st day of Novem-
 " ber, 1837, or who, having been charged with high treason, or other offences of a
 " treasonable nature, and having been committed to the custody of the Sheriff in
 " the Gaol of Montreal, submitted themselves to the will and pleasure of Her Ma-
 " jesty, and were thereupon transported to Her Majesty's Island of Bermuda, shall
 " be entitled to any indemnity for losses sustained during or after the *said Rebellion*,
 " or *in consequence thereof*;" after a careful consideration of this preamble, and refer-
 " ence to the authorities and documents referred to, the Commissioners came to
 " the conviction that the losses mentioned in it were those sustained in the support
 " of the Government, in the maintenance of order, or those inflicted by the adherents
 " of either side on innocent parties, but not an indemnification for that retributive
 " punishment, injury for injury—the common penalty of unsuccessful Rebellion.

Rebellions are neither supported nor suppressed without violence and loss; they
 who commence or join them know the risks they incur, on the one side forfeiture,
 on the other, indemnity—a liability and distinction it would be morally and politi-
 cally unwise as well as unsafe for any Government to remove. Did the Commis-
 sioners entertain any doubt of the correctness of this interpretation, a reference to
 Your Excellency's Instructions to them of the 25th June, 1849, for their guidance
 on entering on their duties, would satisfy them that Your Excellency in Council
 agreed with them.

In these instructions they were informed that "His Excellency, being of opinion
 " that it may be satisfactory to you, in the discharge of your arduous duties, to be
 " informed of the views in which the Act originated, and according to which it
 " ought, in the opinion of His Excellency, to be carried into effect, has command-
 " ed me to say that the Bill having been originally framed upon the precedent of
 " that for the payment of similar losses in Upper Canada, and the proceedings tak-
 " en by former Provincial Administrations, under the Governments of Lord Met-
 " calfe and Lord Cathcart, was regarded as little liable to misapprehension or
 " misconception; and in acceding to the introduction of the Proviso contained in
 " the Preamble, the Government acted not from an impression of the necessity of
 " such an amendment for the purpose for which it was professed to be desired, but
 " from an anxiety to meet the wishes of others, and if possible, of thus avoiding all
 " occasion of cavil. Finding such, however not to be the effect of their acquies-
 " ence in that proposition, it became necessary to proceed with the measure as it
 " now stands on the Statute Book." The Proviso here referred to is in the fol-
 " lowing words, "That none of the persons who have been convicted of high trea-
 " son, alleged to have been committed in that part of the Province, formerly the

“Province of Lower Canada, since the 1st day of November, 1837, or who having been charged with high treason, or other offences of a treasonable nature, and having been committed to the custody of the Sheriff of Montreal; submitted themselves to the pleasure of Her Majesty, and were thereupon transported to Her Majesty’s Islands of Bermuda, shall be entitled to any indemnity for losses sustained, during or after the said Rebellion, or in consequence thereof.”

If these two classes excluded by the proviso would have been excluded, though this expression had not been forced into the Act, it follows as a corollary, that other persons equally guilty, and who were also charged with high treason, or other offences of a treasonable nature, who were committed to the custody of the Sheriff, may also be refused indemnification.

The Commissioners understood this explanation of Your Excellency to mean to convey to them, that these peculiar exceptions were not yielded as the extent of the limitations, and therefore forming the rule; but merely complied with “to meet the wishes of others, and if possible of thus avoiding all occasions of cavil.” The Commissioners stated that the expiration of the Act, by terminating their power on the first September, 1850, presented an insurmountable obstacle to the administration of Justice under it, every power but that of discriminating between losses justly suffered, and those unjustly inflicted, was left them, thus removing that moral line of demarcation which they interpreted that the Government by the Statute intended to establish.

The powers which the Legislature considered necessary to the proper performance of their duties, were enacted by the 13th Section in the following words: “That the said Commissioners shall have full power and authority to examine upon oath (which oath any of them may administer) any person who shall appear before them, either as a claimant or as a witness, for or against any claim, or for the better information of the Commissioners concerning the same, and shall have full power and authority to summon before them any person or party whom they deem it expedient to examine touching any claim, and to require him to bring with him and produce any book, paper, instrument, document, or thing mentioned in the summons, and supposed to be necessary to the determination of any such claim, and if any person or party so summoned shall, after due notice, refuse or neglect to attend before them, or being so summoned and attending, shall refuse to answer any lawful question put to him by the Commissioners, or any one of them, or to bring and produce any book, paper, instrument, document, or thing in his possession, which he shall, by the summons, have been required to bring with him and produce, the said Commissioners may cause such person or party, if not already before them, to be apprehended and brought before them, and may in their discretion, commit him to the Common Gaol of the District, for a period not exceeding three months, and any person making any wilfully false statement on oath before the said Commissioners or any of them, shall be adjudged guilty of wilful and corrupt perjury; provided always, that no claim shall be allowed upon the oath of the claimant, unless he shall be corroborated in all the important particulars, by indifferent and unsuspected witnesses, or other testimony.”

A reference to the accompanying statement will show that the sum of £85,332 6s. 9d. currency, is the total amount awarded by the Commissioners as indemnification under the Act.

That careful scrutiny into the account and conduct of many of these claimants which, under other circumstances, would have been an imperative duty, became by the termination of these powers, impossible, and thus those whose claims this want of scrutiny has saved from exclusion, derive their sole title to the indemnification awarded them.

The sum refused to claimants for their participation in the Rebellion, amounts

to £7,957 9s. 1d., but in every case the amount of actual loss suffered has been assessed; an examination of the evidence in their Journals on these rejected claims will amply justify the conclusion that, though not coming within the two classes of exceptions, these losses were neither suffered in the maintenance of order, nor inflicted on innocent parties, and therefore, according to the interpretation of the Commissioners, not entitled to indemnification. Nevertheless the Commissioners have not scrutinized any claim so strictly as to make them deaf to any redeeming circumstance brought to their knowledge. In no case, where a claimant has, by threats of vengeance or violence, or who under fear joined the rebel forces, but escaped from them, has indemnification been refused, they have with pleasure discriminated whenever they could, between those who were voluntarily aiding and abetting the insurgents, and those who were compelled temporarily to join them. The Commissioners beg leave to call His Excellency's attention to what they apprehend to be an error in the amount subject to their adjudication. The whole sum appropriated under the Act was £100,000, from which the sum of £9,986 7s. 2d. was directed to be deducted; leaving only a balance of £90,013 12s. 10d. the sum that should have been inserted, was the amounts awarded in the 4th and 5th Reports of their predecessors, on the first Commission appointed under the authority of the 1 and 2 Vic., caps. 7 and 35.

The sum so awarded in the 4th Report was.....	£6,570	2	0
In the 5th.....	2,416	9	11
	<hr/>		
	£8,986	11	11

Leaving the sum of £91,013 8s. 1d., instead of £90,013 12s. 10d., to meet their awards.

It will be apparent to His Excellency that the Provincial Parliament, by awarding the full sum in these two Reports to the claimants, gave a preference over those claims which were to follow, and to show only in the uncertainty of a *pro rata* payment, out of the £90,000 left. The Commissioners submit that these awards were to claimants of unimpeachable loyalty, the subterfuge of neutrality even not being admitted to indemnity—that most rigorous, as well as *ex parte* investigation, was employed not to separate those who were neutral, from those who were in arms, or aiding and abetting in the rebel cause; but to confine the possibility of indemnity to those only who were actively in arms in support of the Queen's Government. It could not be unknown to the Legislature that the loss for which this £8,986 was awarded by that Commission, amounted to £18,369 8s. 8d; or that even *quasi* loyalty was not tolerated, for two claims rejected by that Commission were for the several sums of £1,985 2s. and £1,406 15s. 4d. for the following reason:—"the claimants, in the opinion of the Commission, not coming under the class of loyalists, for whose relief the ordinance 1st and 2d Vic. caps. 7 and 35 were framed." The claimants in these cases had done nothing, it would seem, to disturb order; they had neither aided nor abetted the rebel cause, but they had not come forward and enrolled themselves in support of Her Majesty's Government.

The Commissioners under 12 Vic. cap. 58, on the contrary, have unanimously awarded indemnity to both these claimants, and the undersigned majority have done so to all others of a similar nature, thus restricting their exclusions to those only who were actively in arms or in battles against Her Majesty's Forces, in short, for those offences which would have subjected the offenders to the penalty of high treason. It must be evident to His Excellency that the Legislature, in paying the awards of the Commissioners under the ordinances 1 and 2 Vic. caps. 7 and 35, recognized the authority of that Commission to inquire into the losses awarded by them, and for which a portion of the £100,000 has been assigned. It could not be expected that the Commissioners would disrespectfully repudiate an authority not dis-

puted by the Legislature, or that in the prosecution of their inquiry, they should deem the oaths taken before their predecessors, under the ordinances, less valid than those administered by themselves; that consequently the acknowledgement of a claimant that he had been in any of the battles against Her Majesty's Troops, or committed other offences which would have subjected him to the extreme penalty of high treason—though taken before their predecessors, should by their successors be deemed less valid ground of exclusion; or that, on the contrary, a denial of indemnity by their predecessors, not because the party was disloyally succouring and assisting the rebel forces, but because he was not actively loyal and in arms in support of Her Majesty's Government, should be deemed an overt act justifying their exclusion of the claim. The act 12 Vic. is less proscriptive than the ordinances 1st Vic. cap. 7, and 2 Vic. cap. 35, and a claim admissible under the Act may have been legally excluded under the ordinances. In so acting, the Commissioners do but conform to the spirit of the instructions of Lords Metcalfe and Cathcart, in which they are directed "to carefully classify the cases of those who may have been aiding and abetting therein, from the cases of those who did not."

The whole most respectfully submitted.

(Signed,) P. H. MOORE, Commissioner.
 " JS. VIGER, "
 " JOHN SIMPSON, "

Montreal, 17th January, 1852.

(Signed,) Wm. NEWHOUSE, Clerk.

I, W. C. Hanson, a member of the Commission 12 Vic. cap. 58, differ in opinion with my brother Commissioners, and in support of my objection, respectfully refer to reasons given by me in my communication, dated Montreal, 17th January instant, and therefore decline signing their Report.

(Signed,) W. C. HANSON, Commissioner.

Montreal, 17th January, 1852.

Appendix A.

The following succinct Statement of the number and character of all the Claims produced before the Commissioners, shews:—

2,673 claims fyled previous to 1st May, 1850, amounting to £201,693 8 9
 of which 429 claims have been abandoned by the claimants, do..... 17,725 14 6

leaving 2,244 claims adjudicated upon, amounting to.....£183,967 14 3

Of which 980 Claims were investigated
 prior to the 1st September, 1850,
 amounting to..... £102,062 7 7, and awarded £45,417 17 9

And 1264 subsequent to 1st September,
 1850, amounting to 81,905 6 8 " " 39,914 9 0

In all, 2,244 ditto,£183,967 14 3 " " £85,332 6 9

This classification of Claims being required in the Honorable Provincial Secretary's letter, under date the 12th April, 1851.

Seventy-five of the outstanding Claimants have appeared before the Commissioners, in answer to their Circular of the 22d November last, issued in obedience to the Honorable the Provincial Secretary's letter of the 20th *idém*, leaving 429 who have apparently abandoned their claims, having failed up to this date to appear as notified in the above mentioned Circular.

In the number of 2,244 Claims adjudicated upon, there are 107 Claims, amounting to.....£15,764 14 7 which have been assessed at the sum of..... 7,957 9 1 but on which no amount has been awarded; for particulars of which see the accompanying List.

(Signed,) WM. NEWHOUSE, Clerk.

Appendix B.

STATEMENT OF THE CLAIMS ASSESSED, BUT REJECTED.—Vol. A.

No.	NAME.	PARISH.	Amount Claimed.			Amount Assessed.		
			£	s.	d.	£	s.	d.
72	Jean Bte. Tétro	Ste. Marie	82	8	2	26	6	8
129	Ls. Monjeau, père	Chambly	20	6	3	13	6	3
130	Ls. Monjeau, fils	do	13	0	0	12	15	0
153	Abraham Paradis	Blairfindie	197	14	2	131	16	2
169	Jos. Picotte	do	87	16	5	58	11	0
171	J. B. Bissonette	do	1145	9	6	593	10	10
250	J. M. Larocque	St. Hyacinthe	10	0	0	10	0	0
272	Ans. Tétrault	St. Marc	70	6	0	21	17	0
300	Jos. Fournier dit Prefontaine	Belœil	123	7	4	84	2	6
311	Jos. Charpentier	St. Denis	68	5	0	40	7	3
313	Jos. Quai dit Dragon	do	461	18	7	267	4	7
327	André Courtmanche	do	12	8	0	7	10	3
331	Frs. Ménard	do	18	3	3	10	9	3
334	Frs. P. Jalbert	do	157	11	0	105	18	3
339	Frs. X. Lenoir dit Rolland	do	50	9	10	27	8	9
344	Jos. Bousquet	do	17	18	4	12	4	6
151	Eugène Falham	Varenes	16	16	10	11	5	0
276	Louis Petit dit Beauchemin	St. Marc	7	17	0	7	4	6
289	Widow A. Daigle	St. Ours	225	15	10	130	15	0
293	J. E. Mignault	St. Denis	70	19	6	36	10	7
297	Jos. Courtmanche	do	20	13	2	15	3	3
302	F. M. Lemire	St. Charles	54	4	9	35	4	9
304	Antoine Leduc, fils	do	50	14	2	34	9	11
309	J. B. Tétro dit Ducharme	St. Denis	61	18	7	56	18	9
351	Frs. Vandandaigue dit Gadbois	do	48	19	5	32	16	2
355	F. X. Laforce	do	12	15	0	6	16	8
358	David Guertin	do	8	10	0	5	4	7
366	Gédéon Cormier	St. Antoine	7	4	10	6	9	9
367	Denis Bousquet	St. Denis	20	18	6	10	5	9
369	Heirs of F. C. Duvert	St. Charles	216	11	6	134	4	2
370	Ls. Brodeur	do	30	19	10	15	7	6
376	Levi Larue	St. Denis	13	14	0	8	13	6
378	Jos. Germain	St. Ours	12	16	0	6	10	0
380	Ls. Mogé	do	56	3	5	36	17	9
393	George St. Germain	St. Denis	97	15	8	57	4	0

STATEMENT OF THE CLAIMS ASSESSED, &c.—(Continued.)

No.	NAME.	PARISH.	Amount Claimed.			Amount Assessed.			
			£	s.	d.	£	s.	d.	
398	J. B. E. Derocher	St. Charles	416	7	8	249	3	2	
399	Michel Charron dit Cabanac	Verchères	13	7	5	6	8	7	
406	Jacques Fontaine, fils	do	3	15	9	2	8	0	
451	Louis Fiset	Contrecoeur	2	11	9	2	0	0	
459	E. V. Cassavant	Verchères	14	7	8	8	15	11	
466	Cath. Hainault, Widow Marion	Contrecoeur	30	10	3	14	1	8	
471	Widow Pierre Gervais	do	3	19	10	2	17	10	
476	Antoine Gervais	do	36	15	6	31	8	6	
477	Olivier Hubert	do	5	18	10	4	5	7	
478	Laurent Hubert	do	3	8	8	1	10	0	
482	Jean Moreau dit Dezordy	do	4	18	0	3	15	1	
484	J. B. Daunais	do	1	14	2	1	3	0	
494	P. Chicoine	Verchères	1	17	6	1	7	6	
497	Frs. Lacroix	Contrecoeur	3	7	1	2	7	10	
498	Jos. Danscon, fils de Jos.	Verchères	2	10	0	1	10	0	
512	Edouard Remillard	Blairfindie	40	19	8	20	6	0	
513	Fabrique, St. Cyprien	Napierville	327	12	6	327	12	6	
542	Léon Mairé	St. Eustache	99	19	4	41	13	1	
539	J. E. Bélanger	do	881	4	4	443	11	2	
540	Isaïe Foisie	do	432	5	10	212	13	7	
664	Ant. Groulx	St. Augustin	29	10	0	12	0	0	
666	Hilaire Desjardins, père	Ste. Scholastique	6	15	9	5	0	0	
673	Ed. Beaution dit Major	do	521	4	7	347	9	9	
679	Alexis Robillard	do	6	10	4	5	5	0	
680	Francis Davis	Plattsburgh, U. S.	208	0	0	103	15	0	
667	J. B. Desjardins, fils	Ste. Scholastique	9	12	7	6	16	10	
698	A. Aubry	do	22	17	0	16	11	10	
715	M. A. Courville	do	61	0	0	19	2	6	
723	Félix Biroleau dit Lafleur	do	209	16	2	89	18	3	
732	Joseph Dorion	St. Eustache	62	10	0	40	0	0	
738	Widow M. Tougas	Ste. Scholastique	9	14	2	4	14	2	
514	Widow L. Gagnon	Napierville	1449	16	6	589	4	0	
743	J. B. Monnette	Ste. Scholastique	3	12	6	3	12	6	
750	Pierre Guenette	St. Jérôme	15	0	0	15	0	0	
751	Julien Chumereau	do	18	1	8	18	1	8	
752	Heirs Pierre Davis	do	103	6	0	50	0	0	
753	Heirs F. Spénard	St. Eustache	139	9	4	84	5	5	
795	Widow J. B. Lozer	do	7	7	6	6	5	8	
686	Jos. Robillard, père	do	33	2	0	19	19	10	
628	Etienne Chartier	St. Benoit	455	13	6	206	15	11	
			£	9273	1	2	5094	7	2
678	Widow Js. Vermet	Ste. Scholastique, half of fixed property	77	19	4	16	5	0	
511	Widow F. Trepannier	Napierville	396	18	4	65	0	0	
778	Widow Dr. Chénier	St. Eustache	1154	15	8	181	15	0	
			£	10902	14	6	5857	7	2
	Vol. B.								
1080	Jos. Rousseau	St. Rémi	54	5	0	37	7	0	
1101	Alexis Bisson, fils	do	41	5	0	12	12	7	
1112	Antoine Labonté	do	55	7	6	21	17	6	
1158	Paul Pinsonneault	do	49	8	1	27	15	10	
2028	Benjamin Boyer	Salmon River	52	18	10	83	2	0	
1271	Louis Ethier dit Dragon	St. Valentine	27	11	3	18	10	6	

STATEMENT OF THE CLAIMS ASSESSED, &c.—(Continued.)

No.	NAME.	PARISH.	Amount Claimed.			Amount Assessed.			
			£	s.	d.	£	s.	d.	
1280	Antoine Rocque	St. Valentine	35	1	4	19	4	1	
1282	Toussaint Martin	do	497	2	6	226	13	0	
1287	Julien Fontaine	Napierville	38	11	0	17	15	10	
1293	Julien Remillard	do	648	19	7	232	0	11	
1299	Moyse Latour	do	19	9	6	11	13	1	
1346	Jacques Metivier	St. Valentine	28	4	1	23	17	6	
1373	Heirs of Joseph Hébert, père	Napierville	76	19	3	34	13	3	
1432	Pierre Moquette	do	45	12	6	14	7	9	
1433	Ambroise Guay	Lacolle	13	12	0	8	14	1	
1435	Olivier Hébert	Blairfindie	53	15	0	22	15	0	
1437	Pierre L'Heureux	do	434	3	0	245	19	4	
1475	Frs. Patenaude	L'Acadie	51	10	10	30	7	4	
1537	Dominique Piedalue	Blairfindie	24	9	4	14	4	2	
1542	Jos. Palin	St. Valentine	28	19	0	18	5	0	
1579	Cyprien St. Amant	do	18	9	0	12	2	6	
1597	Antoine Boyer	Blairfindie	70	9	4	54	7	3	
1599	Eustache Seguin	St. Valentine	65	3	5	28	12	2	
1687	Antoine Roy	St. Clement	510	12	10	235	3	10	
1702	Charles Marchand	do	9	17	6	8	11	6	
1365	Constant Bousquet	Napierville	520	18	3	262	9	5	
1408	Antoine Merizzi	do	912	13	2	619	5	10	
1514	Louis Dupuis	Lacolle	464	15	0	298	16	8	
1431	Frs. X. Vautrain	St. Edouard	11	16	9	8	17	0	
			£	4862	0	1	2600	1	11
	78 in Vol. A. amounting to			10902	14	6	5357	7	2
	And 29 in Vol. B. amounting to			4862	0	1	2600	1	11
	In all 107 Claims rejected		£	15764	14	7	7957	9	3

(Signed,) W. NEWHOUSE,
Clerk.

MONTREAL, 15th January, 1852.

REPORT OF AWARDS accompanying the Report of the Commissioners under the 12th Victoria, chapter 58; beginning at No. 1, and continued to No. 348. The whole being part of the Claims investigated before the 1st September, 1850.

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1....	FRANCIS MAINE	FOUCAULT.—This Claim is for the loss of a Barn and other property, burnt on the 30th December, 1838, by a party of Rebels.....	79	16	6	71	18	9
2....	CHARLES MILLER	ST. ARMAND, WEST.—This Claim is for the loss of a Barn and other property, burnt on the 29th March, 1839, by a party of Rebels.....	304	13	0	304	13	0
3....	GARRET SEIBY	ST. ARMAND, WEST.—This Claim is for loss of Provision and other effects, pillaged by the Rebels; also, for Provisions furnished the Volunteers	36	2	0	10	2	0
4....	SINGLETON KETCHUM	CALDWELL'S MANOR.—This Claim is for Oats and Provisions furnished to Volunteers	5	10	0	3	2	6
5....	JOHN GIBSON	FOUCAULT.—This Claim is for Furniture, Clothing and Hay, burnt by the Rebels on 30th December, 1838; also, for Medical Attendance for himself and family, having been driven from the house by the Rebels in their night-clothes, and were badly frozen	72	0	9	63	0	9
6....	DAVID NUTT	CALDWELL'S MANOR.—This Claim was for damage done to House and Furniture by the Volunteers, and for Fodder furnished	18	2	0	12	10	0
7....	DANIEL MCCALLUM	CALDWELL'S MANOR.—This Claim is for Barns and their contents, burnt by Incendiaries from the other side of the Lines	169	5	9	105	10	0
8....	JAMES CAMPBELL	CALDWELL'S MANOR.—This Claim is for a Horse, Cutter, and Robe, lost in the Ice, whilst on duty as a Volunteer.....	18	0	0	18	0	0
9....	SAMUEL ADAMS	CALDWELL'S MANOR.—This Claim is for Provisions, &c., pillaged by the Rebels from the other side of the Lines, on the 1st March, 1838	13	17	6	10	0	0

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
10....	JOSEPH GARIEPY	HENRYVILLE.—This Claim is for Loss by Pillage by the Troops and Volunteers, also, for loss of Business and other expenses incurred in consequence of the seizure of his Goods, &c., by the instructions of a Magistrate. (Dissonnent—Messrs. Moore and Simpson, the Claimant, in their opinion, not being entitled to Indemnity under the Act.)	315	4	0	67	2	6
11....	JOSEPH DEMERS	HENRYVILLE.—This Claim is for Pillage and Destruction of his Bar, for loss of Labor, indemnity and medical attendance for 3 months in consequence of a Pistol Shot Wound received from the hands of a Rebel leader. (This Claimant is a Loyal subject, who, at the risk of his life, confronts a Band of Rebels, headed by a noted Chief, on their march on the night before the Battle of Moore's Corners, which occurred on the 6th December, 1837; the Claimant, on re-monstrating with this Leader, and advising him to desist from his lawless course, "telling him he was leading his men to be butchered," received a Pistol Shot in his right hand from this Leader, whilst he was attempting to seize the Pistol on drawing it from his person. In consequence of this severe wound, which caused the Claimant great suffering, he was compelled to employ Medical Aid for the period of three months, and during that time he was unable to work. There being no provision in the Act for loss of time, Claimant has only been awarded £25 10s. for Medical Aid, and for the Pillage and Destruction of his Property. The Balance of £72 10s. is claimed for loss of time and suffering from his Wound, and £19 4s. for Interest. The Claimant is, therefore, recommended to the favorable consideration of the Government.)	117	4	0	25	10	0
12....	JOSHUA BULLIS	CLARENCEVILLE.—This Claim is for Cartage of Volunteers, and for his Pay as a Volunteer, and the nature of the Claim not coming within the provisions of the Act, is rejected	4	3	0			
13....	ELKANAH PHELPS	STANBRIDGE.—This Claim is for the loss of a Printing Press and Types injured or destroyed by the Volunteers	100	0	0	50	0	0
14....	ALBERT CHAPMAN	CLARENCEVILLE.—This Claim is for a Threshing Machine, the property of the Claimant, burnt in the Barn of J. N. Grogan, a Rebel leader, by the Volunteers, the Barn being burnt by order of Colonel Williams	25	0	0	17	10	0

15....	HARVEY HUXLEY	ALBURGH, STATE OF VERMONT.—This Claim is for a House, Barn, and Grain, burnt by the Rebels on Beach Ridge, County of Kouvile. (The amount is fully proved; but the Commissioners regret they cannot award him the amount, he not being a resident in the Province at the time, nor having been so for twenty years previous, as provided for under the Act, nor one of Her Majesty's subjects. His loss occurred in consequence of the information he furnished the Government of the movement of the Rebels.) [Case resumed hereafter.]	113	3	4			
16....	DURIAH LAFIN	CLARENCEVILLE.—This Claim is for Arms lent to the Volunteers in 1837 and 1838, for Hay and Forage used by the Troopers of the Dragoon Guards, and for Timber taken by the orders of Lieutenant-Colonel Williams to make a Barricade and Fort. The inquiry in this case being incomplete, the Award will be given hereafter.	31	2	6			
17....	JOHN HAWLEY	BEECH RIDGE.—This Claim is for Provisions, &c., furnished the Volunteers	5	5	0	1	5	0
18....	ANNE MCGARRY, WIDOW OF MICHAEL CURLY	ST. ARMAND, WEST.—This Claim is for the loss of a Horse, killed from being over-ridden whilst on service, her husband having to carry a Despatch from Colonel Williams 12 miles within the hour over heavy roads	15	0	0	15	0	0
19....	JAMES MCGILLIVRAY	SABREVOIS.—This Claim is for Arms, &c., pillaged by the Rebels, for lodging Volunteers, Money expended in search of Arms, and for a Horse	51	6	8	9	18	8
20....	IRA JOHNSON	BEECH RIDGE.—This Claim is partly for Provisions, pillaged by the Rebels on the 28th March, 1838, and partly for his House and other buildings, burnt by the Rebels on the 30th December, 1838, with all the contents of the building	414	19	7	280	0	0
21....	OLIVER FLOGG	CLARENCEVILLE.—This Claim is for occupation of his House and Buildings, and for Provisions furnished the Volunteers and Dragoon Guards, &c.; also, for expenses incurred whilst on service, &c.	183	17	6	32	18	4
22....	WILLIAM ANDREWS	FOUCAULT.—This Claim is for Mending Shoes, and furnishing Tea and Sugar to the 2nd Company of Colonel Dyer's Regiment, in which Regiment he was a Sergeant, and the Claim being inadmissible under the Act, is rejected	14	0	1			

REPORT OF AWARDS accompanying the Report of the Commissioners under the 12th Vic. cap. 58, &c.—(Continued.)

No. of Claim.	NAMES of CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
23	HENRY LINN	ST. GEORGE.—This Claim is for loss of Labor for Medical Attendance and for Trusses, caused in consequence of the Claimant being lamed for life by being ruptured, in consequence of a severe fall he received whilst engaged in the action at Moore's Corner, on the 6th December, 1837. (This is one of the unfortunate Claims for damages, arising out of the Rebellion, most deserving of relief, but, with the exception of £8 15s., does not come within the terms of the Statute. On the advance of Rebels on Moore's Corner, the Claimant, in marching with the loyal Militia to repel the invasion, and, as described by a witness, "the first of the foremost as he was on all occasions," from the uneven, slippery state of the roads, fell and was seriously and incurably ruptured, but notwithstanding the pain occasioned by it, he maintained position in the advance, and distinguished himself in this action, as he again did at the Battle of Odeltown. The Claim of £8 15s. is for Medicine, Trusses, &c., and is the only sum the Commissioners regret to be in their power to award. The Claimant was a Wheelwright, and from the rupture (Inguinal) was and still is disabled from most kind of bodily labor, particularly that of Wheelright. The balance of the Claim, £115, is for £10 per annum to enable him, with this assistance, to eke out his life by less active labor. The Claimant is now in the 73rd year of his age, borne down by this infirmity. The Commissioners feel it their duty to state this case in full, in the hope that it may attract the attention of the Administration, or induce some Member of the House of Assembly to move, that conduct so distinguished, and suffering so undeserved, may not be excluded from all benefit, because it does not come within the category of "damage done to dwellings, buildings, property or effects," but nevertheless, a loss or damage for which compensation ought to be made.)	123	15	0	8	15	0
24	HENRY SALLS	ST. ATHANASE.—This Claim is for a Horse and Accoutrements burnt in the barn of J. Johnson, at Beech Ridge, by a party of Rebels, who set fire to and burnt Johnson's Barn and its contents, on the 30th December, 1838. Claimant was in the Despatch Service at the time, and had but a few minutes previously put his Horse, &c., in the Barn, when it was surrendered and burnt by the Rebels	22	10	0	22	10	0
25	JOSEPH DUQUETTE	HENRYVILLE.—This Claim is for Provisions pillaged by the Volunteers, and is not proved	7	7	6			

26	ABEL SMITH	PHILPSBURGH.—This Claim is for House Rent as Barracks, Provisions, &c., furnished the Volunteers	60	10	9	22	17	3
27	H. MOORE	PHILPSBURGH, or MOORE'S CORNER.—This Claim is for Lodging, Provisions, &c., furnished Volunteers, and for damage to his House and Property from the Rebels (Mr. Moore, one of the Commissioners, being a Brother of the Claimant, retired from the Board during their deliberation on this Claim.)	121	16	3	53	7	6
28	LUDOVICO F. STRITE	ST. ARMAND, WEST.—This Claim is for Board and Lodging furnished the Militia in March, 1838	35	2	6	8	15	0
29	ISAAC FLAGG	CLARENCEVILLE.—This Claim is for a Fishing Net taken by the Rebels in November, 1837, but is not proved	12	10	0			
30	ABRAHAM OSBORNE	CLARENCEVILLE.—This Claim is for a Horse stolen by the Rebels, but is not proved	150	0	0			
31	WESLEYAN CHAPEL	CLARENCEVILLE.—This Claim is for the occupation of the Methodist Chapel as Barracks for seven months	20	0	0	14	0	0
32	W. G. CLARKE	CLARENCEVILLE.—This Claim is for pillage of his Provisions and Furniture by a party of Rebels, on the 28th March, 1838, and for the destruction of his Buildings, and their contents, by a party of Rebels, on the 30th Dec., 1838. (The Act is again ineffective, so far as the reparation of loss or damage (except real or chattel) arising out of the Rebellion. The Claimant lived about a mile from the Lines, was an Ensign in the Militia, but serving as Lieutenant at the time, and, from his zeal and activity, became a marked man. At three o'clock, A.M., on the 30th December, 1838, a large band of Rebels, Refugees and Sympathisers broke open his house, with the intent of capturing him before setting it on fire. Claimant had but time to reach the window, drop from it, and thence running a mile over ploughed ground to a neighbor (the thermometer at zero) in his night shirt only, thus escaped. In his flight, he fell several times on the hard ground, and injured his knee-joint, inflammation followed, and terminated in white swelling. For six months he was confined to his bed, and for five years unable to assist towards the maintenance of his family; then, despairing of all hope of cure, he submitted to amputation. The leg was taken off just below the hip-joint, and the unfortunate man thus left a cripple in the prime of life. The Claimant alleges that he was counted in the day of battle, that by his zeal and fidelity to the Government, he brought this loss and suffering upon himself, and he cannot be made to believe that, in the spirit of the Act, he can be denied Indemnity under it. The Commissioners earnestly recommend the Claimant to the favorable consideration of the Government.)	168	11	3	150	8	9

REPORT of AWARDS accompanying the Report of the Commissioners under the 12th Vic. cap. 58, &c.—(Continued.)

16 Victoriae.

Appendix (V.V.)

A. 1852.

16 Victoriae.

Appendix (V.V.)

A. 1852.

No. of Claimant.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
33	WESLEYAN CHAPEL	PHILPSBURGH.—This Claim is for the occupation of the Chapel by the Militia, at sundry times, as a Fortress, and injury done to the Building	55	0	0	80	0	0
34	JEREMIE BABIN	HENRYVILLE	5	0	0			
35	JOSEPH POTRIN	do	59	12	6			
36	SETH WARNER	ST. IVACINTHE	180	0	9			
37	LEONARD BROWN	DUNHAM	75	0	0			
38	WILLARD NICHOLLS	CLARENCEVILLE	27	5	0			
39	ENOCH GARISH	PHILPSBURGH	273	15	0			
40	JOHN HENDERSON	ST. PHILIP	80	10	0			
41	SENECA ROBINSON	PHILPSBURGH	81	17	10			
42	DANIEL RUSH	CLARENCEVILLE	12	15	0			
43	WILLIAM CHILWIN	do	111	2	0			
		(The above Claimants have not yet appeared to prove their Claims.)						
44	LOUIS CHARBONNEAU	STE. MARIE.—This Claim is for Provisions, &c., pillaged by the Troops	5	0	0	2	3	0
45	EDOUARD VINCELETTE	ST. ATHANASE.—This Claim is for Merchandize, and other Property, pillaged by the Troops	104	0	8	75	0	0
46	EDOUARD HOULE	ST. ATHANASE.—This Claim is for Liquor, Provisions, and other Effects, pillaged by the Troops	41	8	7	22	0	0
47	JACQUES SENE'	STE. MARIE.—This Claim is for Clothing and Household Effects pillaged by the Troops	22	15	11	15	0	0

48	JOHN MOUNSEY	ST. ATHANASE.—This Claim is for Household Effects pillaged and destroyed by the Troops	91	6	7	86	10	0
49	JEAN BAPTISTE LORETTE	ST. JEAN BAPTISTE.—This Claim is for Lodging Troops	10	0	0	1	17	0
50	JEAN BAPTISTE DUBEAU	ST. ATHANASE.—This Claim is for a House and Provisions burnt by the Troops.	90	8	4	53	0	0
51	By an error there is no Claim for this No.						
52	VEUVE ANDRE' TETU dit DUCHARNE	ST. JEAN BAPTISTE.—This Claim is Clothing and other Effects pillaged by the Soldiers	17	11	6	11	0	0
53	JOSEPH RAINVILLE	STE. MARIE.—This Claim is for Pillage, Clothing, Grain, &c., pillaged by the Troops	83	8	0	45	17	4
54	PIERRE RAINVILLE	STE. MARIE.—This Claim is for Provisions, &c., pillaged by the Troops	4	0	10	3	1	8
55	ANDRE' METIVIER	STE. MARIE.—This Claim is for a Gun delivered to the Authorities	1	10	0	1	0	0
56	EDOUARD VIDAL	ST. ATHANASE.—This Claim is for Apples, &c., destroyed or pillaged by the Troops	84	14	2	5	5	0
57	FELIX BESSETTE	STE. MARIE.—This Claim is for Turkeys, &c., pillaged by the Troops	5	12	0	2	12	0
58	PIERRE MESSIER	STE. MARIE.—This Claim is for a Gun delivered to the Authorities and pillage by the Troops	3	1	3	1	18	0
59	TIMOTHE RAINVILLE	STE. MARIE.—This Claim is for Effects pillaged by the Troops	1	8	9	1	8	0
60	JOSEPH LOISELLE	STE. MARIE.—This Claim is for pillage by the Troops	7	17	8	5	7	11
61	AMABLE BOULET	STE. MARIE.—This Claim is for Provisions, &c., pillaged by the Troops	8	17	9	1	8	10
62	TIMOTHE FRANCHERE	ST. MATHIAS.—This Claim is for Pillage and Destruction of Merchandize and other Property by the Troops	981	9	5			
		[Case resumed hereafter.]						
63	FRANÇOIS GOYETTE, Pere	ST. ATHANASE.—This Claim is for a House and its contents, burnt by the Troops.	108	16	0	47	12	0
64	IGNACE ROUSSEAU	STE. MARIE.—This Claim is for Provisions, &c., pillaged by the Troops	20	16	4	10	9	8

REPORT OF AWARDS accompanying the Report of the Commissioners under the 12th Vic. cap. 58, &c.—(Continued.)

No. of Claim.	NAMES of CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
65	CHARLES LEMAY	STÉ. MARIE.—This Claim is for Property destroyed by the Troops	20	5	10	8	18	4
66	FRANÇOIS TANGUAY	STÉ. MARIE.—This Claim is for Effects pillaged by the Troops	4	5	3	3	10	0
67	JOSEPH GIROUARD	ST. JEAN BAPTISTE.—This Claim is for Lodging Troops, and Provisions taken by them	17	16	8	0	2	6
68	EUSTACHE SOUPRAS	ST. MATHIAS.—This Claim is for Merchandize and Provisions, Guns, &c., pillaged by the Rebels and Troops	182	14	2	88	12	0
69	FRANÇOIS DENEGOURS	ST. GREGOIRE.—This Claim is for a Barn and its contents, burnt by the Volunteers	404	4	4	175	0	0
70	J. BAPTISTE BERGER	ST. GREGOIRE.—This Claim is for Hay burnt in Denecours Barn, as in last No.	5	10	0	3	12	0
71	PAUL MOIRIS	L'ACADIE.—This Claim is for a Horse, pillaged by the Volunteers	19	5	0	16	0	0
72	JEAN BAPTISTE TETRO	STÉ. MARIE.—This Claim is for Occupation of a House and Property, pillaged by the Troops (The Commissioners have assessed the actual loss suffered at £26 6s. 8d., but deny the Claimant's right to Indemnity for a loss so incurred. The conduct of the Claimant admits of no extenuation. During the two Rebellions of 1837 and 1838, he was an acting leader, commanding at the camp at St. Mathias. The day before the Battle of St. Charles, he had 200 armed men under him, in expectation of the defeat of Colonel Wetherall, ready to attack Her Majesty's Forces on their retreat, compelling all he could, by force or threats of force, to join the Rebel Army. On the defeat of the Rebel force at St. Charles, the Claimant fled to the United States and remained there some 18 months, during which he joined the Refugees and Sympathisers in their invasion of our frontier, burning the houses and buildings of those who remained true to their allegiance. The Commissioners are of opinion, that the Claimant, by his conduct, brought the loss on himself; (contrasting the small number of Troops with a District in arms,) the punishment may have been deemed necessary for the suppression of the Rebellion, and for the prevention of further disturbance. The Claimant was mildly dealt with, and the loss inflicted neither "wanton, unnecessary, nor unjust.")	82	8	2			

73	DAVID MACEF	Mr. LeBlanc dissenting for reasons explained in full in a paper attached to the Judgments marked No. A.	2	7	0	1	4	0
74	GABRIEL DUCLOS	ST. HILAIRE.—This Claim is for Sheep and Oats pillaged by the Troops	10	10	0	13	15	0
75	LOUIS LARNIERE	STÉ. MARIE.—This Claim is for occupation of the House, and for Provisions pillaged	2	12	3	2	12	3
76	ALEXIS GALIPEAU	ST. HILAIRE.—This Claim is for a Gun, &c., taken by the Troops	4	5	0			
77	THEOPHILE LAGARDE	ST. HILAIRE.—This Claim is for a Cart and Harness taken by the Troops, but is not proved	15	8	2	5	13	2
78	FRANÇOIS COTE	ST. HILAIRE.—This Claim is for the occupation of his Smith's Shop by the Dragoons, and for Lodging them	33	6	4			
79	JOSEPH FOURRE' dit VA-DEBONCEUR	ST. HILAIRE.—This Claim is for Lodging Troops, and for Property taken by them, but is not proved	5	1	3	5	1	3
80	JEAN BAPTISTE L'HEU-REUX	ST. HILAIRE.—This Claim is for Lodging Troops, and Effects taken by them	11	10	0	7	10	0
81	NICOLAS CODERE	STÉ. MARIE.—This Claim is for Lodging Troops, &c.	1	10	0			
82	FRANÇOIS TETRO	STÉ. MARIE.—This Claim is for a Gun delivered to the Authorities, but is not proved	77	10	0			
83	JOSEPH RAINVILLE	ST. MATHIAS.—This Claim is for Hay, Oats, Provisions, &c., taken by the Troops. (The inquiry in this case not being closed, the adjudication will be given hereafter.)						
84	PIERRE CARRAU	STÉ. MARIE.—This Claim is for a Gun, but is not proved	1	10	0			
85	BIBIENNE CHOQUETTE, VEUVE FRANÇOIS RAINVILLE	STÉ. MARIE.—This Claim is for a May-pole cut down by the Rebels, and other Effects pillaged by the Troops	12	15	0	10	8	9
86	ANTOINE LOISELLE	STÉ. MARIE.—This Claim is for Provisions, &c., pillaged by the Troops	6	18	0	5	10	0
		STÉ. MARIE.—This Claim is for a Gun, and other Property, pillaged by the Troops	11	11	9	8	8	9

REPORT OF AWARDS accompanying the Report of the Commissioners under the 12th Vic. cap. 58, &c.—(Continued.)

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No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
87	M. D. MEUNIER LAPIERRE	ST. DAMASE.—This Claim is for Books, Papers, and other Effects, pillaged or destroyed by the Troops, but is not proved	202	2	4			
88	LOUIS MARCOUX	STE. MARIE.—This Claim is for a Gun delivered to the Authorities, but is not proved	1	10	0	2	10	7
89	FRANÇOIS MARCOUX	STE. MARIE.—This Claim is for Provisions, &c., pillaged by the Troops	4	11	2	1	10	0
90	JOSEPH MARCOUX	STE. MARIE.—This Claim is for a Gun delivered to the Authorities, and for Provisions, &c., taken by the Troops	2	3	7	2	15	0
91	JEAN BAPTISTE ADAM	STE. MARIE.—This Claim is for a loss similar to the last	3	3	11	2	15	0
92	CHARLAND & DACIER	ST. ATHANASE.—This Claim is for Merchandize pillaged by the Troops	298	4	9	124	18	0
93	PIERRE GIGAULT	ST. MATHIAS.—This Claim is for Arms and Provisions taken by the Troops	8	15	0	7	2	0
94	JOHN FREES WILFIELD	WEST FARNHAM.—This Claim is for Lodging Militiamen, and furnishing them Ball Cartridges	10	10	8	5	0	0
95	FRANÇOIS MULLINS	WEST FARNHAM.—This is a similar Claim to the last	13	10	0	10	10	0
96	MATHIAS BESSETTE	ST. ATHANASE.—This Claim is for Furniture and Effects pillaged or destroyed by the Troops	7	14	10	4	15	9
97	FRANÇOIS CHOQUETTE, VEUVE HYPLE, CAMP-BELL	ST. ATHANASE.—This Claim is similar to the last	23	15	0	12	0	0
98	EDOUARD CLEMENT	ST. CHARLES.—This Claim is similar to the preceding one	28	4	6	18	10	4
99	JOSEPH AREL	ST. ATHANASE.—This Claim is similar to the last	14	4	11	6	3	2
100	JACQUES SAMOZET (PE-LAGIE SAMOZET, HEIROF)	ST. ATHANASE.—This Claim is similar to the last	17	15	0	10	17	3

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101	PANTALEON BOUCHARD	ST. ATHANASE.—This Claim is similar to the last	9	7	10	0	7	0
102	ALEXANDER SYR	GRANBY.—This Claim is similar to the last	28	2	6	12	12	11
103	ARCANAGE OULOTTE, VEUVE FRANÇOIS GAGNON	ST. ATHANASE.—This Claim is similar to the last	10	4	10	7	8	0
104	ETIENNE HEBERT	ST. ATHANASE.—This Claim is similar to the last, but is not proved	2	4	10			
105	JEAN BAPTISTE ARCAND	ST. ATHANASE.—This Claim is similar to the last	11	0	0	7	9	10
106	MARIE CECILE DULOS, VEUVE ABRAHAM AR-CAND	ST. ATHANASE.—This Claim is the same as the last	32	12	0	10	0	0
107	MARIE PLAMONDON, VEUVE FR. BOURBONNIERE	ST. JEAN BAPTISTE.—This Claim is the same as the last	10	5	0	5	15	2
108	AMABLE MIGLET	STE. MARIE.—This Claim is the same as the last	22	2	3	15	17	1
109	ISAIE IUUDON	ST. ATHANASE.—This Claim is similar to the last	52	10	3	31	10	2
110	PIERRE SUPRENET	ST. ATHANASE.—This Claim is similar to the last	12	2	1	10	0	0
111	VITAL SIMONEAU	ST. ATHANASE.—This Claim is similar to the last	50	2	5	40	0	0
112	ROBERT McCORKILL	WEST FARNHAM.—This Claim is for Provisions furnished the Militia	43	15	0	10	0	0
112	ALBERT P. WHITE	ST. ATHANASE.—This Claim is for Cloth, Wood, and other effects, pillaged by the Troops	30	15	5	18	9	4
114	ALBERT ROBERT	ST. BRUNO.—This Claim is for a Horse, &c., taken by the Troops	11	5	0	11	0	0
115	PIERRE GOYET	ST. BRUNO.—This Claim is similar to the last	12	10	0	11	0	0
116	PIERRE PARADIS	ST. VALENTIN.—This Claim is for Property burnt by parties in the night, supposed to be done by the Rebels, in consequence of the Claimant's loyalty	305	10	0	150	0	0
117	FRANÇOIS MENARD	ST. BRUNO.—This Claim is for Cattle taken by the Troops	11	10	0	8	13	9

REPORT OF AWARDS accompanying the Report of the Commissioners under the 12th Vic. cap. 58, &c.—(Continued.)

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
118...	ANDRE' PROTEAU	ST. BRUNO.—This Claim is for money said to have been taken by the Troops, but is not proved	50	0	0	14	9	0
119...	GUILLAUME ROY	BOUCHERVILLE.—This Claim is for Hay, Provisions, &c., pillaged by the Troops.	79	15	0	9	2	10
120...	FRANÇOIS GAUTHIER dit ST. GERMAIN	BOUCHERVILLE.—This Claim is similar to the last	21	7	0	10	13	10
121...	MAURICE ROY	BOUCHERVILLE.—This Claim is similar to the last	19	17	0	0	15	9
122...	JEAN BTE. BIENDEAU ..	BOUCHERVILLE.—This Claim is for Provisions, and other Effects, pillaged by the Troops.....	10	7	2	3	15	0
123...	LOUIS PILLET	BOUCHERVILLE.—This Claim is similar to the last.....	28	2	2	20	0	0
124...	JACQUES DARAGON	ST. GREGOIRE.—This Claim is similar to the last	92	10	0	75	0	0
125...	JAMES HARRISON	ST. JOHNS.—This Claim is for a Barn, and its contents, burnt during the night by Claimant's political opponents, in consequence of his Loyalty	27	17	6	16	12	4
126...	WILLIAM SIMPSON	ST. JOHNS.—This Claim is for Lodging and Provisions furnished the Troops.....	0	15	0	0	15	0
127...	CASIMER DUFRESNE	CHAMBLÉ.—This Claim is for a Gun delivered to the Authorities	1	0	0	1	0	0
128...	LOUIS DUFRESNE	CHAMBLÉ.—This Claim is similar to the last	20	0	3			
129...	LOUIS MONJEAU	CHAMBLÉ.—This Claim is same as last, and for a Horse taken by the Troops..... (The amount of actual loss suffered has been assessed at £13 6s. 3d.; but the part taken by the Claimant during the Rebellion, in the opinion of the Commission, deprives him of the right to the Indemnity under the Act. The Claimant went out armed, with 200 others, to resist Her Majesty's Troops on their route from Longueuil to Chambly, the day after the rescue of the Prisoners on their way to Montreal, on the 17th November, 1837. He declared on his examination that had they been man to man, he would not have run away, but stood, and fought; adding, Mr. LeBlanc dissenting.)						

130...	LOUIS MONJEAU, Fils ..	CHAMBLÉ.—This Claim is similar to the last	13	0	0			
131...	LOUIS TRUDEAU	LONGUEUIL.—This Claim is for Wood and Hay taken by the Troops	18	10	0	18	10	0
132...	NARCOISE TRUDEAU	LONGUEUIL.—This Claim is similar to the last	119	15	0	57	10	8
133...	ALEXIS COLIN	LONGUEUIL.—This Claim is for Provisions, &c., furnished the Troops.....	50	17	0	25	0	0
134...	ANDRE' TRUDEAU	LONGUEUIL.—This Claim is for Lodging Dragoons and their Horses	12	10	0	3	7	4
135...	CHARLES TRUDEAU	LONGUEUIL.—This Claim is similar to the last	13	1	6	8	9	6
136...	LUC DUBUC	LONGUEUIL.—This Claim is for a Barn and its contents burnt by the Hussars ..	221	10	7	154	8	0
137...	WILLIAM BARBRIDGE ..	ST. JOHNS.—This Claim is for a Horse, &c., taken by the Rebels	13	18	9	12	10	0
138...	JOSEPH GEDDES	ST. ATHANASE.—This Claim is for Apples taken by the Troops, but is not proved	10	12	0			
139...	ANTOINE BISSONNETTE ..	L'ACADIE.—This Claim is for Horses, &c., taken by the Troops	45	5	0	34	0	0
140...	PATRICK MCKINNON	ST. ATHANASE.—This Claim is for Damage to his House, &c., by the Troops ..	43	17	8	13	10	0
141...	JOSEPH MASSON	CHAMBLÉ.—This Claim is for a Gun delivered to the Authorities	2	0	0	1	0	0
142...	BENOIN CHARET	BLANFINDIE.—This Claim is for two Horses taken by the Volunteers	32	10	0	26	0	0
143...	JOSEPH TRAHAN	BLANFINDIE.—This Claim is for a House burnt by the Volunteers	25	0	0	10	0	0

"that it was as well to be shot in the field as in the house." On the appearance of the Troops, the Claimant tied his horse to the fence, and fled to the woods, and the Horse was taken possession of by the Troops, and the Claimant captured with arms on him. The Commissioners are of opinion that the reparation of a loss for a Horse, Pistol, &c., thus incurred, would be a perversion of the Act, and, therefore, deny his Claim to Indemnity.)

Mr. LeBlanc dissenting.

CHAMBLÉ.—This Claim is similar to the last

(The amount of actual loss suffered has been assessed at the sum of £12 15s., but the part taken by the Claimant during the Rebellion, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.)

Mr. LeBlanc dissenting.

REPORT of AWARDS accompanying the Report of the Commissioners under the 12th Vic. cap. 58, &c.—(Continued.)

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
144...	CHARLES DUPUIS	L'ACADIE.—This Claim is for Property pillaged by the Troops	20	15	1	10	17	9
145...	JOSEPH GUERTIN	CHAMBLY.—This Claim is similar to the last, but is not proved.	31	0	8			
146...	JEAN BAPTISTE SENECAI..	ST. JEAN BAPTISTE.—This Claim is for Lodging Troops	9	14	7	3	0	8
147...	LOUIS PALENAUDE.....	ST. BRUNO.—This Claim is for Effects pillaged by the Troops	20	19	11	20	0	0
148...	JOSEPH O'CLAIRE	L'ACADIE.—This Claim is for the Destruction of Buildings, Merchandize, and other Property, burnt, pillaged, and destroyed by the Volunteers	1970	2	0	712	15	0
		[<i>Case resumed hereafter.</i>]						
149...	JOSEPH HUOT	LONGUEUIL.—This Claim is for a Gun delivered to the Authorities, but is not proved	1	10	0			
150...	ALEXIS PINET	VARENNES.—This Claim was found inadmissible in the form it was first presented, and will be found in the proper form under No. 488	500	0	0			
151...	EUGENE TALHAM	VARENNES.—This Claim is for Effects pillaged by the Troops	16	10	10	11	5	0
		[<i>Case resumed hereafter.</i>]						
152...	FRANÇOIS DUPONT.....	L'ACADIE.—This Claim is for House and Effects burnt by the Troops	460	17	7	240	0	0
153...	ABRAHAM PARADIS	BLANFINDIE.—This Claim is similar to the last	197	14	2			
		(The amount of actual loss suffered has been assessed at the sum of £131 16s. 2d; but the part taken by the Claimant during the Rebellion, in the opinion of the Commissioners, deprives him of the right of Indemnity under the Act.)						
		Mr. LeBlanc dissenting, for reasons explained in full in a paper attached to the Judgment, marked No. B.						
154...	HUBERT LETOURNEAU ..	L'ACADIE.—This Claim is for Horses, &c., taken by the Troops.....	16	0	0	16	0	0
155...	JOSEPH LOISEAU.....	BOUCHERVILLE.—This Claim is for Lodging Troops and Provisions. &c., taken by them	18	18	5	8	0	9

156...	CATHERINE ROY, AT PRESENT WIFE OF BENJ. LOISEAU FORMERLY WIDOW ANTOINE PREYOST	BOUCHERVILLE.—This Claim is similar to the last	7	9	9	0	5	0
157...	PIERRE COGNAC	CHAMBLY.—This Claim is for a Gun delivered to the Authorities.....	2	0	0	1	0	0
158...	JEAN BAPTE. LACROIX..	CHAMBLY.—This Claim is similar to the last	2	0	0	1	0	0
159...	CATHERINE SPOONER, WIDOW FREEMAN HIGGINS	WEST FARNHAM.—This Claim is for Provisions and Lodging, &c., furnished to the Volunteers and Militia	103	10	0	50	0	0
160...	NARCISSE DEMERS	ST. MATHIAS.—This Claim is for 2 Guns delivered to the Authorities	1	12	6	1	0	0
161...	NOEL PREUX.....	CHAMBLY.—This Claim is similar to the last	2	0	0	1	0	0
162...	NICOLAS PROTEAU.....	CHAMBLY.—This Claim is similar to the last	2	0	0	1	0	0
163...	NOEL DARCHÉ, PERE	CHAMBLY.—This Claim is similar to the last	1	10	0	1	0	0
164...	TOUSSAINT FOURNIER DT PREFONTAINE.....	LONGUEUIL.—This Claim is for Clothing pillaged by the Troops	9	13	8	6	9	0
165...	HENRY STEPHENS	LONGUEUIL.—This Claim is similar to the last	14	12	6	9	15	0
166...	DR. URIAH LAPLIN	Case resumed	31	2	0	21	10	0
166...	TOUSSAINT PERONFAINE	LONGUEUIL.—This Claim is for Grain and Effects pillaged by the Troops	25	0	6	17	8	9
167...	BENJAMIN BURLAND.....	ST. JOHNS.—This Claim is for Rent of House by the Troops, but is not proved ..	8	0	0			
168...	EDOUARD MACE'	ST. MATHIAS.—This Claim is for Liquor, &c., taken by the Troops and Rebels ..	20	10	0	6	2	0
169...	JOSEPH PICOTTE.....	L'ACADIE.—This Claim is for House, Building, and Effects, burnt by the Troops... (The amount of actual loss suffered has been assessed at £58 11s., but the part taken by the Claimant, during the Rebellion, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.)	87	16	5			
		Mr. LeBlanc dissenting, for reasons stated in full in a paper attached to the Judgments, marked No. C.						

REPORT OF AWARDS accompanying the Report of the Commissioners under the 12th Vic. cap. 58, &c.—(Continued.)

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No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
170...	JOSEPH DORVAL	CHAMBLY.—This Claim is for a Gun delivered to the Authorities	2	0	0	1	0	0
171...	JEAN BPTÉ. BISSONNETTE	L'ACADIE.—This Claim is for Buildings and their contents burnt by the Troops. (The amount of actual loss suffered has been assessed at £593 10s. 10d., but the part taken by the Claimant, during the Rebellion, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act. Mr. LeBlanc dissenting, for reasons explained in full in a paper annexed to the Judgments, marked No. D.)	1145	9	6			
172...	ALEXIS RICHARD	ST. JEAN.—This Claim is for a Horse, &c., pillaged by the Volunteers, but is not proved	29	5	0			
173...	MONSR. CURE MIGNAULT.	CHAMBLY.—This Claim is for a Barn and its contents burnt by parties unknown, but supposed to be parties disaffected to the Government	77	15	0	39	18	4
174...	MONSR. CURE THEBERGE	TERREBONNE.—This Claim is for Effects pillaged by the Troops	14	3	6	8	5	8
175...	LAURENT COLIN	LONGUEUIL.—This Claim is for Lodging Troops and Effects pillaged by them ..	100	0	0	30	18	4
176...	FRANÇOIS P. BRUNEAU..	ST. BRUNO.—This Claim is for Property pillaged and destroyed by the Troops and Rebels	78	4	6	14	4	2
177...	MARIE PIGEON, VEUVE FRANÇOIS VIAN	LONGUEUIL.—This Claim is for Lodging Troops, &c	29	0	0	17	9	2
178...	JOSEPH DEADELIN	CHAMBLY.—This Claim is for a Gun delivered to the Authorities	1	15	0	1	0	0
179...	ANTOINE ROBERT	CHAMBLY.—This Claim is for a Gun delivered to the Authorities	1	12	6			
180...	CHRISTOPHE FOURNIER DIT PREFONTAINE.....	CHAMBLY.—This Claim is for a Gun delivered to the Authorities, but is not proved	11	12	0	7	3	9
181...	BAZILE MIGNAULT	LONGUEUIL.—This Claim is for Effects pillaged by the Troops.....	2	0	0	1	0	0
182...	F. CONTOIS DIT CHAUSSE..	CHAMBLY.—This Claim is similar to the last	3	0	0	3	0	0

183...	MONSR. JOSEPH CREVIER, CURE'	ST. PIE.—This Claim was awarded by the former Commissions	42	0	11			
184...	CHARLES BLANCHETTE..	LAPRESENTATION.—This Claim is for Effects pillaged by the Troops.....	6	5	3	4	9	0
185...	JOSEPHTE ROUSSEAU, VEUVE GUILLAUME COUTU	LAPRESENTATION.—This Claim is for Provisions, &c., pillaged by the Troops ..	1	18	4	1	4	6
186...	JEAN BAPTISTE JARET, DIT BEAUREGARD	LAPRESENTATION.—This Claim is for Clothing, &c., pillaged by the Troops.....	40	3	11	24	10	3
187...	FELICE GUSSON, VEUVE PIERRE ROBERGE.....	LAPRESENTATION.—This Claim is similar to the last	15	6	8	13	18	4
188...	GEORGE GAGNON.....	LAPRESENTATION.—This Claim is similar to the last	5	7	11	4	17	5
189...	JOSEPH VIGIARD	ST. DAMASE.—This Claim is similar to the last	10	2	6	9	0	6
190...	JOSEPH CHARTIER.....	LAPRESENTATION.—This Claim is similar to the last	6	13	11	4	14	6
191...	JOSEPH JARRET DIT BEAUREGARD.....	LAPRESENTATION.—This Claim is for Clothing and Effects pillaged by the Troops	5	13	6	4	14	6
192...	PIERRE BLANCHET	LAPRESENTATION.—This Claim is similar to the last	10	16	2	4	18	9
193...	MONIQUE GAGNON, VEUVE JOSEPH LEDUC	LAPRESENTATION.—This Claim is similar to the last	2	5	10	2	5	10
194...	CHARLES SENE	ST. CESAIRE.—This Claim is similar to the last	4	6	8	1	19	1
195...	FRANÇOIS BOUVIER	LAPRESENTATION.—This Claim is similar to the last	12	8	4	9	8	10
196...	THOMAS FLIBOTHE.....	ST. HYACINTHE.—This Claim is for Effects pillaged by the Troops	5	10	6	4	18	2
197...	IGNACE BOUSQUET.....	ST. PIE.—This Claim is for two Guns delivered to the Authorities	3	10	0	2	0	0
198...	ANTOINE GAUVIN	LAPRESENTATION.—This Claim is for Effects pillaged by the Troops	7	12	2	5	12	0
199...	AUGUSTIN ARCHAM- BAULT	LAPRESENTATION.—This Claim is similar to the last	10	19	6	9	11	2

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
200.	JOSEPH BARNARD	LAPRESENTATION.—This Claim is similar to the last	1	14	11	1	14	11
201.	FRANÇOIS NADEAU	LAPRESENTATION.—This Claim is for Effects pillaged by the Troops	8	7	10	5	3	10
202.	MARIE TETRO, VEUVE MICHEL BROUILLET.	LAPRESENTATION.—This Claim is similar to the last	12	16	11	10	15	1
203.	PIERRE DRAPEAU	LAPRESENTATION.—This Claim is similar to the last	5	15	7	5	8	10
204.	THOS. OLIVIER GAUVIN	LAPRESENTATION.—This Claim is similar to the last	4	0	3	3	17	5
205.	LOUIS LANGEVIN	ST. PIE.—This Claim is for a Gun delivered to the Authorities	3	15	0	2	10	0
206.	CHRISTOPHE DEMARAIS.	LAPRESENTATION.—This Claim is for Provisions and Effects pillaged by the Troops	3	1	10	3	1	10
207.	JOSEPH CHAPELAINÉ DIT BEAULAC	LAPRESENTATION.—This Claim is similar to the last	6	0	10	6	0	10
208.	MICHEL MINGO DIT DU- MAINE	ST. HYACINTHE.—This Claim is for a Gun delivered to the Authorities	1	5	0	1	0	0
209.	JOSEPH PLAMONDON	ST. HYACINTHE.—This Claim is similar to the Last	1	0	0	1	0	0
210.	ANTOINE BARON	ST. HYACINTHE.—This Claim is similar to the last	2	0	0	1	0	0
211.	JEAN BAPTISTE LEGROS DIT ST. PIERRE	ST. HYACINTHE.—This Claim is similar to the last	1	5	0	1	0	0
212.	CHARLES TAITER.	ST. HYACINTHE.—This Claim is for a Gun delivered to the Authorities	2	0	0	1	5	0
62.	TIMOTHE' FRANCHERE	Case resumed (Of this Claim, £146 7s. 6d. is for Property pillaged at St. Mathias, and the balance, £885 1s. 11d., is for Merchandize, &c., burnt or pillaged at St. Athanase, all done by the Troops.)	981	9	5	316	11	10

213.	PIERRE DURAND	ST. CHARLES.—This Claim is for Menage and Effects pillaged by the Troops	27	0	4	24	5	7
214.	JOSEPH VASSEUR DIT BELISLE, PERE	ST. PIE.—This Claim is for a Gun delivered to the Authorities	1	5	0	1	0	0
215.	JEAN BAPTISTE TETU	LAPRESENTATION.—This Claim is for Effects pillaged by the Troops	4	16	8	4	16	8
216.	ANTOINE CHAMPIGNY DIT BELINGE	ST. PIE.—This Claim is for Effects pillaged by the Troops	13	18	5	13	18	5
217.	PIERRE CLAUDE PANET.	ST. DAMASE.—This Claim is for Liquor, Provisions, and Money, &c., pillaged by the Troops	353	6	8	71	17	10
218.	FRANÇOIS CINQ MARS	MILTON.—This Claim is for the Seizure of his Printing Press and Types, and loss of his Business. (The enquiry in this case is not complete.)	2	5	0	1	10	6
219.	ANDRE' GAGNON	ST. DAMASE.—This Claim is for a Gun, &c., delivered to the Authorities	400	0	0	200	0	0
220.	L. P. CHINIQUI.	ST. ROCH DES AULNETS.—This Claim is for Merchandize, &c., pillaged by the Troops and Volunteers	1	2	6	1	0	0
221.	LOUIS DANDELIN	ST. HYACINTHE.—This Claim is for a Gun delivered to the Authorities	28	14	6	17	10	0
222.	FRANÇOIS JACQUES	LAPRESENTATION.—This Claim is for Liquor and Effects pillaged by the Troops.	1	0	0	1	0	0
223.	LOUIS GELINEAU	ST. CESAIRE.—This Claim is for a Gun delivered to the Troops	9	6	4	5	0	0
224.	FLORENT LEFEBRE	BOLTON.—This Claim is for Effects pillaged by the Troops	16	16	10	10	10	6
225.	GUILLAUME MONPLAISIR	ST. CESAIRE.—This Claim is similar to the last	8	0	0	7	10	0
226.	JEAN BAPTISTE MON- PLAISIR	ST. CESAIRE.—This Claim is similar to the last	6	10	0	3	7	0
227.	FRANÇOIS MENARD	ST. CESAIRE.—This Claim is for Effects pillaged by the Troops	4	4	6	1	15	9
228.	NOEL SIMARD	ST. CESAIRE.—This Claim is similar to the last	6	6	3	4	7	6
229.	TOUSSAINT GAGNON	LAPRESENTATION.—This Claim is similar to the last	6	6	3	4	7	6

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
280...	JEAN BAPTISTE ST. ONGE	ST. CESAIRE.—This Claim is for Lodging Troops, and Destruction of Property by them	153	8	9	99	15	0
281...	ANTOINE CHICOINE	ST. CESAIRE.—This Claim is for Lodging and Pillage by the Troops	4	9	2	4	5	5
282...	OCTAVE HUOT	ST. CESAIRE.—This Claim is for Effects pillaged by the Troops, but is not proved.	9	15	0	2	8	9
283...	GUILLAUME PLAMONDON	ST. CESAIRE.—This Claim is for Lodging Troops, and Effects pillaged by them.	18	10	0	2	8	9
284...	LOUIS FRECHETTE	LAPRESENTATION.—This Claim is for Effects pillaged by the Troops	3	16	3	2	8	0
285...	JOSEPH CHARRON	ST. CHARLES.—This Claim is for Claimant's half of Grain and Hay in the Barn of Honorable P. D. Desbartzch, to whom Claimant was Farmer on halves. Mr. Desbartzch was paid by the first Commission	178	10	10	120	0	0
286...	JOSEPH GASPARD COTE	ST. CESAIRE.—This Claim is for Grain and other Effects pillaged by the Troops.	102	14	6	21	0	0
287...	CHARLES EVER	ST. HYACINTHE.—This Commission is for 3 Guns delivered to the Authorities.	3	0	0	3	0	0
288...	LEON FIBRICE DE KI-ROUAC	ST. HYACINTHE.—This Claim is for Effects pillaged by the Troops.	27	11	0	20	1	3
289...	MARGARITE TETRO, VEUVÉ CHAS. BEAUREGARD.	LAPRESENTATION.—This Claim is similar to the last	13	5	2	11	13	0
240...	CALVETE GIGON	STUKELY.—This Claim is for Lodging Troops	14	17	4	14	17	4
241...	THOMAS FLIBOTLE	ST. PIE.—This Claim is for a Gun delivered to the Authorities	1	10	0	1	0	0
242...	FRANÇOIS CHICOINE	ST. PIE.—This Claim is similar to the last	1	10	0	1	0	0
243...	FRANÇOIS CROQUETTE	ST. HYACINTHE.—This Claim is for a Gun delivered to the Authorities	1	10	0	1	0	0
244...	JOSEPH BISTODEAU	ST. HYACINTHE.—This Claim is for Lodging Troops, and Effects pillaged by them	116	17	6	77	8	11

245...	LOUISE MONDOR, VEUVÉ MARTIN BEAUBIEN	ST. HYACINTHE.—This Claim is for Effects pillaged by the Troops	4	3	6	4	3	6
246...	PIERRE BRODEUR	ST. DOMINIQUE.—This Claim is similar to the last	5	0	0	4	0	0
247...	CECILE CHABOT, WIFE OF JEAN F. TETU	ST. HYACINTHE.—This Claim is for Lodging Troops, and Effects pillaged by them	46	4	4	21	17	1
248...	FRANÇOIS PAPINEAU, Fils	ST. CESAIRE.—This Claim is for Effects pillaged by the Troops	19	1	0	11	1	6
249...	JOSEPH TESSIER	ST. CESAIRE.—This Claim is similar to the last	23	16	0	14	11	3
250...	JEAN MARIE LAROCQUE	ST. HYACINTHE.—This Claim is for a Horse shot at the Battle of St. Charles, taken there by the Claimant's son	10	0	0			
		(Mr. LeBlanc dissenting, because Claimant allowed his son to take the Horse through fear.)						
251...	JOSEPH DERAGON	ST. CESAIRE.—This Claim is for Effects pillaged by the Troops	6	8	0	3	2	8
252...	ANTOINE ARPIN	LAPRESENTATION.—This Claim is similar to the last	2	4	7	2	0	0
253...	PIERRE ARPIN	LAPRESENTATION.—This Claim is for a Gun delivered to the Authorities	1	5	0	1	0	0
254...	ANTOINE COTE	ST. HYACINTHE.—This Claim is for Lodging Troops, and for Effects pillaged by them	64	9	0	20	18	10
255...	EUSEBE BLANCHETTE	ST. CHARLES.—This Claim is for two Horses killed from ill-usage by the Troops.	20	0	0	20	0	0
256...	EUSEBE CARTIER	ST. HYACINTHE.—This Claim is for Clothing, &c., pillaged by the Troops	38	0	8	22	9	5
257...	PIERRE BOULE	LAPRESENTATION.—This Claim is for a Horse and Carriole Robe pillaged by the Troops	22	0	0	16	5	0
258...	JEAN ISAAC TALON dit LESPERANCE	LAPRESENTATION.—This Claim is for a Horse, &c., pillaged by the Rebels	76	0	0	30	10	0
259...	ALEXANDER LEBLANC	ST. PIE.—This Claim is for Effects pillaged by the Troops, but is not proved	4	11	4			
260...	JOSEPH MEUNIER dit BELROSE	ST. CESAIRE.—This Claim is for a Gun taken by the Rebels	2	0	0	1	10	0

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
261...	GODFROY RAYMOND dit BLANCHARD	ST. HYACINTHE.—This Claim is for Lodging Troops, and Effects pillaged by them	41	12	6	9	13	4
262...	EDOUARD ARPIN	LAPRESENTATION.—This Claim is for a Horse and Gun taken by the Troops ..	10	0	0	0	0	0
263...	JOSEPH FICHETT	ST. HYACINTHE.—This Claim is for Lodging Troops and Effects pillaged by them	16	0	0	4	9	0
264...	JOSEPH PALARDY	ST. HYACINTHE.—This Claim is for Effects pillaged by the Troops	10	19	0	5	18	9
265...	JEAN BAPTISTE LALU dit LAMONTAGNE	ST. HYACINTHE.—This Claim is similar to the last	15	3	0	10	8	0
266...	MICHEL ROCQUE	ST. HYACINTHE.—This Claim is for a Gun delivered to the Authorities	1	10	0	1	0	0
267...	JOSEPH BLANCHETTE ..	ST. HYACINTHE.—This Claim is similar to the last	1	10	0	1	0	0
268...	HUBERT HARNOS	ST. HYACINTHE.—This Claim is for Property destroyed by the Troops	21	0	0	12	17	6
269...	JUSTINIEN GIROUARD ..	ST. ANTOINE.—This Claim is for Effects pillaged by the Troops	1	9	2	1	9	2
270...	FRANÇOIS MARÇAN dit LAPIERRE	ST. OURS.—This Claim is for Freight of Grain, &c., lost in consequence of his Vessel being detained by the Rebels	35	11	3	10	0	0
271...	ANDRE' LOISELLE	ST. CHARLES.—This Claim is for Effects pillaged by the Troops, but is not proved as to the time of the pillage, nor the amount of the loss	9	16	0			
272...	ANSELME TETRAULT	ST. MARC.—This Claim is for Effects pillaged by the Troops	70	0	0			
273...	VICTOIRE BEAUDRI	(The amount of actual loss suffered has been assessed at the sum of £21 17s. 0d.; but the part taken by the Claimant during the Troubles, in the opinion of the Commission, deprives him of the right to Indemnity under the Act.) Mr. LeBlanc dissenting, for reasons explained in a paper marked No. E.	25	12	5	16	16	5
274...	EMELIE TETRAULT Veuve JOACHIM JACQUES ..	ST. MARC.—This Claim is for Effects pillaged by the Troops						
275...	EDOUARD TETRAULT	ST. OURS.—This Claim is for Destruction and Pillage of Property by the Troops. Enquiry not complete	177	18	8	07	8	8
276...	LOUIS PETIT dit BEAU- CHEMIN	ST. MARC.—This Claim is for Grain, Hay, and other Property, pillaged by the Troops	7	17	0	7	4	0
277...	FRANÇOIS TETRAULT ..	ST. MARC.—This Claim is for Effects pillaged by the Troops	77	19	0	48	0	0
278...	JOSEPH JEANNOTTE, Pere AUGUSTIN ADAM	Returned	255	7	8	183	18	2
279...	MICHEL BACHAND	ST. MARC.—This Claim is for Property and Effects pillaged by the Troops	0	9	11	5	7	2
280...	JEAN BAPTE. MARANDA.	BELCEL.—This Claim is similar to the last	10	0	8	5	3	2
281...	FRANÇOIS BOURRET	ST. CHARLES.—This Claim is similar to the last	5	14	0	4	5	4
282...	OLIVIER VANDANDAIGUE dit GADBOIS	ST. OURS.—This Claim is against Dr. Nelson's Estate, and will appear in the Claim made by the Assignee of the Estate	0	14	2	0	1	0
283...	JULIE DONON Veuve CHRISTOPHE MAR- CHESSAULT	ST. OURS.—This Claim is for Effects pillaged by the Troops	85	4	0	68	5	0
284...	AUGUSTIN JODOIN	ST. OURS.—This Claim is for a Horse-Boat destroyed by the Rebels, and Effects pillaged by the Troops	2	0	0	1	0	0
285...	CELESTE MOUNT, Widow FRANÇOIS MOUNT ..	ST. ANTOINE.—This Claim is for a Gun taken from his house by the Troops	61	10	5			
286...	BASILE MATHIEU	ST. CHARLES.—This Claim is for Pillage by the Troops, and was paid by the Commission under the Ordinance	12	10	0	10	0	0
		(Has, also, a Claim of £100 2s. 11d. against the Estate of Dr. Nelson, which will appear in the Schedule of the Assignees.)						
		ST. OURS.—This Claim is for a Horse killed by the Troops						

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
274...	EMELIE TETRAULT Veuve JOACHIM JACQUES ..	ST. MARC.—This Claim is for Effects pillaged by the Troops						
275...	EDOUARD TETRAULT	ST. OURS.—This Claim is for Destruction and Pillage of Property by the Troops. Enquiry not complete	177	18	8	07	8	8
276...	LOUIS PETIT dit BEAU- CHEMIN	ST. MARC.—This Claim is for Grain, Hay, and other Property, pillaged by the Troops	7	17	0	7	4	0
277...	FRANÇOIS TETRAULT ..	ST. MARC.—This Claim is for Effects pillaged by the Troops	77	19	0	48	0	0
278...	JOSEPH JEANNOTTE, Pere AUGUSTIN ADAM	Returned	255	7	8	183	18	2
279...	MICHEL BACHAND	ST. MARC.—This Claim is for Property and Effects pillaged by the Troops	0	9	11	5	7	2
280...	JEAN BAPTE. MARANDA.	BELCEL.—This Claim is similar to the last	10	0	8	5	3	2
281...	FRANÇOIS BOURRET	ST. CHARLES.—This Claim is similar to the last	5	14	0	4	5	4
282...	OLIVIER VANDANDAIGUE dit GADBOIS	ST. OURS.—This Claim is against Dr. Nelson's Estate, and will appear in the Claim made by the Assignee of the Estate	0	14	2	0	1	0
283...	JULIE DONON Veuve CHRISTOPHE MAR- CHESSAULT	ST. OURS.—This Claim is for Effects pillaged by the Troops	85	4	0	68	5	0
284...	AUGUSTIN JODOIN	ST. OURS.—This Claim is for a Horse-Boat destroyed by the Rebels, and Effects pillaged by the Troops	2	0	0	1	0	0
285...	CELESTE MOUNT, Widow FRANÇOIS MOUNT ..	ST. ANTOINE.—This Claim is for a Gun taken from his house by the Troops	61	10	5			
286...	BASILE MATHIEU	ST. CHARLES.—This Claim is for Pillage by the Troops, and was paid by the Commission under the Ordinance	12	10	0	10	0	0
		(Has, also, a Claim of £100 2s. 11d. against the Estate of Dr. Nelson, which will appear in the Schedule of the Assignees.)						
		ST. OURS.—This Claim is for a Horse killed by the Troops						

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
287...	PRUDENT MALOT.....	BELCEIL.—This Claim is against Dr. Nelson's Estate, and will appear in the Schedule of the Assignees	2	10	0	1	10	0
288...	JEAN BLANCHET.....	ST. CHARLES.—This Claim is for a Gun delivered to the Authorities	225	15	10	180	15	0
289...	APOLINE BOURKE, VEUVE ANTOINE DAIGLE ..	ST. OURS.—This Claim is for Property pillaged by the Troops .. <i>(Revoled.)</i>	73	18	0	24	5	0
290...	JEAN BAPTE MIGNAULT	ST. DENIS.—This Claim is for Guns and other Effects pillaged by the Troops ..	551	7	2	248	2	4
291...	BEAUDRAULT & GERVAIS	ST. DENIS.—This Claim is for Merchandize and Effects pillaged by the Troops ..	30	10	5	27	16	2
292...	DENIS RICHER DT LA- FLECHE.....	ST. MARC.—This Claim is for Effects pillaged by the Troops.....	70	10	0	36	10	7
293...	JOSEPH EDOUARD MIG- NAULT	ST. DENIS.—This Claim is similar to the last .. <i>[Case resumed hereafter.]</i>	396	9	0	250	14	7
294...	LOUIS GUEROUT	ST. DENIS.—This is against Dr. Nelson's Estate, and will appear in the Schedule of the Assignee.....	20	13	2	15	3	8
295...	JOSEPH & JEAN CHE- NETTE	ST. DENIS.—This Claim is similar to last.....	15	11	3	11	10	1
296...	LOUIS PAGE	ST. DENIS.—This Claim is for Property and Effects pillaged and destroyed by the Troops	53	18	4	44	7	1
297...	JOSEPH COURTEMANCHE	ST. DENIS.—This Claim is for Effects pillaged by the Troops .. <i>[Case resumed hereafter.]</i>						
298...	JOSEPH GALIPEAU	BELCEIL.—This Claim is similar to the last						
299...	LOUIS DUCLOS	BELCEIL.—This Claim is similar to the last.....						

300... JOSEPH FOURNIER DT
PREFONTAINE

BELCEIL.—This Claim is similar to the last.
(The amount of actual loss suffered has been assessed at the sum of ..£84 2s. 6d.
This is a Claim for Pillage by the Dragon Guards. Information had been given to Colonel Cathcart that the Claimant had fifty stands of Arms concealed on his premises. The Colonel himself went to the Claimant's house to obtain them, telling him that if he did not deliver them up he would be pillaged.
The Claimant denied the possession of the Arms. Sometime after which, the Dragons did pillage him to the amount assessed.
The Claimant, in his examination, admits that, about the same time that the party were going to take Sorel, he went into the Concession of Chambly, between three and four leagues from Belcoil, where there was a party of about 200 assembled, expecting to meet Dr. Robert Nelson, with a party from the States, when they would take the Fort of Chambly. The 200 men were principally from Belcoil and the 10th Concession of Chambly.
The Claimant had another Farm at Belcoil, which was also pillaged; this was farmed on halves. The Farmer says in his evidence—"He had the Farm on halves. It was the property of Mr. Prefontaine, (the Claimant in this case), who was one of the Leaders of the Rebels, and the Soldiers told him that it was because it was Prefontaine's property that they pillaged him."
It is evident to the Commission that the Claimant brought this Pillage on himself by his own offences, and his Claim for Indemnity is rejected.)
Dissentient—Mr. LeBlanc, for reasons explained in a paper marked No. F.

301...	SIMEON RICHER	ST. DENIS.—This Claim is similar to the last	24	0	5	20	1	4
302...	FRANÇOIS MODESTE LE- MIRE	ST. CHARLES.—This Claim is for Clothing and Effects pillaged by the Troops .. <i>[Case resumed hereafter.]</i>	54	4	0	35	4	0
303...	JEAN BAPTISTE CORMIER	ST. CHARLES.—This Claim is similar to the last	21	10	0	15	0	0
304...	ANTOINE LEDUC, FRS ..	ST. CHARLES.—This Claim is similar to the last .. <i>[Case resumed hereafter.]</i>	50	14	2	34	9	11
305...	FRANÇOIS LAJOIE	ST. DENIS.—This Claim is similar to the last	1	15	10	1	15	10
306...	BENJAMIN RICHER	ST. DENIS.—This Claim is similar to the last	39	1	8	27	12	11
307...	ANTOINE ST. JACQUES..	ST. DENIS.—This Claim is similar to the last	28	16	2	14	10	8
308...	JEAN BAPTISTE PLOUFFE	ST. OURS.—This Claim is for Effects pillaged by the Troops	13	0	10	12	7	0

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
309...	JEAN BAPTE. TETRAULT DIT DUCHARME	ST. DENIS.—This Claim is for a House and Effects burned by the Troops [Case resumed hereafter.]	61	18	7	50	18	0
310...	ANDRE' LAMOTTE	ST. ANTOINE.—This Claim is for a Gun delivered to the Authorities	1	10	0	1	0	0
311...	JOSEPH CHARPENTIER	ST. DENIS.—This Claim is for Property Pillaged and Destroyed by the Troops .. The amount of actual loss has been assessed at the amount of.....£40 7s. 3d. (This Claim was rejected by the Commission under the Ordinance 1st Vic. cap. 7, on the ground that the Claimant was at the Battle of St. Denis, and fired on the Queen's Troops.)—Rejected. Dissentient—Mr. Hanson, for reasons explained in full in a paper attached to the Judgments, marked No. A. Mr. LeBlanc, <i>idem</i> , in a paper marked No. G.	68	5	0			
312...	CARTIER & RAYMOND	ST. HYACINTHE.—This Claim is for Merchandise pillaged by the Troops at St. Denis.....	233	0	5	223	2	11
313...	JOSEPH QUAI DIT DRAGON	ST. DENIS.—This Claim is for Buildings, and their contents, burnt by the Troops on the farm formerly the property of Captain Jalbert	461	18	7			

314...	ANDRE' JANET DIT BEAUREGARD	ST. DENIS.—This Claim is for Effects pillaged by the Troops	33	11	0	21	10	2
315...	ALEXANDER CHOQUET	ST. DENIS.—This Claim is against the Estate of Dr. Nelson, and will appear in the Schedule of the Assignees	11	1	11	8	11	5
316...	LOUIS DUDEVOIR	ST. DENIS.—This Claim is for Effects pillaged by the Troops.....	12	10	7	8	7	5
317...	JOSEPH PHANEUF	ST. DENIS.—This Claim is similar to the last	5	0	0	3	0	0
318...	PIERRE CHEVAL DIT ST. JACQUES	ST. ANTOINE.—This is for a Sword delivered to the Authorities	3	5	0	3	0	0
319...	MARIE LOUISE BOYER, VEUVE MICHEL BRIEN	ST. DEMERS.—This Claim is for Effects pillaged by the Troops	18	11	2	11	18	8
320...	MARIE JOSEPHTE BRIEN DIT DUROCHER, VEUVE AUGUSTIN BONIER	ST. OURS.—This Claim is similar to the last	35	10	4	15	2	8
321...	JEAN BAPTE. BERNARD, PERE	BELCEIL.—This Claim is for Lodging Troops, and Effects pillaged by them	5	7	6	2	5	0
322...	JOSEPH MALBCEUF	ST. DENIS.—This Claim is for Effects pillaged by the Troops	11	7	6			
323...	DR. JACQUES DORION	ST. OURS.—This Claim is against the Estate of Dr. Nelson, and will appear in the Schedule of the Assignees						
324...	THOMAS LAFLAMME	ST. DENIS.—This Claim is similar to the last.....						
325...	FRANÇOIS CORMIER	ST. OURS.—This Claim is similar to the last						
326...	VICTOR JALBERT.....	ST. DENIS.—This Claim is for Effects pillaged by the Troops	11	7	6	7	8	0

tion of any cases which may have been reported upon by the Commission formerly appointed to examine into the Rebellion Losses," and they unhesitatingly declare that they would not if they could.—Rejected.
Dissentient—Mr. Hanson, for reasons explained in full in a paper attached to the Judgments, marked No. B. Mr. LeBlanc, *idem*, in a paper marked No. H.
ST. DENIS.—This Claim is for Effects pillaged by the Troops

ST. DENIS.—This Claim is against the Estate of Dr. Nelson, and will appear in the Schedule of the Assignees

ST. DENIS.—This Claim is for Effects pillaged by the Troops.....

ST. DENIS.—This Claim is similar to the last

ST. ANTOINE.—This is for a Sword delivered to the Authorities

ST. DEMERS.—This Claim is for Effects pillaged by the Troops

ST. OURS.—This Claim is similar to the last

BELCEIL.—This Claim is for Lodging Troops, and Effects pillaged by them

ST. DENIS.—This Claim is for Effects pillaged by the Troops

ST. OURS.—This Claim is against the Estate of Dr. Nelson, and will appear in the Schedule of the Assignees

ST. DENIS.—This Claim is similar to the last.....

ST. OURS.—This Claim is similar to the last

ST. DENIS.—This Claim is for Effects pillaged by the Troops

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
327...	ANDRE' COURTEMANCHE	ST. DENIS.—This Claim is similar to the last (The amount actually lost has been assessed at the sum of £7 10s. 3d. The Claimant, on his examination, admitted that he was in Arms with the party at Madame St. Germain's, at the Battle of St. Denis, on the 23rd November, 1837, and, in the opinion of the Commission, is not entitled to claim Indemnity.—Rejected, Mr. LeBlanc dissenting, for reasons explained in full in a paper attached to the Judgment, marked No. I.	12	8	0	12	8	0
328...	JOSEPH BRODEUR	ST. ANTOINE.—This Claim is similar to the last.	7	8	8	5	1	3
329...	JOSEPH BELANGER (HENS OF)	ST. DENIS.—This Claim is for House, Barns, and their contents, burnt by the Troops	130	2	2	90	6	7
15...	HARVEY HUXLEY	Case resumed. (Upon a further and more mature deliberation, the Commissioners have received and revised this Judgment, taking into consideration the international relations between this Province and the neighboring States at peace, as well as the right which a friendly power has to the protection of the property of its citizens within our boundary from the aggressive acts of our own subjects; that that property was liable to all the imposts that it might have been, or may be, subject to. We have invoked the spirit of the Act in order to bring this just Claim within its evident intention. We have, therefore, awarded the amount of the loss sustained.)	112	3	4	112	3	4
148...	JOSEPH O'CLAIRE	Case resumed.— (This Claim was not entertained by the first Commission, and the reason is in the following words:—"The Claimant, in the opinion of the Commissioners, does not come under the class of Loyalists for whose special relief the Ordinances of the 1 & 2 Vic. caps. 7 & 35, were framed." The Commissioners are directed to abstain from entering into the consideration of any cases reported on by the Commission formerly appointed to examine into the Rebellion Losses. If this refusal to entertain the Claim be deemed a rejection, it is fatal to the Claimant. The evidence before that Commission went to the extent to prove only that the Claimant was not a friend to the Government, and that he gave						

330...	LOUIS GENDREAU	ST. DENIS.—This Claim is for Property pillaged by the Troops.	6	13	2	5	8	5
331...	FRANÇOIS MENARD	ST. DENIS.—This Claim is similar to the last. The amount of actual loss suffered has been assessed at the sum of £10 9s. 8d. (But the part taken by the Claimant, during the Rebellion, in the opinion of the Commission, deprives him of the right to Indemnity under the Act.) Dissentient—Mr. LeBlanc, for reasons explained by him in full in a paper attached to the Judgment, and marked No. K.	18	3	3			
332...	MARIE ANNE DESAUTELS, VEUVE AMABLE MALETTE	ST. DENIS.—This Claim is similar to the last, but not proved.	2	10	3			
333...	PIERRE HALLER	ST. ANTOINE.—This Claim is for Arms and Provisions taken by the Troops, but is not proved	5	7	6			
334...	FRANÇOIS PIE JALBERT.	ST. DENIS.—This Claim is for Property burned by the Troops The amount of actual loss suffered has been assessed at the sum of £105 18s. 3d. (But the part taken by the Claimant, during the Rebellion, in the opinion of the Commission, deprives him of the right to Indemnity under the Act.) Dissentient—Mr. LeBlanc, for reasons explained in full in a paper attached to the Judgment, marked No. L.	157	11	0			
335...	SCHOLASTIQUE MON-JEAU, VEUVE JOSEPH DUDEVOIR	ST. ANTOINE.—This Claim is for Property pillaged by the Troops	28	6	7	8	17	2
336...	ADELE BOURDAGES, VEUVE CHARLES OLIVIER	ST. DENIS.—This Claim is similar to the last	15	2	0	10	0	0

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
337...	OLIVIER CHAMARD.....	ST. DENIS.—This Claim is for Merchandize and Effects pillaged by the Troops	600	15	0			
		(The enquiry is not complete.)						
274...	EMELIE TETRAULT, VEUVE JOACHIM JACQUES..	Case resumed. (Amount proved, £246, and the Claimant is entitled, by her marriage contract, to one half, being <i>en communauté</i> , and all the debts due by the <i>communauté</i> having been discharged by the Claimant. Before the first Commission both husband and wife claimed for				123	0	0
		£751 4s. 1d.) The Claim of the husband was rejected at once on the ground "that he was one of the most notorious traitors in St. Charles." The Claim of the wife was withdrawn because she was not <i>séparée de biens</i> , and their husband living. The Commissioners hesitated as to their right to receive a Claim already adjudged by their predecessors; but as the Claimant was by that Commission permitted to withdraw her Claim on the ground that she was not then in a position to claim it, which, by the death of her husband, she now is, the Commissioners deem it but right to award to her that portion she, by her widowhood, would have been, and now is, entitled to						
338...	LOUIS BRODEUR	ST. DENIS.—This Claim is for Property and Effects pillaged and destroyed by the Troops	110	14	9	77	18	9
		Mr. Simpson dissenting.						
339...	FRANÇOIS XAVIER LE- NOIR DIT ROLLAND..	ST. DENIS.—This Claim is similar to the last	50	9	10			
		The amount of actual loss suffered has been assessed at						
		£27 8s. 9d. (But the part taken by the Claimant, during the Rebellion, in the opinion of the Commission, deprives him of the right to Indemnity under the Act.) Dissentient—Mr. LeBlanc, for reasons explained by him in full in a paper attached to the Judgments, marked No. M. Mr. Hanson <i>idem</i> , in a paper marked No. C.						
340...	CHARLES VALIN, TUTOR TO CHARLES AND ROSE FRECHETTE.....	ST. DENIS.—This Claim is for a Horse shot	10	0	0	10	0	0
341...	PIERRE TETRO DIT DU- CHARME	ST. DENIS.—This Claim is for Effects pillaged by the Troops	7	10	0	5	5	3
342...	ALEXIS AYOTTE, PERE ..	ST. DENIS.—This Claim is similar to the last	13	12	0	12	4	6
343...	LOUIS GRENON.....	ST. DENIS.—This Claim is for Pork taken by the Troops	2	15	0	2	15	0
344...	JOSEPH BOUSQUET.....	ST. DENIS.—This Claim is for Effects pillaged by the Troops	17	18	4			
		The amount of actual loss suffered has been assessed at the sum of £12 4s. 6d. (But the part taken by the Claimant's conduct during the Rebellion, in the opinion of the Commission, deprives him of the right to Indemnity under the Act.) Dissentient—Mr. LeBlanc, for reasons explained by him in full in a paper attached to the Judgments, marked No. N.)						
345...	JACQUES DESNOYERS ..	ST. ANTOINE.—This Claim is similar to the last	4	19	6	3	9	6
346...	JEAN BAPTISTE MAILLET	ST. DENIS.—This Claim is for Property pillaged and destroyed, but is neither proved by the Claimant nor Witness to the satisfaction of the Commission, nor according to the Act.	259	9	7			
347...	LOUIS CHAGNON DIT LAROSE.....	ST. MARC.—This Claim is for Effects pillaged by the Troops	16	9	2	4	5	0
348...	SCHOLASTIQUE CHENET, VEUVE JOS. LEBLANC..	ST. DENIS.—This Claim is similar to the last	14	18	8	12	11	9
151...	EUGENE TALHAM	Case resumed:— (The Claimant described himself as of Varennes in the Claim before us, but lived in Longueuil at the time of his loss during the Rebellion. The Claimant was rejected by the first Commission under the Ordinance, on the ground that the Claimant was one of the party who rescued the Prisoners at Longueuil on their route to the Jail of Montreal, whilst under the guard of the Provincial Dragoons. It was only after the adjudication of his Claim that the Commissioners discovered that the Claimant, in both Claims, is one and the same person. They, therefore, withdraw their award of						
		£11 5s. 0d.) (Dissentient—Mr. LeBlanc, for reasons explained in a paper marked No. O.)						
276...	LOUIS PETIT DIT BEAU- CHEMIN	ST. MARC.—Case resumed:— (The Claimant acknowledged, under Oath before their predecessors under the Ordinance 1 Vic. cap. 7, the following declaration:—"Je dis ouvertement que je n'ai été ni d'un côté ni d'un autre, ni en faveur du Gouvernement ni contre le dit Gouvernement, je n'ai jamais cherché à dissuader les Rébelles d'agir contre le Gouvernement,"						

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
276...	LOUIS PEYIT dit BEAU-CHEMIN							
289...	APOLINE BOURQUE, VEUVÉ—ANTOINE DAIGLE.....	<p><i>Continued.</i> I say without concealment that I was neither on one side nor on the other; not in favor of the Government nor against it; that I never endeavoured to dissuade the Rebels from taking part against the Government. The first Commission rejected the Claim, and we, in conformity with our instructions, abstain from entering into a case already reported on by that Commission, and hereby revoke our award. Deduct from the award column £7 4s. 6d. (Dissentient—Mr. LeBlanc, for reasons explained in a paper marked No. P.)</p> <p>ST. OURS.—Resumed:— (The Claimant is the Widow of Antoine Daigle, who himself claimed the same amount before the Commission under the Ordinance 1 Vic. cap 7. They rejected that Claim. The Claimant admitted before that Commission that he, in the month of September or October, returned his Commission of Captain of Militia, and Judge of Small Courts, to the Governor, Lord Gosford, some time before the Troubles. He admits, also, that he suffered bullets to be cast in his kitchen by three or four young men. These young men were strangers and did not live in his house. On their arrival, they said to me—"We are going to cast some bullets." The reply was—"Do as you please." They did not tell me why they were going to cast these bullets, but I suppose they were to resist the Government. It is also proved by a Witness that when the steamboat "Varences" arrived opposite St. Ours, on the 23rd November, many persons fired upon it. The Witness says the Claimant was present as well as himself; but that, he adds, that he does not know whether the Claimant encouraged the firing or endeavored to hinder it. The Claimant alleges fear as to the reason of all his conduct; this way the rejection escaped the vigilance of the Commissioners, and they now revoke their award, saving to the Widow all the right she may be enabled to claim under the peculiar circumstances of the case. The case will be submitted for the opinion of the Crown Law Officers whether the case was extinct then or revived under the Act 12 Vic. cap. 58.) Deduct amount of award £130 15s. 0d. (Dissentient—Mr. LeBlanc, for reasons explained in a paper marked No. Q.)</p>						

293...	J. E. MIGNAULT	<p>Case resumed:— (This is another Claim rejected by the Commission under the Ordinance 1 Vic. cap. 7, which escaped the vigilance of the Commission, and, as in all such cases, they have revoked their award.) Deduct from the award column £36 10s. 7d. (Dissentient—Mr. LeBlanc, for reasons explained in</p>					
297...	JOSEPH COURTEMANCHE.	<p>Case resumed:— (This is another Claim rejected by the Commission under the Ordinance 1st Vic. cap. 7, for the reason in like cases assigned before that Commission; the Claimant admitted that he arrived from Quebec on the 24th November, 1837, and, as all the inhabitants of the Village were under arms, he mounted guard with the rest up to the Battle of St. Charles. The object of mounting guard was, he adds, to prevent the Troops from entering the Village of St. Denis. A witness in the employment of the Claimant, says that, having been commanded to join the Battle of St. Denis, he did so; that, on the evening after the Battle, he returned to the Claimant's house, and found the dead body of a Soldier near the stove; he went out and closed the door, and some time after he returned, with another, to remove the body and found the door open, but the body had been carried away. The Commissioners, for the reasons assigned in similar cases, refuse to entertain the Claim, and their award is hereby revoked.) Deduct £15 3s. 3d. (Dissentient—Mr. LeBlanc, for reasons explained in a paper marked No. S.)</p>					
302...	FRANÇOIS M. LEMIRE	<p>Case resumed:— (This is another Claim rejected by the Commission under the Ordinance 1st Vic. cap. 7, in the following terms:— "This person's Claim is rejected as not coming within the terms of the Ordinance. " In the opinion of the Commissioners, the Claimant is liable to an indictment for perjury, in having sworn that he never set foot in the camp of St. Charles, in November, 1837.") Their award is now revoked for the reasons assigned in similar cases, and deduct the amount awarded..... £35 4s. 9d. (Dissentient—Mr. LeBlanc, for reasons explained in a paper marked No. T.)</p>					
304...	ANTOINE LEDUC, Fils	<p>Case resumed:— (This is another Claim rejected by the Commission under the Ordinance 1 Vic. cap. 7. For the reasons assigned in similar cases, the amount of award is hereby revoked.) Deduct £34 9s. 11d. (Dissentient—Mr. LeBlanc, for reasons explained in a paper marked No. U.)</p>					

REPORT OF AWARDS accompanying the Report of the Commissioners under the 12th Vic. cap. 58, &c.—(Continued.)

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
309...	J. B. TETRAULT dit DUCILARNE	Case resumed :— (This is another Claim rejected by the Commission under the Act 1 Vic. cap. 7. The Claimant admitted before them that he was at the house Madame St. Germain on the day of the Battle of St. Denis; that he was armed, but fired one shot only.) The award made by us is revoked, and amount deducted £56 11s. 9d. Dissentient—Mr. LeBlanc, for reasons explained in a paper marked No. V.	19688	17	2	7809	18	7

Claims amounting to Nineteen thousand six hundred and eighty-three pounds, seventeen shillings and two pence, and Awards to Seven thousand eight hundred and nine pounds, eighteen shillings and seven pence.

(Signed,) P. H. MOORE,
JAMES VIGER, } Commissioners.
JOHN SIMPSON.

COMMISSIONERS OFFICE,
Beauharnois, 20th May, 1851.

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
349...	AMABLE PION	Amount brought forward from First Report.....	10088	17	2	7800	18	7
350...	JEAN BAPTISTE PAQUET, PERE	DAIE DU FEBVRE.—This Claim is for Effects pillaged by the Troops, but is not proved	5	0	8			
		ST. ANTOINE.—This Claim is similar to the last	3	5	0	2	3	0

351...	FRANCOIS VANDAN—DAIGUE dit GADBOIS..	ST. DENIS.—This Claim is similar to the last..... The amount of actual loss suffered has been assessed at the sum of £93 16s. 2d. (But the part taken by the Claimant during the Rebellion, in the opinion of the Commissioners, deprives him of the right of Indemnity under the Act.) Dissentient—Mr. LeBlanc, for reasons explained by him in full in a paper attached to the Judgments, marked No. W.	48	19	5			
352...	JEAN BAPTISTE VANDAN—DAIGUE dit GADBOIS..	ST. DENIS.—This Claim is similar to the last.....	17	7	5	11	17	2
353...	SIMON JUSSAUME	CONTRECEUR.—This Claim is similar to the last	28	17	8	24	0	5
354...	CHRISTOPHE PHANEUF	ST. DENIS.—This Claim is for Effects pillaged by the Troops	23	5	0	10	4	11
355...	FRANCOIS XAVIER LA—FORCE	ST. DENIS.—This is similar to the last	12	15	0			
		The amount of actual loss suffered has been assessed at the sum of £6 16s. 8d. (But the part taken by the Claimant during the Rebellion, in the opinion of the Commissioners, deprives him of the right of Indemnity under the Act.) Dissentient—Mr. LeBlanc, for reasons explained in full in a paper attached to the Judgments, marked No. X.	62	4	2			
356...	HEUS OF JEAN BAPTISTE MASSE	ST. DENIS.—This Claim is for Lodging Troops, and for Effects pillaged and destroyed by them						
		(This Claim is not proved either according to the Act or to the satisfaction of the Commission, and is rejected by them, also as it was by the first Commission, in consequence of the late Jean Baptiste Massé, the Claimant's father, having acknowledged, under oath, before the first Commission, his participation in the Rebellion, and his having been armed on the day of the Battle of St. Denis.) Dissentient—Mr. Hanson, for reasons explained in full in a paper attached to the Judgments, marked No. G.; and Mr. LeBlanc, <i>idem</i> , in a paper marked Y.	19	18	10	15	19	3
357...	PIERRE LAMOTHE	ST. DENIS.—This Claim is for Effects pillaged by the Troops						
358...	DAVID GUERTIN	ST. DENIS.—This Claim is similar to the last.—Pillaged by the Troops in December, 1838	8	10	0			
		The amount of actual loss suffered has been assessed at the sum of ..£5 4s. 7d. (But the part taken by the Claimant at the Battle of St. Denis, in November, 1837, in the opinion of the Commission, deprives him of the right to Indemnity under the Act.) Dissentient—Mr. Hanson, for reasons explained in full in a paper attached to the Judgments, marked No. D. And Mr. LeBlanc, <i>idem</i> , in a paper marked No. Z.						

No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
359...	MICHEL RICHARD	ST. DENIS.—This Claim is for 8 minots of Oats pillaged by the Troops.....	0	13	4	0	10	0
360...	MARIE BRIAIRE, VEUVE J. BAPTE. BOYARD	ST. DENIS.—This Claim is for Effects pillaged by the Troops	2	0	10	2	0	10
361...	LIEDWIGE VALIN, VEUVE CHARLES PICARD DES TROIS MAISONS.....	ST. HYACINTHE.—This Claim is for Cordwood burnt by the Troops	202	10	0	38	15	10
362...	MARGUERITE MONTIGNY, VEUVE PIERRE PAQUET	ST. DENIS.—This Claim is for Effects pillaged by the Troops.....	8	14	0	8	12	0
363...	MARIE MINEYTE	ST. DENIS.—This Claim is similar to the last	5	12	0	4	8	0
364...	MARIE BLUMHART, VEUVE JOSEPH HALLER	ST. ANTOINE.—This Claim is for Lodging Troops and for 3 Guns delivered to the Authorities	11	11	2	0	11	2
365...	ROSALIE BOUNIER, VEUVE FRA. T. MIGNAULT	ST. DENIS.—This Claim is for Effects pillaged by the Troops.....	115	15	4	38	7	4
366...	GEDEON CORMIER	ST. ANTOINE.—This Claim is for Effects pillaged by the Troops	7	4	10			
367...	DENIS BOUSQUET	ST. DENIS.—This Claim is for Effects pillaged by the Troops..... (The Claim is rejected by the Commission, as it was by the former one, from Claimant's acknowledgment that he was armed at the Battle of St. Denis.) Dissentient.—Mr. Hanson, for reasons explained by him in full in a paper attached to the Judgments, marked No. E.; and Mr. LeBlanc, paper marked No. 2.	20	18	0			

368...	JOSEPH BOUSQUET.....	ST. DENIS.—This Claim is similar to the last	4	5	0	4	5	0
369...	HEIRS OF THE LATE FRANCOIS CHICOU DUVERT, M.D.	ST. CHARLES.—This Claim is for Property and Effects pillaged and destroyed by the Troops	210	11	0			
370...	LOUIS BRODEUR	(This Claim was rejected by the former Commission, 1 Vic. cap. 7, on the deposition of a witness summoned before them, which is in the following terms:—"I am a farmer to Dr. Duvert. Two or three days before the battle of St. Charles, the Doctor told me he had put his gun in order for me. I understood by this that he offered it to serve in the Camp of St. Charles against Her Majesty's Troops; a servant of the Doctor, Esther Bousquet, also told me, the morning of the Battle, that the Doctor kept his gun for me. I answered her, the Doctor may lend his gun to whom he pleases. I know that the Doctor did lend his gun to a person of the name of Augustin Duthilly, of St. Mare; that he, Duthilly, was at the Battle of St. Charles, and fought against Her Majesty's Troops. The said Duthilly said, after the Doctor was liberated from Prison, and in my presence, I have still the gun you lent me." This Claim is therefore disallowed, in conformity with the instructions to abstain from the consideration of all Claims reported on by that Commission.) Dissentient.—Mr. Hanson, for reasons explained in full by him in a paper attached to the Judgments, marked No. F.; and Mr. LeBlanc, <i>idem</i> , in a paper marked No. 8.	30	10	10			
371...	ESTHER TETRAULT.....	ST. CHARLES.—This Claim is for Effects pillaged by the Troops	11	4	2	8	11	1
372...	MARIE PERRIN dit ST. PIERRE	ST. DENIS.—This Claim is similar to the last.....	1	10	0	1	10	0
373...	IGNACE FORTIER.....	ST. DENIS.—This Claim is similar to the last.....	5	7	0	5	7	0
374...	PIERRE MORIN	ST. DENIS.—This Claim is similar to the last.....	5	1	10	3	12	1
375...	TOUSSAINT CHAMPOUX	ST. ROSALIE.—This Claim is similar to the last, and Lodging the Troops	7	5	5	6	2	11
376...	LEVY LARUE.....	ST. DENIS.—This Claim is for Effects pillaged by the Troops	18	14	0			
		(But from Claimant's acknowledgment that he was voluntarily at the Battle of St. Denis armed, the Commissioners are of opinion that it deprives him of the right to Indemnity under the Act.)						

REPORT OF AWARDS accompanying the Report of the Commissioners under the 12th Vic. cap. 58, &c.—(Continued.)

No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
376...	LEVY LARUE.....	<i>Continued.</i> Dissentient—Mr. LeBlanc, for reasons explained in full by him in a paper attached to the Judgments, and marked No. 5.	4	0	0	2	0	0
377...	TOUSSAINT BOUSQUET..	ST. DENIS.—This Claim is for two Guns, one taken by the Authorities, and the other lost at St. Denis.....	12	10	0			
378...	JOSEPH GERMAIN	ST. OURS.—This Claim is for Effects pillaged by the Troops (This Claim was rejected by the former Commission, 1 Vic. cap. 7, and the claim is, therefore, disallowed, in conformity with the instructions to abstain from the consideration of all Claims reported on by that Commission, also in consequence of Claimant's acknowledging that he was at the Battle of St. Denis armed.) Dissentient—Mr. LeBlanc, for reasons explained by him in full in a paper attached to the Judgments, marked No. 6.	10	11	0	11	6	5
379...	TOUSSAINT PATENAUDE, Fils.....	BELGIL.—This Claim is for Lodging Troops, and Effects pillaged by them	62	10	8	8	6	0
380...	LOUIS MOGE'	ST. OURS.—This Claim is for Effects pillaged by the Troops in November, 1837, and in November, 1838						

381...	CHARLES LeBEAU	ST. DENIS.—This Claim is for Effects pillaged by the Troops.....	8	11	3	0	13	0
382...	HYPOLITE MOGE'.....	ST. OURS.—For Effects pillaged by the Troops.....	52	14	5	10	10	0
218...	FRANÇOIS CINQ MARS..	MILTON.—Case resumed from 1st Report	550	0	0			
		(Awarded, for the Destruction of the Types. The rest of the Claim does not come within the limits of the category as a loss, destruction or damage of property, and is therefore not entertained. The Claimant's Press and Types were taken possession of by military authority, and handed over to the Sheriff for safe keeping; and the Claim is for damage done to the Types, loss by the suspension of his business, in job printing, advertisements, loss of subscribers, &c., during the detention.)				50	0	0
387...	OLIVIER CHAMARD.....	ST. DENIS.—Resumed from 1st Report.....	509	3	0	321	3	7
383...	JEAN BAPTISTE LACROIX	ST. DENIS.—This Claim is for Effects pillaged by the Troops.....	6	5	9	4	10	9
384...	JOSEPH GRAVELLE.....	ST. DENIS.—This Claim is similar to the last.....	2	8	1	1	17	1
385...	JULIEN GAOUET	ST. DENIS.—This Claim is similar to the last	6	17	5	5	6	2
386...	ROSE LUSSIER, VEUVE JO- SEPH MAHEU.....	ST. DENIS.—This Claim is similar to the last	2	3	0	1	15	10
387...	FRANÇOIS GAUDETTE ..	ST. ANTOINE.—This Claim is similar to the last.....	1	6	10	1	0	0
388...	MICHEL CARON.....	ST. ANTOINE.—This Claim is similar to the last.....	1	10	0	1	2	0
389...	FRANÇOIS CARON	[Case resumed <i>hereafter</i> .]						
390...	ABRAHAM PAQUET.....	ST. ANTOINE.—This Claim is similar to the last	8	2	0	5	2	0
391...	JEAN BAPTE GAUDETTE.	ST. ANTOINE.—This Claim is similar to the last	7	0	8	4	0	0
392...	JOSEPH THIBODEAU	ST. DENIS.—This Claim is similar to the last	5	4	4	5	4	4
393...	GEORGE ST. GERMAIN ..	ST. DENIS.—This Claim is for Effects pillaged and burnt by the Troops	97	15	8			
		(But Claimant having acknowledged he was voluntarily at the Battle of St. Denis, he, in the opinion of the Commission, is deprived of the right to Indemnity under the Act.) Dissentient—Mr. LeBlanc, for reasons explained in full by him in a paper attached to the Judgments, and marked No. 8.						

REPORT OF AWARDS accompanying the Report of the Commissioners under the 12th Vic. cap. 58, &c.—(Continued.)

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
394...	JEAN BAPTISTE RENAUD	ST. ANTOINE.—This Claim is for a Gun and Effects pillaged by the Troops	8	10	0	2	10	0
389...	FRANÇOIS CARON	ST. ANTOINE.—This Claim is for Effects pillaged by the Troops	4	18	0	8	6	0
395...	ANTOINE TREMBLAY	CONTRECEUR.—This Claim is for a Gun taken by the Troops	1	15	0	1	15	0
396...	MESMRE FRANÇOIS L. L'HEUREUX (CURE)	ST. HILAIRE.—This Claim is for Lodging Troops, and Effects pillaged by them	239	10	0	117	8	4
397...	AUGUSTIN PERRIN	ST. HILAIRE.—This Claim is for Effects pillaged by the Troops	23	17	4	11	5	1
398...	J. B. E. DUROCHER	ST. CHARLES.—This Claim is for Property and Effects pillaged and destroyed by the Troops	416	7	8			

(This Claim was rejected by the former Commission, under the Ordinance 1 Vic, cap. 7, for Treason.
 The evidence before that Commission was by several parties. The Claimant himself admits that he gave passes to pass General Brown's piquet; that on the day of the Battle of St. Charles, he was present as a spectator as far as the Glacis, (*jusqu'à la côte*) there with a sword, which, he adds, he wore daily (*que je portais journellement*); there were persons to the number of about twenty whom General Brown had ordered to join the Camp, and I went there to protect them, they being unarmed; admits that Ball Cartridges were made in his house, and were distributed in his presence the day before the Battle, but not by him; admits that, in the month of November, he bought about 1000 Flint, six or twelve Bulet Moulds, and the same number of Gun Locks; that he was on the route to St. Denis on the day of the Battle, armed with his sword, but adds, without any intention of using it against the Troops; that about sixty left before him on their way to St. Denis, and that he went to join them, many of whom were armed with guns. When he left St. Charles, he did not know the intention of those sixty, but on overtaking them, they told him they were going to fight the Troops; that he was not Commandant, and had no authority over them; that he was called Captain, and as such under the orders of General Brown, but was not one.
 The Claim is, therefore, rejected.)

Discontent—Mr. LeBlanc, for the reasons explained in full in a paper attached to the Judgments, marked No. 9.	£	22600	11	8	8578	18	8
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Claims amounting to the sum of Twenty-two thousand six hundred and ninety pounds, eleven shillings and eight pence, and Awards to Eight thousand five hundred and seventy-eight pounds, thirteen shillings and eight pence.

N.B.—From which is to be deducted two shillings, being short on the amount of Judgment revised in the case of Jean Baptiste Tetrault.

(Signed,) P. H. MOORE,
 “ J. VIGER, } Commissioners.
 “ JOHN SIMPSON.

COMMISSIONERS' OFFICE,
 Beauharnois, 26th May, 1851.

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
399...	MICHEL CHARRON dit CABANAC	Amount brought forward from last week's Report	22600	11	8	8578	18	8
		VERCHERES.—This Claim is for Effects pillaged by the Troops	13	7	5			
		The amount of actual loss suffered has been assessed at the sum of...£0 8s. 7d. (But Claimant having confessed that he joined the party who marched on Sorel a short time previous, and was in arms for three days, it, in the opinion of the Commission, deprives him of the right to Indemnity under the Act.)						
		Discontent—Mr. LeBlanc, for reasons explained by him in full in a paper attached to the Judgments, marked No. 9.	2	8	4	2	8	4
400...	CHRISTOPHE L'HOUSIER	VARENNES.—This Claim is for Effects pillaged by the Troops	1	0	8	1	2	0
401...	JANVIER BUSSIÈRE	VERCHERES.—This Claim is similar to the last						

REPORT OF AWARDS accompanying the Report of the Commissioners under the 12th Vic. cap. 58, &c.—(Continued.)

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Appendix (V.V.)

A. 1852.

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
402...	FRANÇOIS BRIEN.....	VERCHERES.—This Claim is similar to the last	18	14	7	18	12	10
403...	JOSEPH BEAUREGARD, Fils de FRANÇOIS	VERCHERES.—This Claim is similar to the last	12	10	4	9	14	2
404...	MARGUERITE PEUT, VEUVE JOSEPH AMIOT	VERCHERES.—This Claim is similar to the last	8	19	5	7	0	8
405...	AMABLE TETREAU, VEUVE XAVIER LAROSE	VERCHERES.—This Claim is similar to the last	2	7	0	2	7	0
406...	JACQUES FONTAINE, Fils.	VERCHERES.—This Claim is for Effects pillaged by the Troops. The amount of actual loss suffered has been assessed at the sum of... £2 8s. 0d. (But Claimant having confessed he joined the party who were marching on Sorel a short time previous, it, in the opinion of the Commission, deprives him of the right to indemnity under the Act.) Dissentient—Mr. LeBlanc, for reasons explained in paper No. 10.	3	15	0			
407...	JOSEPH DANSEREAU, Fils de MICHEL	VERCHERES.—This Claim is similar to the last	44	7	0			
408...	LOUIS MONASTESSE	VERCHERES.—This Claim is similar to the last	9	2	0	8	17	4
409...	JEROME BRUNELLE	VERCHERES.—This Claim is similar to the last	7	13	9	5	15	2
410...	XAVIER TETREAU	VERCHERES.—This Claim is for Effects pillaged by the Troops.....	10	2	8	0	10	8
411...	PIERRE ROBERT	VERCHERES.—This Claim is similar to the last	7	14	9	5	2	8
412...	JOSEPH DANSEREAU, Fils de JOSEPH	VERCHERES.—This Claim is similar to the last	5	18	11	4	0	0

16 Victoriae.

Appendix (V.V.)

A. 1852.

413...	MICHEL BEAUREGARD ..	VERCHERES.—This Claim is similar to the last	25	1	1	19	1	9
414...	XAVIER MALHIOT	VERCHERES.—This Claim is for Lodging Troops, and for Effects pillaged by them.	84	0	8	16	0	4
415...	MICHEL LORANGE'	VERCHERES.—This Claim is for Effects pillaged by the Troops	0	13	11	2	18	3
416...	JOSEPH BOURGARD	VERCHERES.—This Claim is similar to the last	5	0	0	3	10	4
417...	FRANÇOIS XAVIER CABAR- NAC dit CHARRON ..	VERCHERES.—This Claim is similar to the last	2	5	0	1	10	0
418...	J. B. R. HERTEL, DE ROUVILLE	SOIREL.—This Claim is for Lodging Troops, and Effects pillaged by them	567	6	4			
		(This Claim was investigated and decided by the Commission under the Act 1 Vic. cap. 7, and their award was in the following words:— "With respect to the claim itself made by DeRouville, it appears, on examination, that its amount, under the Ordinance 1 Vic. cap. 7, and 2 Vic. cap. 35, is about " Four hundred pounds currency, for actual loss sustained." After due consideration, however, of the peculiar circumstances attending the case, the Commissioners are of opinion that, in acknowledgment of services unquestionably rendered to the Government during the Rebellion of 1837 and 1838, the sum of five hundred pounds currency might fairly be paid to the Claimant in lieu of all Claims on the Civil Government, but without prejudice to any other Claim which Mr. DeRouville may have for compensation from the Military Chest.) Awarded, Five hundred pounds currency.						
419...	FRANÇOIS AMIOT	VERCHERES.—This Claim is for Effects pillaged by the Troops.....	14	17	1	0	15	8
420...	JOSEPH MILOTTE.....	VERCHERES.—This Claim is similar to the last	7	9	10	5	1	3
421...	DAVID TETRO dit DU- CHARME	VERCHERES.—This Claim is similar to the last	10	10	7	6	13	11
422...	JOSEPH BONIN	CONTRECEUR.—This Claim is similar to the last	25	14	9	17	7	0
423...	PIERRE MOREAU dit DE- ZORDY	CONTRECEUR.—This Claim is similar to the last	2	5	0	1	18	0
424...	MICHEL LANGEVIN.....	VARENNES.—This Claim is similar to the last, but is not proved	2	11	8			
425...	JOSEPH DESMARAIS	VERCHERES.—This Claim is for Effects pillaged by the Troops, but is not proved	1	12	11			

No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
426...	JEAN BAPTISTE MARTIN	VERCHERES.—This Claim is for a Gun delivered to the Authorities.....	1	5	0	1	0	0
427...	LAMBERT CHICOINE	VERCHERES.—This Claim is for Effects pillaged by the Troops.....	2	0	2	1	1	6
428...	LAMBERT LAPIERRE	VERCHERES.—This Claim is similar to the last	0	18	6	0	11	3
429...	MICHEL BORNE.....	CHAMBLAY.—This Claim is for Forty-two Poplar Trees cut down by the Rebels in November, 1837, and for his House burnt by the Troops, in St. Denis, in November, 1838	28	0	0	13	5	0
431...	JEAN FONTAINE, PERE ..	VARENNES.—This Claim is for Lodging Troops, and Effects pillaged by them.....	14	15	8	10	2	1
432...	MICHEL LUSSIER, PERE ..	VERCHERES.—This Claim is for Effects pillaged by the Troops.....	7	2	9	4	13	10
433...	MICHEL LUSSIER, PERE ..	VARENNES.—This Claim is similar to the last	4	10	10	3	2	3
433...	ALEXIS PINET	VARENNES.—This Claim is for Merchandize and other Property said to have been pillaged by the Troops, in November, 1838, but is not proved	50	16	6	2	17	7
434...	CHARLES BERARD	VERCHERES.—This Claim is for Effects pillaged by the Troops.....	4	13	6	2	8	0
435...	LOUIS CHAGNON	VERCHERES.—This Claim is similar to the last	2	13	11	2	8	6
436...	MICHEL JANET dit BEAU-BEGARD	VERCHERES.—This Claim is similar to the last	2	15	5	2	7	3
437...	TOUSSAINT LAMOREUX	VERCHERES.—This Claim is for a Gun delivered to the Authorities	1	5	0	1	0	0
438...	AMBROISE SENEAL	VERCHERES.—This Claim is for Effects pillaged by the Troops.....	10	8	4	5	18	8
439...	TIMOTHE' BERTRAND.....	VERCHERES.—This Claim is for Property pillaged and destroyed by the Troops. ("Owing to the death of one Witness, and the absence of another in the United States, the Claimant has been unable to establish his Claim by the production of more than one Witness. He, however, referred to the examination of those two	70	12	8	35	18	11

440...	JEAN BAPTISTE PRIVE...	" first mentioned, taken before the Commission under the Act 1 Vic. cap. 7, and which supplies the necessary testimony, and proves, to the satisfaction of the Commission, the Claimant's loss, and right to Indemnity. The former Commission made no report of his case; at least, there is no trace of it.")	3	15	0	2	0	0
441...	JOSEPH DANSEREAU, Fils de FRANÇOIS	VERCHERES.—This Claim is similar to the last	2	2	6	2	0	0
442...	TIMOTHE' DANSEREAU ..	VERCHERES.—This Claim is for Effects pillaged by the Troops.....	10	12	2	8	0	7
443...	LOUIS DANSEREAU	VERCHERES.—This Claim is similar to the last, but not proved.....	3	13	7	2	0	0
444...	PIERRE DUMAIS	VERCHERES.—This Claim is similar to the last	3	4	10	2	0	0
445...	MICHEL BRUNELLE.....	VARENNES.—This Claim is similar to the last	17	12	0	8	15	0
446...	JOSEPH GRENON	CONTRECOEUR.—This Claim is for Effects pillaged by the Troops.....	6	3	10	4	18	1
447...	NARCISSE DUHAMEL dit SANSEAFON	CONTRECOEUR.—This Claim is similar to the last	5	17	6	4	0	0
448...	PAUL GRENON, PERE	CONTRECOEUR.—This Claim is similar to the last	8	0	0	6	8	6
449...	JOSEPH MONGEON	VERCHERES.—This Claim is similar to the last	14	2	6	7	1	4
450...	CLEMENT DANSEREAU ..	CONTRECOEUR.—This Claim is similar to the last, but not proved	16	0	6	2	0	9
451...	LOUIS FISET	CONTRECOEUR.—This Claim is similar to the last	2	11	9	2	0	0
452...	SOPHIE LACROIX, Veuve NOEL GIARD	CONTRECOEUR.—This Claim is for Effects pillaged by the Troops.....	3	3	6	2	0	9
453...	DOROTHE', JULIE ET ADELAIDE, DEVILLERAY.	VARENNES.—This Claim is for a small piece of Ordnance delivered to the Government Store Keeper	2	16	0	2	16	0

REPORT OF AWARDS accompanying the Report of the Commissioners under the 12th Vic. cap. 58, &c.—(Continued.)

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No. of Claim.	NAMES of CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
454...	LEON TETREAU	VERCHERES.—This Claim is for Effects pillaged by the Troops.....	2	0	1	2	0	1
455...	JOSEPH GERMAIN	VERCHERES.—This Claim is similar to the last	8	18	8	0	0	0
456...	JULIE JOACHIM VEUVE ANDRE GERMAIN.....	VERCHERES.—This Claim is similar to the last	5	0	8	3	0	0
457...	ANTOINE JOACHIM.....	VERCHERES.—This Claim is similar to the last	7	5	7	4	0	0
458...	JOSEPH LABOSSIERE	CONTRECEUR.—This Claim is similar to the last	3	15	0	3	0	0
459...	ETIENNE CASSAVANT	VERCHERES.—This Claim is for Effects pillaged by the Troops..... The amount of actual loss has been assessed at the sum of£8 17s. 11d. (But Claimant having acknowledged that he joined the party who marched on Sorel a short time previous, armed, it, in the opinion of the Commission, deprives him of the right to Indemnity under the Act.) Mr. LeBlanc dissenting, for the reasons explained by him in full in a paper attach- ed to the Judgments, No. 15.	14	7	8			
460...	THE ASSIGNEES OF THE ESTATE DR. WOLFRED NELSON.....	ST. DENIS.—This Claim is for the Distillery, and other Property and Effects, burnt and pillaged by the Troops and Volunteers, in November, 1837; but the enquiry in the case being incomplete, the adjudication will be given hereafter. Claims £10,745 15s. 7d.	1	15	0	1	0	0
461...	ANDRE CHICOINE	VERCHERES.—This Claim is for a Gun delivered to the Authorities.....						
462...	VICTOIRE CHAGNON dit LAROSE.....	VERCHERES.—This Claim is for Three Guns delivered to the Authorities, and for Effects pillaged by the Troops	4	5	0	3	0	0
463...	ROBERT LAMOUREUX	CONTRECEUR.—This Claim is for Effects pillaged by the Troops, but not proved	2	1	3			

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464...	JOSEPH GAREAU dit ST. ONGE.....	ST. DENIS.—This Claim is similar to the last	12	10	0	10	0	1
465...	NICOLAS GERVAIS	CONTRECEUR.—This Claim is similar to the last	8	17	0	8	5	0
466...	CATHERINE HAINAULT, VEUVE AMABLE MA- RION	CONTRECEUR.—This Claim is for Effects pillaged by the Troops..... The amount of actual loss suffered has been assessed at£14 1s. 8d., (But in consequence of the witnesses giving evidence that Claimant's late husband went with the party who marched on Sorel a short time previous to the pillage, and was a leader of that party, it, in the opinion of the Commission, deprives Claim- ant of the right to Indemnity under the Act.)—Rejected. Mr. LeBlanc dissenting, for reasons explained by him in full in a paper attached to the Judgments, marked No. 11.	30	10	3			
467...	LOUIS CABANAC, PERE	VERCHERES.—This Claim is for a Gun delivered to the Authorities, and for Bread for the Troops	1	8	0	1	3	0
468...	XAVIER PALARDY	VERCHERES.—This Claim is similar to the last	1	5	0	1	5	0
469...	FRANÇOIS CABANAC.....	VERCHERES.—This Claim is similar to the last	1	7	0	1	0	0
470...	NICOLAS D'ALEP dit PA- RIZEAU	VARENNES.—This Claim is for a Gun delivered to the Authorities	2	0	0	1	10	0
471...	JOSEPHTE CHARBON- NEAU, VEUVE PIERRE V. GERVAIS.....	CONTRECEUR.—This Claim is for Effects pillaged by the Troops..... The amount of actual loss suffered has been assessed at£2 17s. 10d. (But the Witnesses having proved that the Claimant's late husband joined the party who marched on Sorel a short time previous to the pillage, it, in the opinion of the Commission, deprives the Claimant of the right to Indemnity under the Act.) Mr. LeBlanc dissenting, for reasons explained by him in full in a paper attached to the Judgments, marked No. 12.	3	10	10			
472...	ELOI CHAGNON.....	VERCHERES.—This Claim is for Effects pillaged by the Troops	1	10	5	1	7	7
473...	HEIRS OF WIDOW FRANÇOIS CHAGNON PER JEAN FONTAINE	VERCHERES.—This Claim is similar to the last.....	5	17	5	4	0	2

No. of Claim.	NAMES of CLAIMANTS.	P L A C E of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
474...	JOSEPH LABOSSIERE, Fils DE JOSEPH	CONTRECEUR.—This Claim is similar to the last	5	4	2	3	7	8
475...	FRANÇOIS GERVAIS	CONTRECEUR.—This Claim is similar to the last	4	0	0	3	18	0
		£	24737	12	10	0034	8	0

(Signed,) P. H. MOORE,
" J. VIGER,
" JOHN SIMPSON,
" W. C. HANSON. } Commissioners.

BEAUFARNOIS, 2nd June, 1851.

No. of Claim.	NAMES of CLAIMANTS.	P L A C E of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
476...	ANTOINE GERVAIS, PAR OLIVIER GERVAIS	Amount brought forward from Report dated 2nd June, 1851..... CONTRECEUR.—This Claim is for Effects pillaged by the Troops	30	15	0	0034	8	0
		The amount of actual loss suffered has been assessed at the sum of ..£31 8s. 0d. (But Claimant having acknowledged that he joined the party who marched on So- rel a short time previous, which is corroborated by the witnesses, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.) Dissentient—Mr. LeBlanc, for reasons explained in full in a paper attached to the Judgments, marked No. 17.						
477...	OLIVIER HUBERT.....	CONTRECEUR.—This Claim is for Lodging Troops and Effects pillaged by them. The amount of actual loss suffered has been assessed at the sum of ..£4 5s. 7d. (But Claimant having voluntarily confessed that he joined the party who marched	5	18	10			

478...	LAURENT HUBERT	on So-rel, a short time previous, it, in the opinion of the Commission, deprives him of the right to Indemnity under the Act.) Dissentient—Mr. LeBlanc, for reasons explained in full in a paper attached to the Judgments, marked No. 18.	3	8	8			
479...	CLEMENT CHABOT	CONTRECEUR.—This Claim is for Effects pillaged by the Troops.....	5	4	0			
480...	BAPTISTE LESCAUT	The amount of actual loss suffered has been assessed at the sum of ..£1 10s. 0d. (But Claimant having acknowledged that he joined the party who marched on So- rel, a short time previous, it, in the opinion of the Commission, deprives him of the right to Indemnity under the Act.) Dissentient—Mr. LeBlanc, for reasons similar to the last.	3	10	0	2	0	0
481...	JOSEPH DAUNAIS	CONTRECEUR.—This Claim is for Effects pillaged by the Troops.....	3	11	0	3	1	8
482...	JEAN MOREAU DEZORDY	CONTRECEUR.—This Claim is similar to the last	4	18	0			
		(But Claimant having acknowledged he joined the party who marched on So-rel, a short time previous, it, in the opinion of the Commission, deprives him of the right to Indemnity under the Act.) Dissentient—Mr. LeBlanc, for reasons similar to No. 478.	1	5	0	1	0	0
483...	FRANÇOIS BOISSEAU	VERCHIERES.—This Claim is for a Gun delivered to the Authorities	1	14	2			
484...	JEAN BAPTISTE DAUNAIS	CONTRECEUR.—This Claim is for Effects pillaged by the Troops.....	0	5	11	4	14	3
		The amount of actual loss suffered has been assessed at the sum of ..£1 9s. 0d. (But is rejected for reasons similar to those in No. 482.) Dissentient—Mr. LeBlanc, for reasons explained in full in a paper attached to the Judgments, marked No. 18, as same as the above No. 482.	5	14	2	4	11	1
485...	FRANÇOIS XAVIER TETRO DIT DUOUIARME	VERCHIERES.—This Claim is for Effects pillaged by the Troops.....	2	8	4	1	10	0
486...	MICHEL TETRO DIT DU- CHARME	VERCHIERES.—This Claim is similar to the last						
487...	AUGUSTIN HANFIELD..	VERCHIERES.—This Claim is similar to the last						

REPORT of AWARDS accompanying the Report of the Commissioners under the 12th Vic. cap. 58, &c.—(Continued.)

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No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
488...	JEAN BAPTISTE AYETTE DIT MALO	VERCHERES.—This Claim is for a Gun delivered to the Authorities, and Bread given to the Troops.....	2	7	0	1	10	0
489...	ANDRE' AYETTE DIT MALO	VERCHERES.—This Claim is similar to the last	2	0	0	1	8	0
490...	PASCAL CHARRON	VERCHERES.—This Claim is for Effects pillaged by the Troops.....	4	17	4	3	1	2
491...	JOSEPH LACROIX	CONTRECEUR.—This Claim is similar to the last	3	5	0	3	2	0
492...	LOUIS GERVAIS	CONTRECEUR.—This Claim is similar to the last	8	7	0	0	11	3
498...	AUGUSTIN DANSEREAU... ..	VERCHERES.—This Claim is for a Gun delivered to the Authorities.....	2	10	5	2	5	0
494...	PIERRE CHICOINE	VERCHERES.—This Claim is similar to the last	1	17	0			
		The amount of actual loss has been assessed at the sum of.....£1 7s. 6d. (But Claimant having acknowledged he voluntarily joined the party who marched on Sorel, a short time previous, it, in the opinion of the Commission, deprives him of the right to Indemnity under the Act.) Mr. LeBlanc dissenting, for reasons similar to those in No. 477.						
495...	MICHEL DANSEREAU	VERCHERES.—This Claim is for Effects pillaged by the Troops, but is not proved.	2	11	3			
496...	JOSEPH CHIAPUT	CONTRECEUR.—This Claim is similar to the last	4	6	10	3	10	5
497...	FRANÇOIS LACROIX	CONTRECEUR.—This Claim is similar to the last	3	7	1			
		The amount of loss suffered has been assessed at the sum of.....£2 7s. 10d. (But Claimant having acknowledged that he went armed with the party who marched on Sorel, a short time previous, it, in the opinion of the Commission, deprives him of the right to Indemnity under the Act.) Mr. LeBlanc dissenting, for reasons similar to those in No. 477.						
498...	JOSEPH DANSEREAU, Fils DIT JOSEPH	VERCHERES.—This Claim is for a Gun delivered to the Authorities	2	10	0			
		The amount of actual loss suffered has been assessed at the sum of.....£1 10s. 0d. (But is rejected for the same reasons as last.) Mr. LeBlanc dissenting, for same reasons.						

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499...	FRANÇOIS MARTEL.....	VERCHERES.—This Claim is similar to the last, but is not proved.....	1	5	0			
500...	JOSEPH GOYETTE	VERCHERES.—This Claim is for a Gun, &c., taken by the Troops.....	1	10	8	1	0	0
501...	FRANÇOIS XAVIER PA- QUET DIT LAVALLÉE.....	VERCHERES.—This Claim is for a Gun delivered to the Authorities	1	15	0	1	10	0
502...	JOSEPH LAMOUREUX.....	CONTRECEUR.—This Claim is for Effects pillaged by the Troops.....	30	11	0	10	1	8
503...	PIERRE JARRET DIT BEAU- REGARD	VERCHERES.—This Claim is for a Gun delivered to the Authorities, but is not proved	1	5	0			
504...	ANTOINE GENDRON	ST. ANTOINE.—This Claim is for Effects pillaged by the Troops	5	3	5	4	10	9
505...	JEROME RICHARD	CONTRECEUR.—This Claim is similar to the last	4	4	0	2	7	9
506...	FRANÇOIS CHARBON- NEAU	CONTRECEUR.—This Claim is for Effects pillaged by the Troops.....	3	0	4	2	14	5
507...	JEAN BAPTISTE CHAR- BONNEAU.....	CONTRECEUR.—This Claim is similar to the last	0	0	0	5	17	0
508...	LOUIS QUINTIN.....	VARENNES.—This Claim is for a Gun delivered to the Authorities	1	5	0	1	0	0
509...	DAVID LAURENT.....	VARENNES.—This Claim is for Lodging Troops, and for Effects pillaged by them.	10	18	6	0	10	0
510...	EUPHROZINE DAUPHINE, VEUVE MICHEL JOYAL.....	NAPIERVILLE.—This Claim is for Property burnt or pillaged by the Troops	48	2	2	42	0	0
511...	JUDITH LECHENE, Veuve FRS. TREPAUNIER.....	NAPIERVILLE.—This Claim is for Buildings and Effects burnt or pillaged by the Troops						
		(The enquiry is not complete. The Award will be given hereafter.)£306 18s. 4d.						
512...	EDOUARD REMILLARD	BLAIRFINDIE.—This Claim is for Effects pillaged by the Troops	40	19	8			
		The amount of actual loss suffered has been assessed at the sum of £30 0s. 0d. (But Claimant having acknowledged that he was at the Camp, at Napierville, armed at the time, as he said, to fight for their Independence, it, in the opinion of the Commission, deprives him of the right to Indemnity under the Act.) Dissentient—Mr. LeBlanc, for reasons explained by him in full in a paper attached to the Judgements, marked No. 18.						

REPORT OF AWARDS accompanying the Report of the Commissioners under the 12th Vic. cap. 58, &c.—(Continued.)

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No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
513...	FABRIQUE OF ST. CYPRIEN	NAPIERVILLE.—This Claim is for Money taken from the <i>Tabrique</i> by the Rebels, in November, 1838. (The Money was taken from the Chest of the <i>Tabrique</i> by the Parishioners of St. Cyprien, then in open Rebellion. The Leaders, Lucien Gagnon, François Trépanier, and Dr. Côté, went to the late Curé to demand the key of the Chest. They were directed by him to go to the Church Warden, who refused to obey the mandate of the Rebels; but threatened with violence, he accompanied them to the <i>Presbytère</i> , where he found the Curé surrounded by Rebels, remonstrating with them against the unholy spoliation they were about to commit. The Church Warden, still unwilling to be a party to the Robbery by yielding the key, was told by the Curé that it was useless to endanger the lives of both by refusing, as nearly all the Parishioners were present. He expostulated with them, telling them that the Money was a gift to God, that the Robbery would be Sacrilege; but all remonstrance proved vain. They took the Money, and Dr. Côté, after counting it, gave the Curé the following acknowledgment:— (<i>Translation</i>) "Received from Monsieur Amiot and Joseph Grégoire the sum of Three hundred and twenty-seven pounds, twelve shillings and one penny currency, as a loan, which said sum belongs to the <i>Tabrique</i> of St. Cyprien, and will be reimbursed by the State of Lower Canada, so soon as circumstances will permit." (Signed) C. H. CÔTÉ. The Commissioners are of opinion, that to replace money so taken, would be to encourage future Rebellion by lessening its risks. That the Parish should bear the loss it alone inflicted. The Claim is therefore rejected.) Dissentient—Messrs. Viger and LeBlanc.	327	12	0			
514...	SOPHIE REGNIER, VEUVE LUCIEN GAGNON....	ST. VALENTIN.—This Claim is for Grain and other Effects pillaged by the Troops and Volunteers in 1837 and 1838, for £1199 10s. 6d., and for a House burnt in October, 1840, for £250 (The Enquiry being incomplete, the Award will be given hereafter.)						
515...	SUCCESSION OF EUSTACHE MASSON, BY G. PELTIER	BEAUHARNOIS.—This Claim is for Property burnt, pillaged, and destroyed by the Troops, in November, 1838. (The Evidence is incomplete; the Award will be given hereafter.)						

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516...	DAMASE MASSON.....	MONTREAL.—This Claim is for Merchandize and other Property pillaged by the Troops (The Evidence is incomplete; the Award will be given hereafter.)	21	12	0	10	14	0
517...	JOSEPH BEAUCILAMP....	ST. EUSTACHE.—This Claim is for Effects pillaged and destroyed by the Troops and Volunteers	10	4	0	5	0	0
518...	THOMAS ETHIER.....	ST. BENOIT.—This Claim is for Effects pillaged by the Troops	0	2	0	3	2	0
519...	HEIRS OF JOSEPH ETHIER, PER THOMAS ETHIER...	ST. BENOIT.—This Claim is similar to the last.	34	5	0	10	1	8
520...	XAVIER BEAUCILAMP....	ST. EUSTACHE.—This Claim is similar to the last	13	0	0	0	4	3
521...	MARIE ANGER, VEUVE J. BAPTE VILLENEUVE,	STE. ANNE DES PLAINES.—This Claim is similar to the last.	04	0	4	42	10	11
522...	LOUIS NAZAIRE ROCHON	ST. CLEMENT.—This Claim is for Effects pillaged or destroyed by the Troops and Volunteers	2	10	0			
523...	OLIVIER CORBEAU.....	TERREBONNE.—This Claim is for a Gun delivered to the Authorities, but is not proved	2	0	0	1	10	0
524...	PIERRE LIMOGES.....	TERREBONNE.—This Claim is for a Gun delivered to the Authorities	1	10	0	1	0	0
525...	FELIX LIMOGES.....	TERREBONNE.—This Claim is similar to the last.	2	0	0	1	10	0
526...	PAUL ETHIER.....	TERREBONNE.—This Claim is similar to the last.	12	10	0	5	0	0
527...	ANDRE CASAL DIT GI- RALDO.....	STE. ROSE.—This Claim is for Three Guns delivered to the Authorities, and a Clock burnt at the house of W. H. Scott	6793	15	8	2500	0	0
528...	WILLIAM HENRY SCOTT.	ST. EUSTACHE.—This Claim is for Buildings, Merchandize, and Furniture burnt or pillaged by the Troops (The Evidence is not complete; the Award will be given hereafter.)						
529...	FABRIQUE OF ST. EUSTACHE.....	ST. EUSTACHE.—This Claim is for the Destruction of the Church of St. Eustache, Presbytery, and Convent, in December, 1837 (This Claim is for compensation for the Church at St. Eustache, destroyed during the action on the 14th December, 1837.)						

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
529...	FABRIQUE OF ST. EUSTACHE	<i>Continued.</i> The Commissioners were divided as to the right of a Parish to Claim for a Property they abandoned or suffered the Insurgents to occupy as a Fortress against Her Majesty's Troops. The sum of £2,500 is agreed upon as a compromise to reconcile conflicting opinions, in order, by a legal majority, to secure an Award.) Dissentient—Mr. Viger, who voted for £5,624 14s. 1d., being the amount estimated by the Surveyor of the first Commission.						
531...	HENRI ETHER	ST. EUSTACHE.—This Claim is for Effects pillaged by the Troops, but is not proved	22	11	10			
531...	JOSEPH LACROIX	STE. ROSE.—This Claim is for a Gun delivered to the Authorities	1	10	0	1	0	0
532...	JOSEPH FILIATRAULT	STE. ROSE.—This Claim is similar to the last	2	10	0	1	10	0
533...	MARIE CHARLOTTE DORE VEUVE HYACINTHE LE- CLAIRE	ST. EUSTACHE.—This Claim is for Property and Effects burnt or pillaged by the Troops						
		(The Evidence is incomplete; the Award will be given hereafter.)						
534...	ADOLPHE MARIAY	STE. ADELE.—This Claim is for Effects pillaged by the Troops	44	2	0	18	15	0
535...	JEAN BAPTISTE PILON	ST. EUSTACHE.—This Claim is for Potatoes burnt in the Cellar of Jean Baptiste Bélanger	4	0	0	4	0	0
536...	ETIENNE BEAUCHAMP	ST. EUTACHE.—This Claim is for Effects pillaged or destroyed by the Troops	16	16	11	13	2	5
537...	BAZILE CHARRON	ST. EUSTACHE.—This Claim is similar to the last	14	16	4	13	10	10
538...	JOSEPH NADON	ST. EUSTACHE.—This Claim is for a House burnt by the Troops	7	0	0	4	14	0
539...	JEAN BAPTE BELANGER	ST. EUSTACHE.—This Claim is for Property burnt and destroyed by the Troops and Volunteers						
		(The Evidence is incomplete; the Award will be given hereafter.)						

540...	ISALE FOISIE	ST. EUSTACHE.—This Claim is similar to the last						
		(The Evidence is incomplete; the Award will be given hereafter.)						
541...	MONIQUE MANNEAU, VEUVE HYACINTHE ST. GERMAIN	ST. EUSTACHE.—This Claim is similar to the last						
		(The Evidence is incomplete; the Award will be given hereafter.)						
542...	LEON MARIE'	ST. EUSTACHE.—This Claim is similar to the last	99	19	4			
		(But it is on Evidence that the Claimant was in the Church at the Battle of St. Eustache; that he said he had fired on the Troops as long as he could stand in it, and bragged of the number of soldiers he had killed. The Claim is, therefore, rejected.)						
543...	ESTATE OF JEAN BAPTISTE DUMOUCHEL, PER GEO. WEEKES	ST. BENOIT.—This Claim is for Property and Effects burnt and pillaged by the Troops and Volunteers						
		(The Evidence is incomplete; the Award will be given hereafter.)						
544...	FRANÇOIS MASSON	ST. EUSTACHE.—This Claim is for Effects pillaged and destroyed by the Troops and Volunteers	88	13	1	65	11	9
545...	SIMON BERNARD	STE. ROSE.—This Claim is similar to the last	11	15	0	11	0	0
			32660	9	1	11885	16	1

Claims amounting to Thirty-two thousand six hundred and sixty pounds, nine shillings and one penny, and Awards to Eleven thousand eight hundred and eighty-five pounds, sixteen shillings and one penny.

(Signed,) P. H. MOORE,
" JACQUES VIGER,
" JOHN SIMPSON,
" W. C. HANSON. } Commissioners.

REPORT of AWARDS accompanying the Report of the Commissioners under the 12th Vic. cap. 58, &c.—(Continued.)

No. of Claim.	NAMES OF CLAIMANTS.	P L A C E or R E S I D E N C E.	Amount Claimed.		Amount Awarded.	
			£	s. d.	£	s. d.
546...	MARIE LOUISE POIRER VEUVE JOS. LABELLE.	Amount brought forward from the third continuation of Report dated 9th June, 1851	32660	9 1	11885	10 1
545...	FRANÇOIS GAUTHIER	ST. EUSTACHE.—This Claim is for Effects pillaged or destroyed by the Troops and Volunteers.	2	16 2	2	16 2
546...	GREGOIRE FERÉ	ST. EUSTACHE.—This Claim is for a House burnt by the Troops and Volunteers.	20	10 0	15	10 0
547...	THOMAS PATON	ST. EUSTACHE.—This Claim is for Effects pillaged or destroyed by the Troops and Volunteers.	139	4 3	69	2 6
548...	AUGUSTIN POUDRETTE	LACHUTE.—This Claim is for Effects pillaged by the Rebels	20	10 10	18	5 0
551...	LOUIS NARCISSE LAUZON	ST. SCHOLASTIQUE.—This Claim is for Property and Effects burned or pillaged by the Troops and Volunteers	196	18 10	88	7 1
552...	ALEXIS DUBÉ	ST. JEROME.—This Claim is for Property and Effects burned or pillaged by the Troops and Volunteers	359	16 4	244	6 0
553...	JACQUES LACOMBE, Père	ST. EUSTACHE.—This Claim is for Effects pillaged or destroyed by the Troops and Volunteers	49	12 2	32	13 10
554...	JEAN BAPTISTE LACOMBE	ST. SCHOLASTIQUE.—This Claim is for Effects said to have been pillaged by the Troops and Volunteers (The amount has been proved by J. Bte. Lacombe, brother to the Claimant, and Jacques Lacombe, fils, his son, also by François Tougas and Joseph Gauthier; but it has been proved by six voluntary witnesses, that the Claimant was a Captain in the Rebel Army, at the battle of St. Eustache; that he never had been pillaged, but that, on the contrary, he was a Pillager, and was prosecuted by Mr. Snowden for that offence, who recovered a large sum from him. This Claim is, therefore, dismissed.) Mr. LeBlanc dissenting, because the counter evidence was taken <i>ex parte</i> .	106	2 6		
555...	JEAN BAPTISTE LACOMBE	ST. SCHOLASTIQUE.—This Claim is similar to the last (This Claim is established by the same parties who proved the loss in the preceding Claim, and on such testimony the Commissioners can place no confidence, and it is also disproved by the same six Witnesses, and, therefore, rejected.) Mr. LeBlanc dissenting, for the same reasons as in the last Number.	20	10 0		
556...	FRANÇOIS TOUGAS	ST. SCHOLASTIQUE.—This Claim is similar to the last (This Claim has been established by Jacques Lacombe, père and fils, No. 553 and 556, whose testimony the Commissioners can place no confidence in, and is, therefore, rejected.) Mr. LeBlanc dissenting, for the same reasons as in the last Number.	44	5 0		
556...	JACQUES LACOMBE, Fils.	ST. SCHOLASTIQUE.—This Claim is similar to the last (This Claim has been established by François Tougas and Joseph Gauthier, No. 555 and 557, in whose testimony the Commissioners can place no confidence, and is also disproved by the same Witnesses as in No. 554, and is, therefore, rejected.) Mr. LeBlanc dissenting, for the same reasons as in the last Number.	26	5 0		
557...	JOSEPH GAUTHIER	ST. SCHOLASTIQUE.—This Claim is similar to the last (This Claim has been established by Jacques Lacombe, père, and Jean Baptiste Lacombe, No. 553 and 554, in whose testimony the Commissioners can place no confidence, and is rejected.)	5	3 9		
558...	MARIE ANGÉLIQUE DES-FAUCES, WIFE OF DAVID SEGUIN	ST. EUSTACHE.—This Claim is for Effects pillaged by the Troops	2	5 4	2	5 4
559...	BENJAMIN ROBILLARD	ST. EUSTACHE.—This Claim is for Property burnt by the Troops and Volunteers.	100	0 0	35	15 0
560...	MICHEL LAUZON	ST. EUSTACHE.—This Claim is for Effects pillaged by the Troops and Volunteers.	83	13 1	40	0 0
561...	JEAN LOUIS PAQUETTE	ST. JEROME.—This Claim is similar to the last	30	0 9	17	10 2
561½...	CHARLES CHARETTE	ST. EUSTACHE.—This Claim is for a Gun, &c., delivered to the Authorities	2	10 0	1	10 0
562...	JOSEPH PAYMENT dit LARIVIERE	ST. EUSTACHE.—This Claim is for Effects pillaged or destroyed by the Troops and Volunteers	32	1 5	20	18 11
563...	PIERRE MARIE	ST. EUSTACHE.—This Claim is for Effects pillaged by the Troops	14	15 2	5	5 6
564...	MARIE ROY, Veuve JOSEPH LALONDE	ST. HERMAS.—This Claim is similar to the last	20	7 7	13	17 4

No. of Claim.	NAMES OF CLAIMANTS.	P L A C E or R E S I D E N C E.	Amount Claimed.		Amount Awarded.	
			£	s. d.	£	s. d.
555...	FRANÇOIS TOUGAS	ing Claim, and on such testimony the Commissioners can place no confidence, and it is also disproved by the same six Witnesses, and, therefore, rejected.) Mr. LeBlanc dissenting, for the same reasons as in the last Number.	44	5 0		
556...	JACQUES LACOMBE, Fils.	ST. SCHOLASTIQUE.—This Claim is similar to the last (This Claim has been established by François Tougas and Joseph Gauthier, No. 555 and 557, in whose testimony the Commissioners can place no confidence, and is also disproved by the same Witnesses as in No. 554, and is, therefore, rejected.) Mr. LeBlanc dissenting, for the same reasons as in the last Number.	26	5 0		
557...	JOSEPH GAUTHIER	ST. SCHOLASTIQUE.—This Claim is similar to the last (This Claim has been established by Jacques Lacombe, père, and Jean Baptiste Lacombe, No. 553 and 554, in whose testimony the Commissioners can place no confidence, and is rejected.)	5	3 9		
558...	MARIE ANGÉLIQUE DES-FAUCES, WIFE OF DAVID SEGUIN	ST. EUSTACHE.—This Claim is for Effects pillaged by the Troops	2	5 4	2	5 4
559...	BENJAMIN ROBILLARD	ST. EUSTACHE.—This Claim is for Property burnt by the Troops and Volunteers.	100	0 0	35	15 0
560...	MICHEL LAUZON	ST. EUSTACHE.—This Claim is for Effects pillaged by the Troops and Volunteers.	83	13 1	40	0 0
561...	JEAN LOUIS PAQUETTE	ST. JEROME.—This Claim is similar to the last	30	0 9	17	10 2
561½...	CHARLES CHARETTE	ST. EUSTACHE.—This Claim is for a Gun, &c., delivered to the Authorities	2	10 0	1	10 0
562...	JOSEPH PAYMENT dit LARIVIERE	ST. EUSTACHE.—This Claim is for Effects pillaged or destroyed by the Troops and Volunteers	32	1 5	20	18 11
563...	PIERRE MARIE	ST. EUSTACHE.—This Claim is for Effects pillaged by the Troops	14	15 2	5	5 6
564...	MARIE ROY, Veuve JOSEPH LALONDE	ST. HERMAS.—This Claim is similar to the last	20	7 7	13	17 4

No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
			104	16	4	88	7	8
565	CHARLES CHENEY	ST. HERMAS.—This Claim is for Property burnt and pillaged by the Troops and Volunteers	14	4	10	10	10	0
566	JOSEPH LEGAULT	ST. HERMAS.—This Claim is for Effects pillaged by the Volunteers	9	17	0	5	8	0
567	IGNACE RODERIQUE	ST. HERMAS.—This Claim is similar to the last	4	0	0	3	15	0
568	HYACINTHE SAUVE	ST. HERMAS.—This Claim is similar to the last	68	2	0	31	0	0
569	SCHOLASTIQUE LOZO, VEUVE JOSEPH PAQUET	BYTOWN.—This Claim is for Property burnt by the Troops and Volunteers	7	10	0	0	5	0
570	PIERRE GODIN	ST. EUSTACHE.—This Claim is for an Ox taken by the Rebels	10	2	0	10	16	0
571	ANTOINE MELOCHE	ST. HERMAS.—This Claim is for Effects pillaged by the Troops and Volunteers	14	1	0	9	3	0
572	ANTOINE GODIN	ST. EUSTACHE.—This Claim is for Effects pillaged by the Rebels	35	15	4	33	15	4
573	JEAN ELIE CLAIROUX	ST. HERMAS.—This Claim is for a House and Gun burnt by the Troops and Volunteers	21	2	9	13	10	0
574	SCHOLASTIQUE AUGE, VEUVE PIERRE OLAI-ROUX	ST. BENOIT.—This Claim is for Effects burned or pillaged by the Troops and Volunteers	1	10	0	1	0	0
575	JEAN OUMETTE	STE. ROSE.—This Claim is for a Gun delivered to the Authorities	1	10	0	1	0	0
576	CHARLES CUSSON	STE. ROSE.—This Claim is similar to the last	1	10	0	1	0	0
577	JAMES WATTS	ST. BENOIT.—This Claim is for Property and Merchandise burnt or pillaged by the Troops and Volunteers	669	7	1	449	0	0
578	DAURIEN MASSON	ST. BENOIT.—This Claim is similar to the last	703	2	0	203	3	7

579	FRANÇOIS DESVERJEAUX DIT LAFRAMBOISE	ST. BENOIT.—This Claim is for Property and Effects burned or pillaged by the Troops and Volunteers	118	10	3	00	14	5
580	PAUL SEGUIN	ST. BENOIT.—This Claim is similar to the last	81	14	9	30	15	3
581	SIMON BLONDIN	STE. ROSE.—This Claim is for Two Guns delivered to the Authorities	3	15	0	2	10	0
582	TOUSSAINT MOUNETTE	ST. BENOIT.—This Claim is for Effects pillaged by the Troops	31	12	8	21	15	4
583	BAZILE ETIENNE ANDRE, DE ST. AMAND	ST. BENOIT.—This Claim is similar to the last	15	1	0	8	13	0
584	VICTOIRE GOCÉLIN, VEUVE JACQUES BROYER DE ST. PIERRE	ST. BENOIT.—This Claim is for Effects pillaged by the Troops	18	1	3	13	17	0
585	JOSEPH TROTIER	ST. BENOIT.—This Claim is similar to the last	22	9	4	15	3	4
586	JOSEPH CECILE	ST. BENOIT.—This Claim is similar to the last	3	10	0	3	10	0
587	ANTOINE RABY	ST. BENOIT.—This Claim is similar to the last	42	0	0	10	11	0
588	JEAN BAPTISTE ROULEAU	ST. BENOIT.—This Claim is similar to the last	3	11	3	2	9	10
589	HYACINTHE TOURAN- GEAU	ST. BENOIT.—This Claim is similar to the last	19	0	0	13	10	0
590	THOMAS RICHER	ST. BENOIT.—This Claim is for Effects pillaged by the Troops	20	13	0	16	2	0
591	JOSEPH LARREIN	ST. BENOIT.—This Claim is similar to the last	12	10	0	9	0	0
592	ANTOINE FREUCHE DIT LAFRAMBOISE	ST. BENOIT.—This Claim is similar to the last	6	0	0	4	10	0
593	JOACHIM BOYER	ST. BENOIT.—This Claim is similar to the last	25	10	0	13	10	4
594	GEDEON MENARD	ST. BENOIT.—This Claim is similar to the last	20	3	0	12	17	0
595	JOSEPH RIOHER	ST. BENOIT.—This Claim is similar to the last	8	5	8	5	5	1
596	JULIEN AGRIGON	ST. BENOIT.—This Claim is for Effects pillaged by the Troops and Volunteers	0	15	0	9	15	0

REPORT OF AWARDS accompanying the Report of the Commissioners under the 12th Vic. cap. 58, &c.—(Continued.)

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.			
			£	s.	d.	£	s.	d.	
597.	JOSEPH BIARD, VEUVE HYACINTHE PROULX	ST. BENOIT.—This Claim is for Effects pillaged by the Troops and Volunteers . . .	30	3	0	15	10	0	
598.	JEROME FRENCHÉ DIT LAFRAMBOISE	ST. BENOIT.—This Claim is similar to the last.	0	7	0	4	0	2	
599.	LOUIS LEBLANC	ST. BENOIT.—This Claim is for a House and Effects burned or pillaged by the Troops and Volunteers	47	10	0	38	10	0	
600.	MARCEL BIROLEAU DIT LAFLÉUR	ST. BENOIT.—This Claim is for Effects pillaged by the Troops	19	2	11	5	14	0	
601.	ROSE AMABLE BRAZEAU	ST. BENOIT.—This Claim is for Effects pillaged by the Troops	15	5	0	12	13	4	
602.	JOSEPH FORTIER	ST. BENOIT.—This Claim is for Effects pillaged by the Troops	43	0	1	20	0	10	
603.	ALBERT CLEMENT DIT LARIVIÈRE	ST. BENOIT.—This Claim is similar to the last.	40	0	0	24	15	2	
604.	OLIVIER RICHER	ST. BENOIT.—This Claim is similar to the last.	23	10	0	14	10	1	
605.	ANTOINE BERTRAND	ST. BENOIT.—This Claim is similar to the last.	50	10	2	35	0	10	
606.	ISIDORE DEPEAS, (VIC-TOIRE JAMES, WIFE OF)	ST. HERMAS.—This Claim is similar to the last	5	13	2	3	10	8	
607.	ALEXIS ROBILLARD	ST. BENOIT.—This Claim is for Effects pillaged by the Troops or Volunteers	74	3	11	33	13	5	
			£	30480	1	2	19891	13	10

Claims amounting to Thirty-six thousand four hundred and thirty pounds, one shilling and two pence, and Awards to Thirteen thousand eight hundred and ninety-one pounds, thirteen shillings and ten pence.

(Signed,) P. H. MOORE,
 " J. VIGER,
 " JOHN SIMPSON,
 " W. C. HANSON,
 " OVIDE LEBLANC. } Commissioners.

Commissioners' Office,
 Beauharnois, 16th June, 1851.

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
			30480	1	2	18891	13	10
608.	JEAN BAPTISTE RICHER.	Brought forward from last Report, dated 16th June, 1851.	174	17	0	130	10	0
609.	BAZILE JORON DIT LA-TULIPE	ST. BENOIT.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	248	15	2	180	7	0
610.	MAURICE REGIS MON-GRAIN	ST. BENOIT.—This Claim is similar to the last	250	7	0	200	14	8
611.	AMABLE LABRASSE, EXECUTOR TO THE LATE LOUISE CONSTANTINEAU, VEUVE ANTOINE DANIS	ST. BENOIT.—This Claim is similar to the last	586	7	11	273	2	0
612.	HERMENEGILLE DANIS	ST. HERMAS.—This Claim is for Effects burnt or pillaged by the Troops or Volunteers	22	12	2	12	10	0
613.	MARIE LOUISE LEFFVRE, VEUVE LAURENT AUBRY	ST. HERMAS.—This Claim is for Property and Effects burned or pillaged by the Troops and Volunteers	889	5	0	145	5	7
614.	HERS OF IGNACE RAIZEUME	ST. BENOIT.—This Claim is similar to the last	217	7	0	105	0	0
615.	JACQUES BEAUCHAMP	ST. EUSTACHE.—This Claim is for Effects pillaged by the Troops and Volunteers.	201	7	4	20	12	4

No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
616...	JOSEPH PERRIER.....	ST. SCHOLASTIQUE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers.....	714	9	4	388	0	0
617...	HENRI PARENT, Père.....	ST. EUSTACHE.—This Claim is for Effects pillaged by the Troops and Volunteers.....	19	1	0	15	8	0
618...	MARIE LOUISE CHOQUETTE, VEUVE LOUIS MASSON.....	ST. BENOIT.—This Claim is for Property and Effects burnt and pillaged by the Troops and Volunteers.....	1481	5	0	828	9	9
619...	JEAN BAPTISTE LEBER- CEAU dit LAVIOLETTE.....	ST. BENOIT.—This Claim is similar to the last.....	150	11	3	134	13	0
620...	JOACHIM RICHER.....	RIGAUD.—This Claim is for Effects pillaged by the Volunteers.....	23	7	0	15	4	8
641...	MONIQUE MOUNEAU, VEUVE HYAC. ST. GER- MAIN.....	ST. EUSTACHE.—This Claim is resumed from last Report, 9th June, 1851.....	214	3	0	117	8	0
621...	J. J. GIROUARD.....	ST. BENOIT.—This Claim is for Property and Effects burnt and pillaged by the Troops and Volunteers.....£2409 7s. 0d. (The Evidence in this case being incomplete, the adjudication will be given here- after.)	402	7	0	219	0	10
622...	THE SUCCESSION OF THE LATE DR. LABRIE.....	ST. EUSTACHE.—This Claim is for the Destruction of a Manuscript History of Canada burnt in the Office of J. J. Girouard, of St. Benoit ..£500 0s. 0d. (The Evidence in this case being incomplete, the Award will be given hereafter.)	881	4	4			
633...	MARIE CHARLOTTE DORE, VEUVE HYAC. LECLAIR.....	ST. EUSTACHE.—Case resumed from Report, dated 9th June, 1851.....						
639...	JEAN BAPTISTE BELAN- GER.....	ST. EUSTACHE.—Case resumed from Report, dated 9th June, 1851..... The amount of actual loss suffered has been assessed at the sum of £248 11s. 2d. (But it being proved in Evidence that Claimant was a Leader in the Rebel Camp,						
640...	ISAIE FOISIE.....	and at the battle of St. Eustache, and that the Troops were fired upon from his house, it, in the opinion of the Commission, deprives him of the right to Indemnity under the Act.)	482	5	10			
638...	VICTOIRE FELIX, Veuve JEAN BAPTISTE DU- MOUCHEL.....	ST. EUSTACHE.—Case resumed from Report, dated 9th June, 1851..... The amount of actual loss suffered has been assessed at ..£212 13s. 7d. (But it being proved on evidence that Claimant was a Leader at the Camp, and was at the Battle of St. Eustache, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.)	57	16	0	80	10	0
		ST. BENOIT.—This Claim is for Clothing pillaged and destroyed by the Volunteers.	42731	11	3	10770	6	5

No. of Claim.	Amount Claimed.	Amount Awarded.
628...	£ 42751 11 3	£ 10770 6 5

The Claims amounting to Forty-two thousand seven hundred and thirty-one pounds, eleven shillings and three pence, and The Awards to Sixteen thousand seven hundred and seventy-six pounds, six shillings and five pence.

(Signed,) P. H. MOORE,
" J. VIGER, } Commissioners.
" JOHN SIMPSON,
" W. C. HANSON.

COMMISSIONERS' OFFICE,
Beauharnois, 23rd June, 1851.

No. of Claim.	NAMES of CLAIMANTS.	Amount Claimed.			Amount Awarded.		
		£	s.	d.	£	s.	d.
628...	THE SUCCESSION OF DR. JACQUES LABRIE.....	42751	11	3	10770	6	5
	Amount brought forward, continuation of Report dated 23rd June.....	500	0	0	300	0	0
	ST. EUSTACHE.—Case resumed from Report, dated 23rd June, 1851.....						

PLACE of RESIDENCE.

Amount brought forward, continuation of Report dated 23rd June, 1851.....

REPORT OF AWARDS accompanying the Report of the Commissioners under the 12th Vic. cap. 58, &c.—(Continued.)

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Appendix (V.V.)

A. 1852.

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
628...	Dr. LEANDRE DUMOU- CHIEL.....	ST. BENOIT.—This Claim is for Effects burnt, pillaged, or destroyed by the Troops and Volunteers.....	67	3	0	24	1	0
629...	HERCULE DUMOUCHEL.....	ST. HERMAS.—This Claim is for Effects pillaged by the Troops and Volunteers.....	91	4	2	43	2	0
626...	AUGUSTIN LIBERÇAN dit LAVIOLETTE.....	ST. BENOIT.—This Claim is for Property burnt or pillaged by the Troops and Volunteers.....	70	3	5	00	0	0
627...	MADRIQUE of ST. BENOIT.	This Claim is for the Destruction of the Church, Presbytery, &c., by the Troops and Volunteers..... (The Inquiry is not complete; the Award will be given hereafter.)						
628...	Rev. EPIENNE CHARTIER.	ST. BENOIT.—This Claim is for Effects pillaged and burnt by the Volunteers..... (The Inquiry being incomplete, the Award will be given hereafter.)						
629...	EMERENTIERNE CHAR- TIER, WIFE OF ANT. TALLOI.....	ST. BENOIT.—This Claim is similar to the last.....	30	7	3	18	10	0
630...	ANTOINE BOUCHER.....	ST. BENOIT.—This Claim is for Property and Effects burned or pillaged by the Troops and Volunteers.....	00	0	2	33	18	5
631...	EPIENNE DUBREUIL.....	ST. BENOIT.—This Claim is similar to the last.....	180	18	8	120	0	2
632...	LOUIS JORON dit LATU- LIPPE.....	ST. BENOIT.—This Claim is similar to the last.....	163	0	0	90	4	0
633...	JOSEPH N. BRAZEAU.....	ST. BENOIT.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers.....	155	18	0	91	10	9
634...	JEAN BAPTISTE VEZINA..	ST. BENOIT.—This Claim is similar to the last.....	129	2	0	50	10	0

16 Victoriae.

Appendix (V.V.)

A. 1852.

635...	PRISQUE CHARBONNEAU.	ST. BENOIT.—This Claim is similar to the last.....	100	15	0	112	0	8
636...	LOUIS BRAZEAU.....	ST. BENOIT.—This Claim is similar to the last.....	100	3	9	110	9	11
637...	GEOFFROY PERRIER.....	ST. BENOIT.—This Claim is similar to the last.....	358	17	0	203	11	7
638...	LOUIS NADON.....	STE. ROSE.—This Claim is for Guns delivered to the Authorities.....	4	10	0	3	0	4
639...	MARIE JOSEPH BELAN- GER, VEUVE J. BAPTIE, BEAUTRON dit MAJOR	ST. EUSTACHE.—This Claim is for Property and Effects pillaged or destroyed by the Troops and Volunteers.....	40	15	1	22	7	8
640...	LUC GIROUARD.....	ST. EUSTACHE.—This Claim is for Effects pillaged by the Troops and Volunteers.....	12	9	3	8	8	9
641...	EMERY FERÉ.....	ST. EUSTACHE.—This Claim is for Property pillaged and burnt by the Troops and Volunteers.....	181	5	11	60	0	4
642...	JULIE FERÉ.....	ST. EUSTACHE.—This Claim is for Clothing pillaged by the Volunteers and Troops.....	08	0	5	40	11	11
643...	JOHN DUNN.....	ST. EUSTACHE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers.....	90	17	1	58	8	0
644...	CELESTE RACINE, VEUVE LAURENT VERNIER dit LADOUCEUR.....	ST. EUSTACHE.—This Claim is for Effects pillaged by the Troops.....	7	0	0	7	0	0
645...	ADELAIDE DELAGE, WIFE OF ALEXIS LACHANCE dit PEPIN.....	ST. EUSTACHE.—This Claim is similar to the last.....	5	13	4	5	13	4
646...	JEAN BAPTISTE LAVIO- LETTE.....	ST. EUSTACHE.—This Claim is for Property burnt by the Troops and Volunteers.....	230	0	0	180	0	0
647...	JOSEPH BEAUCHAMP.....	ST. EUSTACHE.—This Claim is for Effects pillaged by the Troops and Volunteers.....	6	2	1	5	7	0
648...	PAUL RICHARD et UXOR..	ST. EUSTACHE.—This Claim is for Property burnt or pillaged by the Troops and Volunteers.....	207	8	0	133	15	0
649...	MICHEL (NOEL) LEGAULT dit DESLORIERES.....	ST. EUSTACHE.—This Claim is for Effects burnt or pillaged by the Troops and Volunteers.....	35	17	1	25	14	0

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
650...	FRANÇOIS MALLETE	ST. EUSTACHE.—This Claim is for Effects burnt or pillaged by the Troops and Volunteers	33	5	0	23	10	0
651...	AUGUSTIN LAURENT dit HURTY	ST. EUSTACHE.—This Claim is for Effects pillaged by the Troops and Volunteers, but is not proved	14	3	9			
652...	ANTOINE DUQUETTE	ST. AUGUSTIN.—This Claim is for Effects pillaged by the Rebels	20	0	9	18	0	8
653...	CHARLES PARADIS	ST. EUSTACHE.—This Claim is for Guns delivered to the Authorities	8	12	0	5	5	0
654...	CATHERINE MATHIEU, VEUVE AMB. LALONDE	BYTOWN.—This Claim is for Effects pillaged by the Troops and Volunteers	4	18	3	3	18	3
655...	JAMES CARTER	LACHUTE.—This Claim is for Property and Effects burnt or destroyed by the Rebels	22	10	0	12	10	0
656...	CHARLES CHAMPAGNE	ST. EUSTACHE.—This Claim is for Effects pillaged by the Troops and Volunteers. (Part of this Claim does not come within the Provisions of the Act, and the remainder is not proved.)	28	10	2			
657...	JOSEPH LEBRUN	ST. EUSTACHE.—This Claim is similar to the last	7	7	11	4	10	11
658...	EUSTACHE DESFORGES dit ST. MAURICE	ST. EUSTACHE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	52	10	0	42	10	0
659...	JOSEPH ROCBURNE dit LAROQUE	ST. EUSTACHE.—This Claim is similar to the last	117	7	11	53	5	7
660...	HEIRS OF AMABLE MARTEL	ST. EUSTACHE.—This Claim is for Effects pillaged by the Troops and Volunteers.	10	10	6	15	11	9
661...	FRANÇOIS CARRE	ST. EUSTACHE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	82		6	63	12	3

662...	LOUIS AUBRY	ST. SCHOLASTIQUE.—This Claim is for Effects pillaged by the Volunteers	5	4	9	5	0	0
663...	JEAN BAPTISTE ROCHON	ST. EUSTACHE.—This Claim is similar to the last	44	0	8	31	15	4
664...	ANTOINE GROULX	ST. AUGUSTIN.—This Claim is similar to the last The amount of actual loss suffered has been assessed at the sum of £12 0s. 0d. (But Claimant having acknowledged that he went to the Camp with his two sons voluntarily, and armed with three guns and a sword; and that they remained all the time of the Camp, and were there, and fought at the battle, and was taken prisoner by the Troops, it, in the opinion of the Commission deprives him of the right to Indemnity under the Act.) Mr. LeBlanc dissenting, the articles assessed at £12 0s. 0d. were pillaged at St. Augustin, a place several leagues distant from St. Eustache, where he fought, and because, therefore, the said pillage was not the necessary consequence of his having fought against the Troops at St. Eustache.	29	10	0			
665...	JOSEPH BERTHELOT, VEUVE FRAS. MASSON	ST. EUSTACHE.—This Claim is for Property and Effects burnt and pillaged by the Troops and Volunteers	236	2	0	172	0	11
666...	HILAIRE DESJARDINS, PERE	ST. SCHOLASTIQUE.—This Claim is for Effects pillaged by the Troops The amount of actual loss suffered has been assessed at the sum of £5 0s. 0d. (But the Claimant having acknowledged that he went to the Camp at St. Eustache, about twenty miles distant, and was there at the Battle, it, in the opinion of the Commission, deprives him of the right to Indemnity under the Act.) Mr. LeBlanc dissenting, because the pillage occurred at St. Scholastique, about twenty miles from the Camp at St. Eustache, about two days after the Battle, and was not, therefore, a necessary consequence of the act of the Claimant.	0	15	9			
667...	JEAN BAPTISTE DESJARDINS, FILS	ST. SCHOLASTIQUE.—This Claim is for Effects pillaged by the Troops, £9 12s. 7d. (The Evidence being incomplete, the Award will be given hereafter.)	31	1	0	10	12	4
668...	XAVIER LACLAIR	ST. EUSTACHE.—This Claim is similar to the last	341	5	9	175	19	4
669...	MARIE BELANGER	ST. EUSTACHE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	76	10	0	51	10	0
670...	ESTHER ST. GERMAIN, VEUVE GEO. JOHNSTONE	ST. EUSTACHE.—This Claim is similar to the last						

No. of Claim.	NAMES of CLAIMANTS.	P L A C E of R E S I D E N C E.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
671...	JOSEPH BEAUTRON DIT MAJOR	ST. SCHOLASTIQUE.—This Claim is similar to the last	538	10	9	384	7	7
672...	FRANÇOIS CHIFFRE AND MICHEL BIROLEAU	ST. BENOIT.—This Claim is for each one fourth of last Claimant's Wheat and Oats burnt in his Barn, being his farmers on shares.....	55	3	4	20	16	3
		£.	47610	15	8	19701	10	2

Claims amounting to Forty-seven thousand six hundred and ten pounds, fifteen shillings and eight pence, and Awards to Nineteen thousand seven hundred and one pounds, ten shillings and two pence.

(Signed,) P. H. MOORE,
 “ JACQUES VIGER, } Commissioners.
 “ W. C. HANSON, }
 OVIDE LEBLANC. }

COMMISSIONERS' OFFICE,
 BEAUHARNOIS, 30th June, 1851.

No. of Claim.	NAMES of CLAIMANTS.	P L A C E of R E S I D E N C E.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
673...	EDOUARD BEAUTRON DIT MAJOR	Amount brought forward from last continuation of Report, dated 30th June.. ST. SCHOLASTIQUE.—This Claim is for Merchandise burnt by the Volunteers .. The amount of actual loss suffered has been assessed at the sum of £347 9s. 9d. (But Claimant having acknowledged that he was at the Camp and battle of St. Eustache, of the 14th December, 1858, and was wounded by Captain Ormsby, dur-	47610	15	8	19701	10	2
			521	4	7			

674...	JEAN BAPTE. BIROLEAU.	ST. EUSTACHE.—This Claim is for Effects pillaged by the Volunteers	3	2	6	1	13	3
675...	JOSEPH TASSE	PEPETTE NATION.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers.....	77	10	11	56	13	9
676...	TOUSSAINT GOYER DIT BELISLE	ST. EUSTACHE.—This Claim is for Effects pillaged by the Troops and Volunteers. Mr. Moore dissenting.—Claimant having acknowledged he was at the Camp in the morning a short time, but was not at the battle, as he had left previously; he would not stay, and was not armed.	17	13	8	15	11	5
677...	JEAN MARIE BUCAULT DIT LAMANICHE	ST. EUSTACHE.—This Claim is similar to the last	10	5	9	6	8	3
678...	THERESE FILIAUTRAULT, VEUVE L. VERNET, NOW WIFE OF ANDRE SAUVE	ST. SCHOLASTIQUE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	6	10	4			
679...	ALEXIS ROBILLARD	ST. SCHOLASTIQUE.—This Claim is for Effects pillaged by the Volunteers						
680...	FRANÇOIS DANIS.....	PLATTSBURGH, U. S.—This Claim is for Property burnt or pillaged at St. Scholastique, by the Troops and Volunteers	208	0	0			

ing the battle, and it having also been proved by witnesses, as per Journal, pages 907, 910, 911, and 913; that he was at the Camp and battle, and was wounded there while in the act of firing at Captain Ormsby, it, in the opinion of the Commission, deprives him of the right to Indemnity under the Act.)
 Mr. LeBlanc dissenting, for reasons which he has stated in full in a paper attached to the Judgments, marked No. 19.

ST. EUSTACHE.—This Claim is for Effects pillaged by the Volunteers

PEPETTE NATION.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers.....

ST. EUSTACHE.—This Claim is for Effects pillaged by the Troops and Volunteers. Mr. Moore dissenting.—Claimant having acknowledged he was at the Camp in the morning a short time, but was not at the battle, as he had left previously; he would not stay, and was not armed.

ST. EUSTACHE.—This Claim is similar to the last

ST. SCHOLASTIQUE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers

(The Evidence being incomplete, the Award will be given hereafter.)

ST. SCHOLASTIQUE.—This Claim is for Effects pillaged by the Volunteers

The amount of actual loss suffered has been assessed at the sum of .£5 5s. 0d. (But Claimant having acknowledged that he was at the battle of St. Eustache, and left it during the action, it, in the opinion of the Commission, deprives him of the right to Indemnity under the Act.)
 Mr. LeBlanc dissenting, for reasons explained by him in full in a paper attached to the Judgments, marked No. 20.

PLATTSBURGH, U. S.—This Claim is for Property burnt or pillaged at St. Scholastique, by the Troops and Volunteers

The amount of actual loss suffered has been assessed at the sum of: £103 15s. 0d. (But Claimant having acknowledged that he was Quarter Master at the Camp of St. Eustache, and at the battle, and then fled to the United States, where he has resided ever since, and has been admitted a naturalized subject, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.)
 Mr. LeBlanc dissenting, for reasons explained in full in a paper attached to the Judgments, marked No. 21.

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
681...	HYACINTHE DROUIN	ST. SCHOLASTIQUE.—This Claim is similar to the last.	498	9	2	208	14	0
682...	CHARLES FORTIER, PÈRE.	ST. SCHOLASTIQUE.—This Claim is for Effects pillaged by the Troops and Volunteers	10	15	1	6	17	6
683...	JEAN BAPTISTE RICHIER DIT LOUVETEAU	ST. BENOIT.—This Claim is for Effects burnt or pillaged by the Troops and Volunteers	60	9	0	26	1	2
684...	FRANÇOIS DELAGES DIT LAVIGNEUR	ST. FUSTACHE.—This Claim is similar to the last	6	2	6	2	10	0
685...	HEIRS OF THE LATE WIDOW ALEXANDER ROCHON	ST. FUSTACHE.—This Claim is similar to the last (The Evidence being incomplete, the Award will be given hereafter.)						
686...	JOSEPH ROBILLARD, PÈRE.	This Claim is similar to the last. (The Evidence being incomplete, the Award will be given hereafter.)						
687...	PIERRE MAISONNEUVE	ST. SCHOLASTIQUE.—This Claim is similar to the last.	18	13	3	10	1	5
688...	JOACHIM LALONDE	ST. BENOIT.—This Claim is for Effects pillaged by the Troops and Volunteers.	28	6	6	20	7	3
689...	JEAN STANISLAS VALLEE	ST. SCHOLASTIQUE.—This Claim is for Property burnt or pillaged by the Troops and Volunteers.	183	2	6	104	10	4
690...	FRANÇOIS GAINDON	ST. EUSTACHE.—This Claim is for Effects pillaged by the Volunteers	10	15	0	7	10	0
691...	LAMBERT GUERIN	ST. EUSTACHE.—This Claim is for a Gun taken by the Volunteers	5	0	0	4	0	0
692...	JACOB BARSALO	ST. SCHOLASTIQUE.—This Claim is for Property burnt and pillaged by the Troops and Volunteers (The Evidence being incomplete, the Award will be given hereafter.)						
693...	JAMES DOBIE.	ST. AUGUSTIN.—This Claim is for Effects pillaged by the Rebels	48	0	0	29	3	9

694...	LOUIS LECLAIRE	ST. SCHOLASTIQUE.—This Claim is for Effects pillaged by the Volunteers.	41	15	6	21	15	5
695...	JOSEPH LABELLE	ST. EUSTACHE.—This Claim is for a Gun taken by the Volunteers	2	10	0	1	5	0
697...	JEAN BAPTISTE DESJARDINS, FILS	ST. SCHOLASTIQUE.—Case resumed from last Report. The amount of actual loss has been assessed at the sum of £6 16s. 10d. (But Claimant having acknowledged, and it being also proved by two Witnesses, that he went to the Camp at St. Eustache armed, by order of his Captain, and remained there two days, and then escaped, and returned home, leaving his gun in the Camp, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.) Mr. Hanson dissenting, because it has been proved that the Claimant was not at the Battle of St. Eustache on the 14th November, 1837; that he was at home, at St. Scholastique, on that day, a distance of twenty miles from it; and because, from the nature of the evidence, he considers that Claimant was forced to join the Camp at St. Eustache, which he deserted before the action; the pillage was, therefore, a "wanton destruction," and the Claimant is entitled to the sum assessed £6 16s. 10d. Mr. LeBlanc also dissenting, for reasons explained in full by him in a paper attached to the Judgments, marked No. 22.	9	12	7			
696...	MOYSE DANIS	ST. JEROME.—This Claim is for Leather sold to the Rebels in Camp, at St. Eustache, but not coming within the Act, is rejected	36	0	0			
697...	OLIVIER BARTHAND	ST. SCHOLASTIQUE.—This Claim is for Effects pillaged by the Volunteers.	30	4	9	19	16	0
698...	ABRAHAM AUBRY	ST. SCHOLASTIQUE.—This Claim is for Effects pillaged by the Volunteers. The amount of actual loss suffered has been assessed at the sum of £16 11s. 10d. (But Claimant having acknowledged that he was at the Camp and Battle of St. Eustache armed, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.) Mr. LeBlanc dissenting, because the pillage occurred two days after, at a distance of twenty miles from the Camp of St. Eustache, where Claimant was. He does not consider that the pillage was done as a consequence of Claimant's actions at the Battle of St. Eustache.	22	17	0			
699...	FRANÇOIS AUBRY	ST. SCHOLASTIQUE.—This Claim is similar to the last	328	7	6	190	5	10
700...	PIERRE LAUZON	ST. SCHOLASTIQUE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers.	108	10	0	75	0	0

REPORT OF AWARDS accompanying the Report of the Commissioners under the 12th Vic. cap. 58, &c.—(Continued.)

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
701...	PIERRE PERRIER.....	ST. BENOIT.—This Claim is for Effects pillaged by the Volunteers	23	10	10	16	17	0
702...	JEREMIE BRAZEAU.....	ST. BENOIT.—This Claim is similar to the last.....	82	15	7	15	1	0
703...	HYACINTHE BRAZEAU	ST. BENOIT.—This Claim is similar to the last.....	7	4	10	0	4	2
704...	LOUIS RODERIQUE, PERR.....	ST. SCHOLASTIQUE.—This Claim is similar to the last.....	0	5	10	4	18	0
705...	JOACHIM LEGAULT DIT DELORIER	ST. SCHOLASTIQUE.—This Claim is similar to the last.....	14	3	4	10	10	0
706...	PAUL THIBODEAU	ST. SCHOLASTIQUE.—This Claim is similar to the last.....	0	8	8	4	3	0
707...	PIERRE LERAUX	ST. SCHOLASTIQUE.—This Claim is for Effects pillaged by the Volunteers	38	3	2	10	15	0
708...	ANTOINE MARTIN DIT LADOUCEUR	ST. SCHOLASTIQUE.—This Claim is similar to the last.....	57	7	0	24	10	0
709...	JOSEPH BRAZEAU	ST. BENOIT.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	102	0	0	64	2	2
710...	EUSTACHE JAMES DIT CARRIERE	ST. SCHOLASTIQUE.—This Claim is for Effects pillaged by the Volunteers	11	1	7	7	14	0
711...	THOMAS JAMES DIT CARRIERE	ST. SCHOLASTIQUE.—This Claim is similar to the last.....	12	8	0	8	12	11
712...	PAUL MARTIN DIT LADOUCEUR.....	ST. SCHOLASTIQUE.—This Claim is for Effects pillaged by the Volunteers	0	10	11	0	10	8
713...	ISAAC MARTIN DIT LADOUCEUR.....	ST. SCHOLASTIQUE.—This Claim is similar to the last.....	5	15	5	1	5	0
714...	ALEXANDER FRASER.....	ST. SCHOLASTIQUE.—This Claim is for Obligations burnt or destroyed with the Notarial Papers of J. J. Girouard, N. P., of St. Benoit	110	0	0			

715...	MICHEL ABRAHAM COURVILLE	(The loss of the Two Obligations has been proved by Messrs. J. J. Girouard and F. H. LeMaire, Notaries Public, but there being no proof as to the amount of either of the Obligations, the Claim is rejected.)	61	0	0			
716...	CHARLES LABELLE.....	ST. SCHOLASTIQUE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	0	10	7			
717...	JEAN BAPTE. LANGLOIS DIT TRAVERSY, PERR.....	The amount of actual loss suffered has been assessed at the sum of. £10 2s. 6d. (But Claimant having acknowledged that he was at the battle of St. Eustache, it, in the opinion of the Commission, deprives him of the right to Indemnity under the Act.) Mr. LeBlanc dissenting, because the burning and pillage of the Claimant were not the necessary consequence of his having been at the battle of St. Eustache, the burning and pillage having taken place about 20 miles from St. Eustache, two days after the battle, and for the general reasons set forth in his dissent from the Judgment, No. 72.	25	3	10	14	10	0
718...	DAVID LANGLOIS DIT TRAVERSY	ST. EUSTACHE.—This Claim is similar to the last	7	0	3	4	10	11
719...	ANTOINE LANTHIER	ST. EUSTACHE.—This Claim is for Effects pillaged by the Rebels, but is not proved	12	12	0			
720...	OLIVE OUMET, VEUVE P. DUBEAU (WIFE OF PAUL THORTIER)	ST. EUSTACHE.—This Claim is for Effects pillaged by the Troops and Volunteers, but is not proved according to the Act	8	14	4			
721...	FRANÇOIS ANDEGRAVE.....	ST. EUSTACHE.—This Claim is similar to the last	2	0	0	1	10	0
722...	FRANÇOIS LABONTE'	ST. SCHOLASTIQUE.—This Claim is similar to the last	10	10	0	8	14	4

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
723...	FELIX BIROLEAU dit LAFLEUR	ST. SCHOLASTIQUE.—This Claim is for Property burnt or pillaged by the Troops and Volunteers..... The amount of actual loss suffered has been assessed at the sum of £89 18s. 3d. (But Claimant having acknowledged that he was in St. Eustache, twenty miles distant from his home, on the day of the Battle, and further, refused to reply to questions as to his conduct when there, it, in the opinion of the Commission, deprives him of the right to Indemnity under the Act.) Mr. LeBlanc dissenting, because there is no proof that Claimant went to the Camp or Battle of St. Eustache, and because, if he had been there, the burning and pillage were not a necessary consequence thereof, it having occurred about twenty miles distant from St. Eustache, two days after the Battle, and because Claimant cannot be deemed guilty in consequence of his having refused to incriminate himself, as by law he had a right, and also for other general reasons explained in No. 72.	200	10	2	2	5	0
724...	PAUL POIRIER	ST. EUSTACHE.—This Claim is for a Gun and Effects pillaged by the Volunteers.	2	10	0	2	5	0
725...	CHARLES MEILLEUR	ST. EUSTACHE.—This Claim is similar to the last	4	0	0	2	15	0
726...	JEAN BAPTISTE LANDRY.	ST. SCHOLASTIQUE.—This Claim is similar to the last	10	1	1	0	10	8
727...	CELESTIN GUIRDON	ST. EUSTACHE.—This Claim is for a Gun taken by the Volunteers	3	0	0	2	0	0
728...	LOUIS LANTHER	ST. AUGUSTIN.—This Claim is for Effects pillaged by the Rebels	0	10	0	0	7	0
729...	JOSEPH CYRE	ST. SCHOLASTIQUE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	44	19	8	40	1	1
730...	ROSE VAUDEP, VEUVE CHARLES MINVIL	ST. BENOIT.—This Claim is for Effects pillaged by the Volunteers	10	17	3	0	3	0
731...	JOSEPH AMABLE LAN- THIER	ST. BENOIT.—This Claim is similar to the last	6	18	9	5	5	9
732...	JOSEPH DORION	ST. EUSTACHE.—This Claim is for Property and Effects burnt and pillaged by the Troops and Volunteers	62	10	0			

733...	AGATHE PAQUET, VEUVE FRANÇOIS GAUTHIER	The amount of actual loss suffered has been assessed at the sum of£40 (But it being proved in evidence, in Journal, pages 907 and 911, that Claimant was at the Camp, and on horseback, on the ice, at the head of a party of the Rebels during the battle, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.)	1	12	1	1	12	1
734...	JAMES HERON	ST. EUSTACHE.—This Claim is for Effects pillaged by the Volunteers..... LACHINE (HERON'S ISLAND).—This Claim is for Grain and Wood pillaged by Rebels and Volunteers	207	16	8	55	5	0
735...	ABRAHAM GIROUX	ST. AUGUSTIN.—This Claim is for a Gun delivered to the Authorities.....	2	0	0	1	5	0
736...	AUGUSTIN LAURIEL dit DESROSIERS	ST. SCHOLASTIQUE.—This Claim is for Effects pillaged by the Volunteers	13	0	10	10	2	3
		£	51070	11	5	20899	19	0

Claims amounting to Fifty-one thousand and seventy pounds, and five pence, and Awards to Twenty thousand eight hundred and sixty-nine pounds, and nineteen shillings.

(Signed) P. H. MOORE,
" JACQUES VIGER,
" JOHN SIMPSON, } Commissioners.
" W. C. HANSON,
" OVIDE LEBLANC. }

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
737...	MICHEL LEPORTE	Amount brought forward from last continuation of Report, dated 7th June...	51070	11	5	20809	19	0
738...	THERESE MAISONNEUVE, VEUVE MIGUEL TOUGAS	ST. SCHOLASTIQUE.—This Claim is for Effects pillaged by the Volunteers..... ST. SCHOLASTIQUE.—This Claim is similar to the last The amount of actual loss suffered has been assessed at the sum of £4 14s. 2d. (But Claimant having acknowledged that her husband was taken Prisoner at the Battle of St. Eustache, with his gun in his hand, it, in the opinion of the Commission, deprives her of the right to indemnity under the Act.) Mr. LeBlanc dissenting, because, the pillage having occurred two days after the Battle of St. Eustache, at twenty miles distant from there, it, in his opinion, was not the consequence of her husband's actions at the Battle of St. Eustache, and for general reasons, similar to those given in No. 72.	14	10	5	9	17	8
739...	MICHEL AUBRY <small>dit</small> TRICLE	ST. SCHOLASTIQUE.—This Claim is similar to the last	19	10	0	14	0	0
740...	JEAN BAPTISTE NEVEN..	ST. SCHOLASTIQUE.—This Claim is for Effects pillaged by the Volunteers.....	8	8	8	2	4	7
741...	JEAN BAPTISTE DUPRAS	ST. BENOIT.—This Claim is for Effects burnt or pillaged by the Volunteers.....	64	14	0	40	10	2
514...	SOPHIE RAIGNE, VEUVE LUCIEN GAGNON.....	ST. VALENTIN.—Case resumed from Report, dated 9th June last..... (This Claim is for a House destroyed by Fire on the 4th October, 1841, and for Effects pillaged or destroyed by the Troops and Volunteers in the Falls of 1837 and 1838. It has been proved on evidence, in Journal, page 1608, that the House claimed for as being burnt in October, 1841, by the Volunteers, was burnt by accident in open day, by a child having accidentally set fire to some straw in the Cellar, and that there were no Volunteers in the neighbourhood at the time of the burning. It thus becomes an accidental loss, not provided for under the Act, and the amount of £250 is deducted. The remainder of the Claim has been assessed at the sum of.....£580 4s. 0d. But it being proved in Claim No. 11, Journal, page 25, by Joseph Deners, when claiming indemnity for Wounds then received, that he was shot in the hand by	1449	10	0			

515...	SUCCESSION OF EUSTACHE MASSON	Claimant's late husband, Lucien Gagnon, when at the head of a party of Rebels in the Fall of 1837; and also, in the Claim of the <i>Batterie</i> of St. Cyprien, No. 513, Journal, pages 640 and 641, that he, Gagnon, was a Leader and Chief at the Camp at Napierville, and was one of the party at the Robbery of the Church at St. Cyprien, in November, 1838; and further, in the testimony given in the present case, Journal, page 1608, that he was a Leader and Chief in the Rebellion of 1837 and 1838, it, in the opinion of the Commissioners, deprives Claimant of the right to indemnity under the Act, she having no matrimonial rights by her marriage contract, and being only <i>legatee en usufruit</i> by the last Will and Testament of the late Lucien Gagnon, her husband. Mr. LeBlanc dissenting, because there is no evidence to prove that when the late Lucien Gagnon suffered his losses at any of the periods mentioned in the said evidence, he had done anything to draw such losses upon him as a consequence of his doings. Because it is illegal to exclude the Claimant for mere participation in the Rebellion, allowing such participation to be a cause of exclusion, inasmuch as said participation is proved by the <i>ex parte</i> evidence alluded to in the Judgment, an evidence taken in other Claims, without any identification that the Lucien Gagnon alluded to in the said <i>ex parte</i> evidence is the aforesaid late Lucien Gagnon. Because what participation has been proved by the evidence in this Claim is of a general nature, showing no immediate connection between the said participation and the losses suffered, either as to time or as to acts constituting the said participation. Because of all the general reasons given in my dissent from the Judgments, on Claim No. 72.	1786	4	8	637	17	7
516...	DAMASE MASSON.....	Case resumed from Report, dated 9th June:— BEAUIHARNOIS.—This Claim is for Property burnt and pillaged by the Troops and Volunteers	1070	10	4	805	9	10
742...	JEAN BAPTISTE SANCHE	ST. SCHOLASTIQUE.—This Claim is for a Gun delivered to the Authorities	1	12	0	1	0	0
743...	JEAN BAPTE MOUNETTE	ST. SCHOLASTIQUE.—This Claim is for Effects pillaged by the Volunteers..... The amount of actual loss suffered has been assessed at the sum of £3 12s. 6d. (But Claimant having acknowledged he was at the Battle of St. Eustache, it, in the opinion of the Commission, deprives him of the right to indemnity under the Act.) Mr. LeBlanc dissenting, for the reasons stated in No. 738.	8	12	0			
744...	JOSEPH PAYMENT <small>dit</small> LARIVIERE (HEIRS OF)...	ST. EUSTACHE.—This Claim is similar to the last	21	17	8	11	0	0

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
745...	VEUVE FRANÇOIS ANGER.	ST. EUSTACHE.—This Claim is similar to the last	3	16	8	3	13	4
746...	CHARLES GAGNON	TERREBONNE.—This Claim is for a Gun delivered to the Authorities	1	5	0	1	0	0
747...	NARCISSE BOISVERT	TERREBONNE.—This Claim is similar to the last.	1	10	0	1	0	0
748...	JOSEPH ST. DENIS	ST. BENOIT.—This Claim is for Effects pillaged by the Volunteers.	8	10	0	5	10	0
749...	JACQUES ROUSSIN	ST. EUSTACHE.—This Claim is for a Gun delivered to the Authorities	2	0	0	1	10	0
750...	PIERRE GUENETTE	ST. JEROME.—This Claim is for a Horse pillaged by the Troops and Volunteers. This Claim has been proved at.....£15 (But Claimant having acknowledged that he went with effects to the Camp, and lost his horse, &c., there on the day of the battle, it, in the opinion of the Commission, deprives him of the right to Indemnity under the Act.)	15	0	0			
751...	JULIEN CHUMEREAU dit VINCENT	ST. JEROME.—This Claim is similar to the last The Claim has been proved at.....£18 1s. 8d. (But Claimant having acknowledged the same as the previous Claimant, the Claim is rejected.)	18	1	8			
752...	HENS OF PIERRE DANIS... The amount of actual loss suffered has been assessed at the sum of £50 0s. 0d. (But it being proved on evidence, in Journal, pages 909 and 911, that the late Pierre Danis was a Leader at the Camp at St. Eustache, and sat on a Court Martial on one of the Witnesses, who was a Prisoner to the Rebels, it, in the opinion of the Commissioners, deprives the Claimant of the right to Indemnity under the Act.) Mr. LeBlanc dissenting, because there is nothing in the evidence given on the Claimant's Claim shewing any cause to exclude him from the benefit of the Indemnity. Because excluding the said Claimant from the said benefit on <i>ex parte</i> evidence, allowing he could be excluded for the acts so proved against the said late Pierre Danis,) is illegal, and against the practice of all ordinary Courts of Law, as was declared to this Commission by His Excellency the Governor General through the Honorable Provincial Secretary. Because, supposing <i>ex parte</i> evidence to be legal, such evidence as is invoked by the Commission against the late Pierre Danis' acts or participation in the Rebellion, does not identify that individual as being the same person referred to in the said <i>ex parte</i> evidence. Because of all the general reasons in my dissent in Claim No. 72.	103	6	0				

753...	JEAN BAPTISTE TOUCHET, FILS	ST. EUSTACHE.—This Claim is for a Gun delivered to the Authorities.	1	5	0	1	0	0
754...	LOUIS CLOUTIER	ST. ROSE.—This Claim is similar to the last	1	15	0	1	5	0
755...	LOUISE DESNOYERS, VEUVE J. BAPTE. LEMAS dit DELORME	ST. ROSE.—This Claim is similar to the last	1	10	0	1	0	0
756...	ARMAN RAPHAEL AR-CHAMBAULT	ST. SCHOLASTIQUE.—This Claim is for Effects pillaged by the Volunteers.	53	15	8	20	19	7
757...	JOSEPH ROCHON	TERREBONNE.—This Claim is similar to the last.	9	10	8	6	7	1
758...	FRANÇOIS OUMETTE	TERREBONNE.—This Claim is for a Gun delivered to the Authorities	2	0	0	1	5	0
759...	JOSEPH OUMETTE	TERREBONNE.—This Claim is for a Gun delivered to the Authorities	2	0	0	1	0	0
760...	PIERRE CHAPLEAU	TERREBONNE.—This Claim is similar to the last	1	10	0	1	0	0
761...	EUSTACHE BIROLEAU dit LAFLEUR	ST. THERESE.—This Claim is for Effects burnt or pillaged by the Troops and Volunteers	227	1	9	77	7	1
762...	PIERRE DESPAROIS dit CHAMPAGNE	ST. FRANÇOIS DE SALES.—This Claim is for a Gun delivered to the Authorities.	1	0	0	1	0	0
763...	LEON DESJARDINS	ST. FRANÇOIS DE SALES.—This Claim is similar to the last	1	5	0	1	0	0
764...	JEAN BAPTISTE MEUNIER	ST. FRANÇOIS DE SALES.—This Claim is similar to the last	1	0	0	1	0	0
765...	FRANÇOIS BOUVETTE, PERE	ST. AUGUSTIN.—This Claim is for Effects pillaged by the Rebels,	4	4	2	3	2	6

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
766...	GUILLAUME BREGNIERE dit ST. PIERRE.....	ST. EUSTACHE.—This Claim is for Effects pillaged by the Volunteers	3	1	8	2	11	10
767...	PAUL BRAZEAU AND AN- GELIQUE GOCELIN, HIS WIFE	ST. BENOIT.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	208	8	0	138	7	1
768...	JOSEPH TAILLEFER	ST. SCHOLASTIQUE.—This Claim is for Effects pillaged by the Volunteers	2	16	2	2	0	0
769...	JOSEPH DECAIRE.....	ST. BENOIT.—This Claim is similar to the last	15	18	1	10	10	8
770...	JEAN BAPTISTE SYRE ..	ST. EUSTACHE.—This Claim is similar to the last	6	16	1	4	10	0
771...	JOSEPH LEGAULT	ST. EUSTACHE.—This Claim is for Effects pillaged by the Volunteers	4	18	0	2	17	0
772...	FRANÇOIS CHEFFRE	ST. SCHOLASTIQUE.—This Claim is for Property burnt by the Troops	45	0	0	20	7	6
773...	JEAN BAPTISTE CYRE ..	ST. SCHOLASTIQUE.—This Claim is for Property pillaged by the Troops	8	10	0	8	10	0
774...	THE SUCCESSION OF JEAN BAPTISTE FLAVIEN SPENARD	ST. EUSTACHE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	139	0	4			
		The amount of actual loss suffered has been assessed at the sum of £84 5s. 5d. (But it being proved by the witnesses that the late Spénard told him he was at the Camp on the day of the battle, and was taken prisoner there, it, in the opinion of the Commissioners, deprives the Claimant of the right to Indemnity under the Act.)						
775...	JUSTINIER ST. DENIS ..	ST. BENOIT.—This Claim is for Effects burnt or pillaged by the Volunteers	65	3	6	40	17	9
776...	LOUIS CARDINAL	ST. GENEVIEVE.—This Claim is for Effects pillaged by the Troops	81	10	8	25	17	2
777...	BENJAMIN LeCAVELIER...	STE. ROSE.—This Claim is for a Cart and Gun taken by the Volunteers	5	0	0	3	10	0

778... LOUIS AUGUSTE DESRO-
CHERS AND WIFE.....

ST. PASCIAL.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers

(Madame Desrochers was formerly the wife of the late Dr. Cheur, of St. Eustache, who was killed at the battle of St. Eustache, whilst fighting against Her Majesty's Troops, on the 14th December, 1837, and was, by her marriage contract, as proved before the Commission, in *communauté de biens* with him, and the property now claimed for was burnt by the Troops on that day, and amounted to £1154 15s. 8d.

The amount of loss suffered has been assessed at£545 2s. 0d. Of which £181 12s. 0d. consisted in personal, and £363 10s. 0d. in real property. On the personal property the widow has no Claim, and the Commissioners have awarded £181 15s. 0d., her half of the real property as secured to her by her marriage contract)

Amount Claimed.			Amount Awarded.		
£	s.	d.	£	s.	d.
1154	15	8	181	15	0
58218	15	10	23042	13	2

Claims amounting to Fifty-eight thousand two hundred and thirteen pounds, fifteen shillings and ten pence, and Awards to Twenty-three thousand and forty-two pounds, thirteen shillings and two pence.

COMMISSIONERS' OFFICE,
Beauharnois, 14th July, 1851.

(Signed) P. H. MOORE,
" J. VIGER,
" JOHN SIMPSON. } Commissioners.

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
779...	MARIE JOSEPHTE POI- TRAS, VEUYE PIERRE REMI GAGNIER	ST. JEROME.—This Claim is for Effects burnt and pillaged by the Troops and Volunteers	58218	15	10	23042	13	2
		Amount brought forward from the last continuation of Report, dated 14th July, 1851	48	16	6	28	19	1

REPORT OF AWARDS accompanying the Report of the Commissioners under the 12th Vic. cap. 58, &c.—(Continued.)

No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
780...	AUGUSTE LABRIE	ST. JEROME.—This Claim is similar to the last	20	0	0	6	5	0
781...	TOUSSAINT BRAZEAU	ST. BENOIT.—This Claim is similar to the last	13	0	0	5	18	0
782...	THOMAS DOBIE	ST. BENOIT.—This Claim is for Effects pillaged by the Rebels and Volunteers	1	18	6	1	18	6
783...	LOUIS MISAILE SEERS	ST. E. ROSE.—This Claim is for Effects pillaged by the Rebels	£1	5	11	27	19	6
784...	CLET RAISENNE	ST. BENOIT.—This Claim is for Effects pillaged or burnt by the Volunteers, and for the destruction of Notarials	156	5	0	52	5	0
785...	JEAN BAPTISTE CHIAU-LETTÉ dit LAVIOLETTE	ST. SCHOLASTIQUE.—This Claim is for Effects pillaged by the Volunteers	14	10	0	10	0	0
786...	ANTOINETTE RAIZENNE	ST. BENOIT.—This Claim is similar to the last	22	17	9	13	10	0
787...	MARGUERITE PAQUET, VEUVE JOSEPH PAQUET	ST. EUSTACHE.—This Claim is similar to the last	2	9	4	2	9	4
788...	JOSEPH LAMAGDELEINE dit LADOUCEUR	ST. BENOIT.—This Claim is similar to the last	41	2	0	27	1	6
789...	HYACINTHE BRAZEAU	ST. BENOIT.—This Claim is similar to the last	14	3	4	8	17	3
790...	FRANÇOIS GRATTON	ST. BENOIT.—This Claim is for Effects pillaged by the Volunteers	18	17	11	12	6	2
791...	LOUIS FRENCHÉ dit LA-FRAMBOISE	ST. BENOIT.—This Claim is similar to the last	14	10	0	8	18	2
792...	CAMILLE DUMOUCHEL	ST. BENOIT.—This Claim is similar to the last	17	5	6	12	17	0
793...	JEAN MENARD	ST. BENOIT.—This Claim is similar to the last	28	17	3	16	5	8
794...	PIERRE GROULX	ST. EUSTACHE.—This Claim is similar to the last	8	5	0	7	14	5

795...	MARIE TESSIER, Veuve JEAN BAPTÉ. LOSER	ST. EUSTACHE.—This Claim is similar to the last	7	7	6			
		The amount of actual loss has been assessed at						
		(But it being proved on evidence that Claimant's late husband was killed in the battle of St. Eustache, it, in the opinion of the Commissioners, deprives Claimant of the right to Indemnity under the Act.)						
796...	PAUL FILIAULT dit ST. LOUIS	TERREBONNÉ.—The Claim is for a Gun delivered to the Authorities	2	5	0	2	5	0
797...	MICHEL ROBIN	TERREBONNE.—This Claim is similar to the last	2	5	0	1	15	0
798...	LOUIS BERTHELETTE	ST. SCHOLASTIQUE.—This Claim is for a Calèche taken by the Volunteers, but is not proved	10	10	0			
799...	EUSTACHE LABROSSE	ST. SCHOLASTIQUE.—This Claim is for Effects pillaged by the Volunteers	8	3	6	6	7	4
800...	MARIE CHARTRAND, Veuve CHARLES BENONI PIGEON	ST. EUSTACHE.—This Claim is for Effects pillaged by the Rebels	13	19	4	11	9	4
801...	ANGÉLIQUE CAMPEAU, Veuve ANDRÉ BAULUC	ST. EUSTACHE.—This Claim is for Effects pillaged by the Volunteers	14	14	9	13	4	0
802...	LOUIS AUBAIN dit ST. LOUIS	ST. BENOIT.—This Claim is for Effects pillaged by the Volunteers	16	11	3	16	11	3
803...	JEAN BAPTISTE JAMES dit CARRIERE	ST. SCHOLASTIQUE.—This Claim is similar to the last	18	5	10	14	9	10
804...	JAMES McDONALD	LAPRAIRIE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	802	7	10			
		(This Claim is composed of £651 10s. 10d. for a House, and £150 17s. for Out-buildings and Effects, all burnt or pillaged by the Troops and Volunteers on the 14th December, 1837, the day of the Battle of St. Eustache, forming in all £802 7s. 10d. Of this amount Claimant was awarded and paid by the first Commission, £113 18s. 6d., being the amount of the value of their house, as valued by their Estimator; of the remainder of the Claim, £150 17s., the Commissioners have awarded £35 as the amount proved as the value of the barn and stable; but it is proved on evidence that the other buildings claimed for were of no value; that the greater part of the Trees had been cut down by the Claimant's agent previous to the destruction						

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
804...	JAMES McDONALD	<i>Continued.</i> of the property, and it is further proved by a witness who was for many years an occupant of the house from the time of its occupancy by Claimant in 1823 to its destruction in 1837, that the Furniture and Effects claimed for were not in the house either during the time he occupied it or at the time of its destruction, and this part of the Claim is rejected.)				35	0	0
805...	FRANÇOIS XAVIER ST. DENIS	ST. BENOIT.—This Claim is for Effects pillaged by the Volunteers.	37	2	2	20	3	1
806...	JOSEPH BEAUBIEN	ST. BENOIT.—This Claim is for Property burnt by the Volunteers.	331	0	0	229	5	0
807...	JOHN LEVEY	TERREBONNE.—This Claim is for Effects pillaged by the Troops	52	1	8	25	2	2
808...	MARTIN SARAZIN	ST. SCHOLASTIQUE.—This Claim is for Effects pillaged by the Troops	5	18	7	4	19	9
809...	LOUIS LAVOIX, Fils.	ST. MARTIN.—This Claim is similar to the last	9	4	10	2	16	3
810...	LAURENT VERDUN	ST. MARTIN.—This Claim is similar to the last, but is not proved.	23	12	6			
811...	ANTOINE LEGAULT dit DESLAURIERS, PERE	ST. SCHOLASTIQUE.—This Claim is for Effects pillaged by the Volunteers	6	6	3	3	13	6
812...	FRANÇOIS BEAUTRON dit MAJOR	ST. MARTIN.—This Claim is for a Gun delivered to the Authorities.	4	0	0	2	10	0
813...	JEAN BAPTISTE BELANGER	ST. MARTIN.—This Claim is for Effects pillaged by the Troops.	4	12	6	2	8	6
814...	ANTOINE BERGERON	ST. MARTIN.—This Claim is for Effects pillaged by the Troops.	12	12	3	6	2	3
815...	PIERRE CELESTIN PILON	ST. EUSTACHE.—This Claim is similar to the last	25	11	5	11	10	2
816...	PIERRE CYRE	ST. BENOIT.—This Claim is similar to the last.	13	8	9	7	7	11

817...	FRANÇOIS XAVIER SABOURIN	RIGAUD.—This Claim is for a Gun delivered to the Authorities.	1	5	0	1	0	0
818...	BENONI GOUR	RIGAUD.—This Claim is similar to the last	2	0	0	1	5	0
819...	LOUIS SABOURIN	RIGAUD.—This Claim is similar to the last	2	0	0	1	5	0
820...	IGNACE DUMOUCHEL	RIGAUD.—This Claim is for a Gun delivered to the Authorities	4	10	0	2	10	0
821...	HYACINTHE LEFEBVRE	RIGAUD.—This Claim is similar to the last	1	5	0	1	0	0
822...	MICHEL FRANÇOIS VALOIS	POINTE CLAIRE.—This Claim is for Property lost during the Rebellion.	128	0	0	29	12	6
823...	FELIX MONPETIT	ISLE PEROT.—This Claim is for Effects pillaged by the Troops and Volunteers	24	15	0	14	1	3
824...	ANTOINE ROZON	VAUDREUIL.—This Claim is for a Gun delivered to the Authorities.	1	12	6	1	0	0
825...	AUGUSTIN POIRIER	VAUDREUIL.—This Claim is similar to the last	1	10	0	1	0	0
826...	JEAN BAPTE BEABAUT	VAUDREUIL.—This Claim is similar to the last	2	0	0	1	0	0
827...	LOUIS PASCHAL GAU-THIER	VAUDREUIL.—This Claim is similar to the last	2	10	0	1	10	0
828...	PASCHAL LEGAULT dit DESLAURIERS	VAUDREUIL.—This Claim is similar to the last	2	10	0	1	10	0
829...	HYACINTHE CADIEUX	VAUDREUIL.—This Claim is similar to the last	1	10	0	1	0	0
830...	PAUL ROBILLARD	VAUDREUIL.—This Claim is similar to the last	2	0	0	1	5	0
831...	ABRAHAM LEFEBRE	VAUDREUIL.—This Claim is similar to the last	5	14	0	2	15	0
832...	JOSEPH COUSINEAU	VAUDREUIL.—This Claim is similar to the last	1	10	0	1	0	0
833...	JOACHIM PILON	VAUDREUIL.—This Claim is similar to the last	1	10	0	1	0	0
834...	AUGUSTIN BERLIN-GUETTE	VAUDREUIL.—This Claim is similar to the last	2	0	0	1	0	0

REPORT OF AWARDS accompanying the Report of the Commissioners under the 12th Vic. cap. 58, &c.—(Continued.)

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Appendix (V.V.)

A. 1852.

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
835...	MARIE ELIZ. BOYER, VEUVE NARCISSE GAMELIN	VAUDREUIL.—This Claim is similar to the last	2	10	0	1	0	0
836...	ETIENNE POWDRETH dit LAVIGNE	VAUDREUIL.—This Claim is similar to the last	1	10	0	1	0	0
837...	JEAN BAPTISTE CAMPEAU	VAUDREUIL.—This Claim is similar to the last	3	0	0	1	15	0
838...	PIERRE SAGALE	VAUDREUIL.—This Claim is similar to the last	1	10	0	1	0	0
839...	FRANÇOIS LUCAS	VAUDREUIL.—This Claim is similar to the last	2	0	0	1	5	0
840...	LOUIS MICHEL BERTRAND	CEDRES.—This Claim is similar to the last	0	0	0	1	7	0
841...	GEORGE RENE SAVEUSE DE BEAUJEU	COTEAU-DU-LAC.—This Claim is for Trees cut down for the use of the Fort at Coteau-du-Lac	142	2	0	51	14	0
842...	CATHERINE CHAUSSE- GROS DE LERY, VEUVE DE BEAUJEU	COTEAU-DU-LAC.—This Claim is for Deterioration in the value of Property burnt on the Seigneurie	140	0	0			

(This is a Claim of £140 made by the Claimant as Seignioresse, for the fifth part of the value of a House and Buildings in Soulanges, valued at £700, burnt by the Cengarys after their return from Beauharois in 1838. This is the only instance of a Claim for such a loss made under Seigniorial rights in the Province. If the loss had been occasioned by accident, or by arson, no Claim would award to the Seignior, and so far as the Seignioresse is concerned, in this case, the Commissioners consider this accidental too. The property burnt was not actually in the Claimant; she had a prospective interest only, in the event of a future sale, but not an absolute property in it. The value of the property as destroyed, proved before the Commission, is £385, on which the *lots et ventes*, or $\frac{1}{5}$, would be £27.18s. 11d. The Commissioners deem this only a contingent interest, and not that description of loss contemplated by the Act, and is Rejected.)

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Appendix (V.V.)

A. 1852.

843...	ARCHANGE CHARLEBOIS, VEUVE BAZILE BISSON- NETTE	CEDRES.—This Claim is for Provisions and Effects pillaged by the Troops	25	17	0	18	14	6
844...	JOSEPH SEGUIN	ST. BENOIT.—This Claim is for Effects pillaged by the Volunteers	20	0	2	15	12	0
845...	JOSEPH CHEVRIER	VAUDREUIL.—This Claim is for a Gun delivered to the Authorities	3	0	0	1	15	0
846...	EUSTACHE PERRIER	ST. POLYCARPE.—This Claim is for Effects pillaged by the Volunteers	34	0	11	20	17	11
847...	LOUIS RANGER	VAUDREUIL.—This Claim is for a Gun delivered to the Authorities	1	10	0	1	0	0
848...	JEAN BAPTISTE SEGUIN... ..	VAUDREUIL.—This Claim is similar to the last	1	15	0	1	0	0
849...	ALEXANDER LAROCQUE.. ..	VAUDREUIL.—This Claim is for a Gun delivered to the Authorities	2	0	0	1	5	0
850...	PIERRE SEGUIN	SOULANGES.—This Claim is similar to the last	2	10	0	1	10	0
851...	LOUIS LUC SAUVE'	VAUDREUIL.—This Claim is similar to the last	2	0	0	1	5	0
852...	JEAN BAPTE LALONDE.. ..	VAUDREUIL.—This Claim is for Guns delivered to the Authorities	4	10	0	3	0	0
853...	ANSELME LALONDE	VAUDREUIL.—This Claim is similar to the last	1	15	0	1	0	0
854...	FRANÇOIS XAVIER CHEVRIER	VAUDREUIL.—This Claim is similar to the last	1	10	0	1	0	0
855...	ANTOINE CHAMPEAU	VAUDREUIL.—This Claim is similar to the last	3	0	0	1	15	0
856...	JOSEPH BRASSEUR dit DUILAMEL	VAUDREUIL.—This Claim is for a Gun delivered to the Authorities	1	10	0	1	0	0
857...	FRANÇOIS NARCISSE BRASSEUR	VAUDREUIL.—This Claim is similar to the last	1	10	0	1	0	0
858...	MARIE BESNARD, VEUVE HYACINTHE MENARD	VAUDREUIL.—This Claim is similar to the last	1	15	0	1	0	0
859...	JEAN BAPTISTE LEDUC.. ..	VAUDREUIL.—This Claim is similar to the last	5	5	0	3	0	0
860...	HENRY ROEBUCK	COTEAU-DU-LAC.—This Claim is for Horses pillaged by the Volunteers	46	10	0	40	0	0

No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
860...	JEAN BAPTISTE CHRISTIN ST. AMOUR.....	COTEAU-DU-LAC.—This Claim is for a Scow and Gun taken by the Volunteers.....	6	10	0	6	0	0
862...	JOSEPH D'AOUST.....	VAUDREUIL.—This Claim is for a Gun delivered to the Authorities.....	2	10	0	1	15	0
863...	JOSEPH SEGUIN, PERE.....	VAUDREUIL.—This Claim is similar to the last.....	2	0	0	1	5	0
864...	JOSEPH ROY.....	VAUDREUIL.—This Claim is similar to the last.....	4	10	0	2	15	0
865...	FRANÇOIS X. MALLETT.....	VAUDREUIL.—This Claim is similar to the last.....	2	10	0	1	10	0
866...	JOSEPH DUTRISAC.....	VAUDREUIL.—This Claim is similar to the last.....	1	10	0	1	0	0
867...	AMABLE GAUTHIER.....	VAUDREUIL.—This Claim is similar to the last.....	3	0	0	2	0	0
868...	MICHEL MAVERT.....	VAUDREUIL.—This Claim is for <i>Etoffe</i> pillaged by the Volunteers.....	3	0	0	2	10	0
869...	JOSEPH CHARLEBOIS.....	VAUDREUIL.—This Claim is for a Gun delivered to the Authorities.....	4	3	4	2	10	0
870...	MICHEL BEZENAIRE DIT PRETABOIRE.....	VAUDREUIL.—This Claim is similar to the last.....	1	15	0	1	0	0
871...	MARGUERITE ROY, VEUVE ZACHARIE PILON.....	VAUDREUIL.—This Claim is for a Horse and Cart pillaged by the Volunteers.....	11	10	0	7	10	0
872...	EVANGELISTE PILON.....	VAUDREUIL.—This Claim is for a Gun delivered to the Authorities.....	1	10	0	0	12	6
873...	ANDRE CHEVRIER, Fils.....	VAUDREUIL.—This Claim is similar to the last.....	2	10	0	1	10	0
874...	ROSE PELETTIER, DAME HYACINTHE MONPETIT.....	COTEAU-DU-LAC.—This Claim is for Effects pillaged by the Troops.....	45	11	6	24	11	7
875...	MAURICE D'AOUST.....	ISLE PEROT.—This Claim is for Effects pillaged by the Troops.....	18	0	0	13	10	10

876...	JEAN BAPTE, SABOURIN, Fils.....	VAUDREUIL.—This Claim is for a Gun delivered to the Authorities.....	2	10	0	1	10	0
877...	ANDRE ROY.....	VAUDREUIL.—This Claim is similar to the last.....	1	5	0	1	0	0
878...	JOSEPH LALONDE.....	VAUDREUIL.—This Claim is similar to the last.....	1	10	0	1	0	0
879...	JOSEPH PILON, PERE.....	VAUDREUIL.—This Claim is similar to the last.....	1	10	0	1	0	0
880...	FRANÇOIS BOULE.....	VAUDREUIL.—This Claim is similar to the last.....	1	10	0	1	0	0
881...	ANTOINE MARTINEAU.....	VAUDREUIL.—This Claim is similar to the last.....	3	5	0	2	0	0
882...	PIERRE DEMONTIGNY.....	VAUDREUIL.—This Claim is similar to the last.....	2	8	9	1	13	3
883...	JEAN LEROUX.....	SOULANGES.—This Claim is similar to the last.....	2	0	0	1	5	0
884...	HYACINTHE CADIEUX.....	VAUDREUIL.—This Claim is similar to the last.....	2	10	0	1	10	0
885...	LOUIS MARCOT.....	SOULANGES.—This Claim is similar to the last.....	1	10	0	1	0	0
886...	VEUVE HUBERT LEROUX.....	SOULANGES.—This Claim is for Effects pillaged by the Volunteers.....	8	12	0	0	14	0
887...	CLAUDE MALLETT.....	RIGAUD.—This Claim is for a Gun delivered to the Authorities.....	1	10	0	1	0	0
888...	PIERRE SEGUIN, Fils DE JOSEPH.....	RIGAUD.—This Claim is similar to the last.....	5	0	0	3	0	0
889...	PAUL SEGUIN.....	RIGAUD.—This Claim is similar to the last.....	3	0	0	1	15	0
890...	HYACINTHE MALLETT.....	RIGAUD.—This Claim is similar to the last.....	2	10	0	1	10	0
891...	HUBERT MALLETT.....	RIGAUD.—This Claim is similar to the last.....	1	10	0	1	0	0
892...	JOSEPH J. BERGERON.....	RIGAUD.—This Claim is similar to the last.....	2	0	0	1	5	0
893...	ANTOINE ROY.....	RIGAUD.—This Claim is similar to the last.....	2	0	0	1	5	0
894...	AMABLE C. CHOLET.....	RIGAUD.—This Claim is similar to the last.....	2	0	0	1	5	0
895...	JOSEPH HILARE CHOLET.....	RIGAUD.—This Claim is similar to the last.....	0	15	0	0	15	0

REPORT OF AWARDS accompanying the Report of the Commissioners under the 12th Vic. cap. 58, &c.—(Continued.)

No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
896...	ISIDORE LAROCQUE	RIGAUD.—This Claim is for a Gun taken by the Rebels, but is not proved			0	3	10	0
897...	JOSEPH CHEYRIER	RIGAUD.—This Claim is for a Gun delivered to the Authorities	0	0	0	1	15	0
898...	ANDRE' SEGUIN, Pere	RIGAUD.—This Claim is similar to the last			0	1	5	0
899...	PIERRE LAFLAMME QUINIEREAU	RIGAUD.—This Claim is similar to the last	2	0	0	1	5	0
900...	TOUSSAINT LEGAULT dit DESLAURIERS	ISLE PEROT.—This Claim is similar to the last	1	10	0	1	0	0
901...	OLIVIER SAUVE'	RIGAUD.—This Claim is similar to the last	2	0	0	1	5	0
902...	PAUL VACHON	RIGAUD.—This Claim is similar to the last	2	0	0	1	5	0
903...	JOSEPH URTUBISE	RIGAUD.—This Claim is for a Gun delivered to the Authorities	1	15	0	1	0	0
904...	JOSEPH MALLET	RIGAUD.—This Claim is similar to the last, but is not proved	1	10	0	1	0	0
905...	LOUIS VACHON	RIGAUD.—This Claim is similar to the last	2	0	0	1	5	0
906...	ANTOINE BELANGER	RIGAUD.—This Claim is similar to the last	2	10	0	1	10	0
907...	BENJAMIN SAUVE'	RIGAUD.—This Claim is similar to the last	3	0	0	1	15	0
908...	JEAN BAPTE, TAILLEUR	RIGAUD.—This Claim is similar to the last	2	0	0	1	5	0
909...	HILIER CLEMENT	SOULANGES.—This Claim is similar to the last	1	10	0	1	0	0
910...	ANTOINE LALONDE	VAUDREUIL.—This Claim is for a Gun delivered to the Authorities	2	15	0	1	15	0
911...	MARCUS CHILD	STANSTEAD.—This Claim is for Property destroyed by the Volunteers	89	15	0	60	15	0
912...	JOSEPH LECUYER	VAUDREUIL.—This Claim is for a Gun delivered to the Authorities	3	0	0	1	15	0

913...	LOUIS CYPRIEN SAUVE'	VAUDREUIL.—This Claim is similar to the last	1	10	0	1	0	0
914...	JEAN BAPTISTE VACHON	RIGAUD.—This Claim is similar to the last	2	0	0	1	5	0
915...	HENRI PORTELANCE	RIGAUD.—This Claim is similar to the last	5	0	0	3	0	0
916...	TOUSSAINT BRUNET	RIGAUD.—This Claim is similar to the last	2	10	0	1	5	0
917...	MARIE GENEVIEVE FOU- BERT, Veuve JOSEPH SEGUIN	RIGAUD.—This Claim is similar to the last	1	5	0	1	0	0
918...	JEAN BAPTISTE SEGUIN	RIGAUD.—This Claim is similar to the last	1	7	6	1	0	0
919...	PIERRE QUESNEL	RIGAUD.—This Claim is similar to the last	2	10	0	1	10	0
920...	FRANÇOIS EMBELIEN CHERRIER	RIGAUD.—This Claim is similar to the last	1	15	0	1	0	0
921...	DOMINIQUE CARDINAL	RIGAUD.—This Claim is similar to the last	2	0	0	1	5	0
922...	ATHANASE ROY	RIGAUD.—This Claim is similar to the last	3	0	0	1	0	0
923...	HYACINTHE SABOURN	RIGAUD.—This Claim is similar to the last	2	0	0	1	5	0
924...	JACQUES URTUBISE	RIGAUD.—This Claim is similar to the last	1	10	0	0	15	0
925...	ANTOINE SEGUIN, Fus d'ANTOINE	RIGAUD.—This Claim is similar to the last	2	10	0	1	10	0
926...	OLIVIER CLEMENT	SOULANGES.—This Claim is similar to the last	3	0	0	1	15	0
927...	AUGUSTIN BRABANT	VAUDREUIL.—This Claim is similar to the last	1	10	0	1	0	0
928...	JOSEPH RANGER	RIGAUD.—This Claim is similar to the last	3	0	0	1	15	0
929...	FRANÇOIS XAVIER LAUTHIER	RIGAUD.—This Claim is similar to the last	2	10	0	1	10	0
930...	JEAN BAPTE GAUTHIER	RIGAUD.—This Claim is similar to the last	2	0	0	1	5	0

REPORT OF AWARDS accompanying the Report of the Commissioners under the 12th Vic. cap. 58, &c.—(Continued.)

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Appendix (V.V.)

A. 1852.

No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
931.	MICHEL GAUTHIER.....	RIGAUD.—This Claim is similar to the last	2	10	0	1	10	0
932.	MICHEL FAUBERT	RIGAUD.—This Claim is similar to the last	1	10	0	1	0	0
933.	VINCENT SEGUIN.....	RIGAUD.—This Claim is similar to the last	3	0	0	1	15	0
934.	JOSEPH SEGUIN, Fils.....	RIGAUD.—This Claim is similar to the last	0	17	6	0	17	6
935.	JOSEPH BESNARD	RIGAUD.—This Claim is similar to the last	1	15	0	1	0	0
936.	VINCENT VILLENEUVE ..	RIGAUD.—This Claim is similar to the last	4	5	0	2	15	0
937.	JOSEPH SABOURIN	RIGAUD.—This Claim is similar to the last	2	10	0	0	17	6
938.	TOUSSAINT VALADE, Pere	VAUDREUIL.—This Claim is similar to the last	4	10	0	3	0	0
939.	JOSEPH EUCLISE DUPONT	VAUDREUIL.—This Claim is similar to the last	4	0	0	2	0	0
940.	JEAN BAPTISTE RANGER.	VAUDREUIL.—This Claim is similar to the last	1	10	0	1	0	0
941.	ANDRE CASTONGNAY ..	VAUDREUIL.—This Claim is similar to the last	2	0	0	1	5	0
942.	HYACINTHE MENARD.....	RIGAUD.—This Claim is similar to the last	3	0	0	1	15	0
943.	AUGUSTIN OUMET.....	RIGAUD.—This Claim is similar to the last	1	5	0	1	0	0
944.	JOSEPH PERILLARD	RIGAUD.—This Claim is similar to the last	1	5	0	1	0	0
945.	JEAN MAILLET.....	RIGAUD.—This Claim is similar to the last	1	10	0	0	12	6
946.	HYACINTHE GAUTHIER..	RIGAUD.—This Claim is similar to the last	1	5	0	1	0	0
947.	JOACHIM SAUVE.....	VAUDREUIL.—This Claim is similar to the last	1	8	6	1	0	0
948.	PIERRE PAUL DECOUR..	RIGAUD.—This Claim is similar to the last	1	10	0	1	0	0

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Appendix (V.V.)

A. 1852.

949.	PIERRE LEFEBVRE	RIGAUD.—This Claim is similar to the last	2	0	0	1	5	0
950.	NICOLAS LEFEBVRE	RIGAUD.—This Claim is similar to the last	2	0	0	1	5	0
951.	ANTOINE SEGUIN, Fils DE JEAN LOUIS	RIGAUD.—This Claim is similar to the last	3	0	0	1	15	0
952.	JOSEPH BRAZEAU	RIGAUD.—This Claim is similar to the last	2	0	0	1	5	0
953.	AUTHIME LEMAIRE.....	RIGAUD.—This Claim is similar to the last	1	10	0	1	0	0
954.	ANTOINE LALONDE, Pere..	RIGAUD.—This Claim is similar to the last	2	0	0	1	5	0
955.	JACQUES LEBLANC.....	RIGAUD.—This Claim is similar to the last	1	10	0	1	0	0
956.	ANTOINE VACHON	RIGAUD.—This Claim is similar to the last	1	0	0	1	0	0
957.	AMABLE LEDUC	RIGAUD.—This Claim is similar to the last	2	0	0	1	10	0
958.	JEAN BAPTISTE BRAZEAU	RIGAUD.—This Claim is similar to the last	2	15	0	1	15	0
959.	ANTOINE MONPETIT	RIGAUD.—This Claim is similar to the last	2	0	0	1	5	0
960.	MICHEL ST. DENIS	RIGAUD.—This Claim is similar to the last	2	10	0	1	10	0
961.	CHARLES BOUCHER	RIGAUD.—This Claim is similar to the last	0	0	0	0	0	0
962.	JEAN BAPTISTE SEGUIN..	RIGAUD.—This Claim is similar to the last	2	0	0	1	0	0
963.	LEANDRE CHEVRIER	RIGAUD.—This Claim is similar to the last	7	0	0	4	0	0
964.	JULIEN RIEL	RIGAUD.—This Claim is similar to the last	2	10	0	1	10	0
965.	PIERRE VALLEE, Pere.....	RIGAUD.—This Claim is similar to the last	2	10	0	1	10	0
966.	HYACINTHE PILON	RIGAUD.—This Claim is similar to the last	2	10	0	1	10	0
967.	THEODORE SEGUIN, Pere.	RIGAUD.—This Claim is similar to the last	2	10	0	1	10	0
968.	REGIS VILLENEUVE.....	RIGAUD.—This Claim is similar to the last	1	10	0	1	0	0

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
969...	ANTOINE VALLEE, Fils ..	RIGNAUD.—This Claim is similar to the last	1	15	0	1	0	0
970...	FRANÇOIS XAVIER BRASSEUR	RIGNAUD.—This Claim is similar to the last	2	0	0	1	5	0
971...	JOSEPH LABELLE	RIGNAUD.—This Claim is similar to the last	2	0	0	1	5	0
972...	AMABLE VALLEE.....	RIGNAUD.—This Claim is similar to the last	1	2	0	1	0	0
973...	ARSENE BELANGER	RIGNAUD.—This Claim is similar to the last	1	0	0	1	0	0
974...	CHARLES BELANGER	RIGNAUD.—This Claim is similar to the last	1	0	0	1	0	0
975...	SIMON VILLENEUVE, Fils DE REGIS	RIGNAUD.—This Claim is similar to the last	1	2	6	1	0	0
976...	JOSEPH GADIEUX	RIGNAUD.—This Claim is similar to the last	2	10	0	1	10	0
977...	LOUIS MALLET.....	RIGNAUD.—This Claim is similar to the last	2	0	0	1	5	0
978...	JOSEPH POITRAS, Fils ..	RIGNAUD.—This Claim is similar to the last	1	10	0	0	15	0
979...	AUGUSTIN LAFRAMBOISE	RIGNAUD.—This Claim is similar to the last	1	10	0	1	0	0
980...	CLEOPHILE PANBRUN ..	VAUDREUIL.—This Claim is for Effects pillaged by the Volunteers...£8 17s. 11d. (The Evidence being incomplete, the Award will be given hereafter.)	68	5	8			
685...	HEIRS OF THE LATE MARGTE. ROUSSEL, VEUVÉ ALEX-ANDER ROCHON.....	ST. EUSTACHE.—Case resumed from Report, dated 7th July, 1851.—This Claim is for Effects pillaged by the Volunteers and Troops (This Claim is for £68 5s. 8d. for Pillage, of which the sum of £40 0s. 0d. is for money said to have been taken by the Volunteers on the day of the Battle of St. Eustache, on the 14th December, 1837, but is not proved. The balance for Effects pillaged at the same time has been proved at £11, which is awarded.)						

686...	JOSEPH ROBILLARD, PÈRE	ST. EUSTACHE.—Case resumed from Report, dated 7th July, 1851.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	33	2	0			
		The amount of actual loss suffered has been assessed at the sum of £19 10s. 10d. (But it being proved on evidence, in Journal, pages 878, 907, and 911, that Claimant was a Captain in the Camp at St. Eustache, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.)						
		Mr. LeBlanc dissenting, for reasons explained by him in full in a paper attached to the Judgments, marked No. 23.						
		£	61829	0	1	24236	11	10

Claims amounting to Sixty-one thousand three hundred and twenty-nine pounds, and one penny, and Awards to Twenty-four thousand two hundred and thirty-six pounds, eleven shillings and ten pence.

(Signed,) P. H. MOORE,
" JACQUES VIGER, } Commissioners.
" JOHN SIMPSON,
W. C. HANSON.

Commissioners' Office,
Beauharnois, 21st July, 1851.

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
627...	FABRIQUE OF ST. BENOIT..	Amount brought forward from last continuation of Report, dated 21st July, 1851	61829	0	1	24236	11	10
		ST. BENOIT.—Case resumed from Report, dated 30th June, 1851.....	7127	10	0			
		(This Claim is for compensation for the loss of the Church, Presbytery, and other property at St. Benoit, destroyed by the Volunteers, on the 16th December, 1837, the day after the battle of St. Eustache, and considering the claim in all its relations, the Commissioners are of opinion that justice is amply satisfied with the sum now awarded.)						
		Mr. Viger dissenting, who voted for £3806 19s. 3d., being the amount as estimated by the Surveyor of the first Commission; and Mr. LeBlanc, in paper No. 24.				2750	0	0

REPORT of AWARDS accompanying the Report of the Commissioners under the 12th Vic. cap. 58, &c.—(Continued.)

No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
628...	REV. ETIENNE CHARTIER.	ST. BENOIT.—This Case is resumed from Report, dated 30th June, 1851 :— This Claim is for Effects burnt or pillaged by the Volunteers, on the 15th Decem- ber, 1837 The amount of actual loss suffered has been assessed at the sum of £206 15s. 11d. (The criminal conduct of the Reverend Claimant during the disastrous events of 1837, up to the defeat of the Rebels, on the 14th December, at St. Eustache, is too well established to admit of justification, and the Commissioners deny him Indemnity.) Mr. LeBlanc dissenting; for reasons explained in paper No. 25.	455	13	0			
678...	THERESE FILLIATRAULT, FORMERLY VEUVE LOUIS VERMET, AT PRESENT WIFE OF ANDRE SAUVEY	ST. SCHOLASTIQUE.—Case resumed from Report, dated 30th June, 1851 :— This Claim is for Property and Effects burnt or pillaged by the Troops and Volun- teers (This Claim is for £27 19s. 4d. for personal, and £50 for real property destroyed by the Volunteers, on the 16th December, 1837, but it being proved that Claimant's late husband was killed at the battle of St. Eustache, on the 14th, whilst fighting against Her Majesty's Troops, it, in the opinion of the Commissioners, deprives Claimant of any right to Indemnity on the personal property proved at £24 10s. 10d., but she is awarded her half of the real property valued at £32 10s. 0d., being her right by her marriage contract, as being <i>en communauté de biens</i> with her for- mer husband.) Mr. LeBlanc dissenting.	77	19	4			
			68990	8	11	27002	16	10

Claims amounting to Sixty-eight thousand nine hundred and ninety pounds, eight shillings and eleven pence, and
Awards to Twenty-seven thousand and two pounds, sixteen shillings and ten pence.

(Signed) JOHN SIMPSON, }
" W. C. HANSON, } Commissioners.
" OVIDE LEBLANC }

COMMISSIONERS' OFFICE,
Beauharnois, 28th July, 1851.

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
543. . .	GEORGE WEEKS, ASSIGNER TO THE ESTATE OF J. B. DUMOUCHEL	Amount brought from the last continuation of Report on Claims investigated previous to the 1st-September, 1850, dated 28th July inst.	68900	8	11	27002	16	10
	ST. BENOIT.—Case resumed from Report, dated 9th June:— This Claim is for Property burnt by the Volunteers Awarded—One thousand nine hundred and forty-one pounds, twelve shillings and three pence, to be paid to the Assignees of the Bankrupt Estate of the late J. B. Dumouchel, or the Creditors severally and separately, as may be deemed the most legal and proper		3905	2	11			
621.	J. J. GIROUARD	ST. BENOIT.—Case resumed from Report, dated 23rd June:— This Claim is similar to the last. Messrs. Moore and Simpson dissenting.	2409	7	0	999	2	0
692.	JACOB BARCELO	ST. SCHOLASTIQUE.—Case resumed from Report, dated 7th July:— This Claim is similar to the last. Messrs. Moore and Simpson dissenting.	1256	6	0	657	2	6
980.	CLEOPHINE PAMBRUN	VAUDREUIL.—Case resumed from Report, dated 28th July:— This Claim is for Effects pillaged by the Volunteers, but is not proved.	8	17	11			
			76570	2	9	30600	13	7

Claims amounting to Seventy-six thousand five hundred and seventy pounds and seven pence, and Awards to Thirty thousand six hundred pounds, thirteen shillings and seven pence.

(Signed,) P. H. MOORE,
" JACQUES VIGER,
" JOHN SIMPSON, } Commissioners.
" W. C. HANSON,
" OVIDE LEBLANC. }

COMMISSIONERS' OFFICE,
Beauharnois, 15th September, 1851.

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.			
			£	s.	d.	£	s.	d.	
528...	W. H. SCOTT	PLACE OF RESIDENCE.	76570	2	9	30600	13	7	
		Amount brought forward from the last continuation of Report, dated 15th September, 1851							
	ST. EUSTACHE. — Case resumed from Report, dated 9th June, 1851. — This Claim is for Property, Merchandise, and Effects burnt or pillaged by the Troops and Volunteers	Amount brought forward from the last continuation of Report, dated 15th September, 1851	5349	10	11	2006	0	6	
511...	JUDITH LECHENE, VEUVE FRS. TREPANIER	PLACE OF RESIDENCE.	396	18	4				
		Amount brought forward from the last continuation of Report, dated 9th June, 1851. — This Claim is for Buildings and Effects burnt or pillaged by the Troops							
		(The amount of actual loss suffered has been assessed at the sum of £130 0s. 0d. for fixed property, and £166 19s. 5d. for Effects, but it being proved on evidence that Claimant's husband was an active leader in, and aided and assisted in the Rebellion, it, in the opinion of the Commissioners, deprives his Heirs of the right to Indemnity under the Act, and they therefore Award the Claimant the sum of Sixty-five pounds, being her half of the fixed property, as guaranteed to her by her marriage contract, as being <i>en communauté de biens</i> with her late husband.)				65	0	0	
		Messrs. Hanson and LeBlanc dissenting, for reasons explained in full in papers attached to the Judgments, and marked Nos. —							
400...	THE ESTATE OF DR. W. NELSON & Co., Assignees of	PLACE OF RESIDENCE.	19745	15	7				
		Amount brought forward from the last continuation of Report, dated 2nd June, 1851. — This Claim is for the Distillery and other Property and Effects burnt and pillaged by the Troops and Volunteers, in November, 1837							
		(The amount of Property destroyed coming within the Provisions of the Act, has been assessed at the sum £16,338 8s. 7d., the difference of £3,407 7s. 0d. being for Farms and Landed Property which did not come within the Provisions of the Act, and the amount of the Principal of the Debts due by the Estate at the time of the Destruction of the Property, is £10,746 8s. 8d., as per the following list.) viz. :—							
		FRANCIS MOUNT				£	166	19	5
		CHRISTOPHE FANEUF					30	12	5
		HENRI D'ESCHAMBAULT					60	0	0
		PETER DUNN					25	4	9

WM. D'ESCHAMBAULT	253	15	0
ALEXIS LAFRAMBOISE	9	0	0
JOSEPH LUSSIER	11	18	9
VIGER, DEWITT & CO.	1526	17	5
BENJAMIN RICHER DIT LAFLECHE	251	16	5
JULIEN GAQUETTE	19	10	2
AUGUSTIN LESPÉRANCE	7	0	0
JACQUES DORION	187	10	0
JOHN MOLSON	32	17	0
The <i>stræ</i>	18	8	2
WM. DOW & CO	50	7	5
OLIVIER CHAMARD	567	4	10
LAROCQUE, BERNARD & CO	71	1	11
TIMOTHE FRANCHÈRE	611	1	1
PRUDENT MALO	385	1	2
JOSEPH CHEVET	170	19	2
DAME ADELE BOURDAGES	178	15	11
ALEXANDER CHOQUETTE	148	7	9
TRUSTEES OF ESTATE, J. T. DROLET	67	18	10
HENRY LEMESURIER, ET AL., EXECUTORS OF LATE DAME M. J. WOOLSEY, WIDOW GUEROUT	232	18	9
FRANÇOIS CORMIER	25	7	2
HONORABLE XAVIER MALHOT	29	14	11
LOUIS GUEROUT	531	4	1
WM. D'ESCHAMBAULT	400	0	0
JOSEPH BASQUET	28	5	10
FRS. VANDANDAIGNE DIT GODBOIS	8	3	2
FRS. X. LAFORCE	84	5	2
JEAN BAPTISTE BERNARD	21	12	4
LOUIS PERRAULT	24	1	10
FERMIN PERRIN	119	3	3
ANDREW MCGILL, ASSIGNEE ESTATE W. MCGEAN	16	14	11
JOSEPH GAZAÏLLE DIT ST. GERMAIN, TUTOR	88	19	11
EUSTACHE SOUPRAS, Esquire	395	0	7
THEODORE HART	117	4	9
ESTATE LATE WM. PHILLIPS	659	5	1
REV. FRANÇOIS DEMERS	32	18	4
DAME A. BOURDAGES, WIDOW OLIVIER	24	17	0
ROBERT NELSON	319	7	2
DAME CHARLOTTE DE FLEURIMONT	857	1	5

No. of Claimants.

460... THE ESTATE OF DR. W. NELSON & Co., ASSIGNEES OF

PLA CE of RESI DENCE.

DAME MARGUERITE MONTIGNY	£ 35 1 11
JOHN ROSS	210 14 2
PIERRE ARCHAMBAULT, Tutor	16 1 0
CUVILLIER & SONS	100 9 2
ANTOINE POIRIER, Tutor	536 8 4
D ^{LE} LE. MARIE MINETTE	6 12 6
ESTATE OF GEORGE PHILLIPS	39 12 6
EDWARD PRENTICE	218 5 2
CYRIL BOUDREAU	39 11 6
S. GAUTHIER & CO	12 5 11
J. B. E. DUROCHER	340 4 6
TRUSTEES OF ESTATE LATE J. T. DROLET	13 8 0
JACQUES CHEVAL dit ST. JACQUES	400 0 0
	£10746 3 8

In the original list of Creditors filed before this Commission, Firmin Perrin was entered as a Creditor for £968 0 6 And George Dempster, as holder of a Transfer of part of the original Debt claim by Perrin for 380 14 1

Together.....£1344 0 7
But which Debt Dr. Nelson stated before the Commission as not being due. These parties were cited to appear before the Commissioners, and after Perrin had produced the documents forming his account, which consisted partly of Promissory Notes and partly of Judgments obtained by him in the Court of Queen's Bench against Dr. Nelson; the Commissioners, after careful examination of these contested amounts, have determined—

Firstly. That the Promissory Notes on which part of the Claim is founded having, by Perrin's acknowledgment, come into his possession without legal Transfer or value given after the Notes were past due, and protested.

Secondly. That the first Judgment of £400, being founded on Items for which he, Perrin, was specially indemnified by the first Commission in their award of £250, and the second Judgment for £350, which was afterwards transferred by the said Perrin to George Dempster, being given for losses pretended to have been suffered by the said Perrin by the prevention of the sale and delivery of a quantity of Grain by the said Dr. Wolfred Nelson, but which sums were included in Perrin's account filed before the first Commission, and, consequently, included in the Award of £250 0s. 0d. rendered by that Commission, which includes all losses sustained by the said Perrin during the Rebellion, as well as being for speculative losses, which could not have been admitted by the Commissioners as coming within the provisions of the present Act, these several sums must be deducted from Perrin's Claim, and he will thus stand a Creditor to Dr. Nelson's Estate for..... £242 14 2

Less—The sum of 128 12 4
Which Perrin acknowledges to have received from the Estate, thus leaving the sum of £119 3s. 8d., which Perrin can claim, and is acknowledged to be correct by Dr. Nelson.

The Commissioners, therefore, award the sum of Ten thousand seven hundred and forty-six pounds, three shillings and eight pence to the individual Creditors, as per the amounts opposite to their names in the previous list. But the Commissioners in ordering payment to the several Creditors of Dr. W. Nelson & Co., instead of ordering the amount thereof to be paid into the hands of the Assignees, as by law it might have been, have left the expenses incurred in Bankruptcy unprovided for, and taking into consideration the advantage derived by the Commissioners from the different Claims being proved before the Bankrupt Court, and the great assistance given by these parties to them, they consider it just and right to award the sum of Two hundred and fourteen pounds, to be paid as follows, viz.:

To George Weeks, 1 per cent. in the amount awarded the Creditors of £10,746 3s. 8d	£107 0 0
To the Clerk of the Bankrupt Court	12 1 8
To Badgley & Abbott, for Professional Services	50 17 6
To Henry Judah, do	44 0 10
	£214 0 0

Which is to be deducted *pro rata* from the several amounts awarded each individual Creditor.

And they further Award to Madamé Nelson the sum of Two thousand pounds as an Indemnity for her being forced to renounce her rights in the Community, in consequence of the destruction of the property of the Community, existing as per marriage contract between her and Dr. Wolfred Nelson.

REPORT OF AWARDS accompanying the Report of the Commissioners under the 12th Vic. cap. 58, &c.—(Continued.)

No. of Claim.	NAMES OF CLAIMANTS.	PLA CE OF RESI DENCE.	Amount Claimed.			Amount Awarded.			
			£	s.	d.	£	s.	d.	
460...	THE ESTATE OF DR. W. NELSON & Co., ASSIGNEES OF								
	<p><i>Continued.</i> There will thus remain a Balance of £3,592 4s. 11d. over and above the amount Awarded, which reverts, by the decree of the Commissioners, to the General Fund. Dr. Nelson, to whom it would, under ordinary circumstances, have been Awarded, being one of the parties particularly excluded by the Act. The total value of property owned by Dr. Nelson, at the time of the destruction of the property, including landed estate, was £10,745 15s. 7d., and the total amount of Debts due at the same period was £10,740 3s. 8d. showing a Balance of £8,999 11s. 11d. over and above the liabilities.—Awarded..... Mr. LeBlanc, in according to the foregoing Judgment, hereby declares, however, that he does not coincide with his Brother Commissioners, inasmuch as they do not Award the remaining sum or Balance for the payment of the interest due on the debts claimed by the Creditors of Dr. W. Nelson, as far as such remaining sum or Balance would go towards paying such interest, he asserting that the said Creditors have as much right to the interest, where interest is due, as to the principal of their Debts. He also declares that he is for paying the sums Awarded to the Creditors themselves, or the Assignees for the said Creditors, as would be more legal.</p>								
			£	102802	7	7	45417	17	0

Claims amounting to One hundred and two thousand and sixty-two pounds, seven shillings and seven pence, and Awards to Forty-five thousand four hundred and seventeen pounds, seventeen shillings and nine pence.

(Signed,) P. H. MOORE,
 " JACQUES VIGER, } Commissioners.
 " JOHN SIMPSON. }

COMMISSIONERS' OFFICE,
 Montreal, 15th January, 1852.

REPORT of JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

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Appendix (V.V.)

A. 1852.

No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
993.	JEAN BAPTE. GAUTHIER dit ST. GERMAIN, PERE.	ST. REMI.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	118	8	2	79	10	7
994.	JEAN BAPTE. GAUTHIER dit ST. GERMAIN, Fils.	ST. REMI.—This Claim is similar to the last	96	3	3	53	9	0
995.	PIERRE BAZINET	ST. REMI.—This Claim is for Effects pillaged by the Volunteers	22	15	7	10	0	8
996.	MICHEL GIROUX	ST. CONSTANT.—This Claim is similar to the last	62	18	8	56	5	7
997.	ISAAC NEWTON	ST. CONSTANT.—This Claim is for Property burnt or pillaged by the Rebels	60	0	0	33	3	9
998.	JEAN BAPTISTE LEMYRE.	ST. CONSTANT.—This Claim is for Sheep, &c., pillaged by the Indians	12	10	0	7	4	0
999.	JULIEN GERVAIS	ST. CONSTANT.—This Claim is similar to the last	14	7	6	9	4	0
1000.	JEAN BAPTISTE BRISSON	ST. REMI.—This Claim is for a Horse pillaged by the Volunteers	10	0	0	8	10	0
1001.	PAUL LERIGE dit LA- PLANTE	ST. REMI.—This Claim is for Effects pillaged by the Volunteers	23	1	2	11	19	11
1002.	LOUIS LAPLANTE	ST. REMI.—This Claim is similar to the last	26	5	0	18	0	0
1003.	JOSEPH BOUCHER	ST. REMI.—This Claim is similar to the last	11	9	0	8	10	7
1004.	FREDERICK SINGER	ST. PHILIPPE.—This Claim is for Property and Effects pillaged and destroyed by the Rebels	103	8	8	48	9	2
1005.	ADELAIDE BOURDEAU ..	ST. PHILIPPE.—This Claim is for a Gun delivered to the Authorities	1	10	0	1	0	0
1006.	EUSTACHE DUMAIS	ST. PHILIPPE.—This Claim is similar to the last	3	9	0	2	0	0
1007.	FREDERICK HART	ST. PHILIPPE.—This Claim is for Property destroyed during the Rebellion, 1838.	51	13	4	23	0	0

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A. 1852.

1008.	LOUIS DAUNAIS	ST. PHILIPPE.—This Claim is similar to the last	12	1	6	7	17	0
1009.	VITAL DUPOIS	ST. PHILIPPE.—This Claim is for a Gun delivered to the Authorities	1	10	0	1	0	0
1010.	JEAN BAPTISTE CHENAIL	ST. PHILIPPE.—This Claim is for a Gun delivered to the Authorities	3	16	3	1	15	7
1011.	MAGLOIRE BOLDUQUE ..	ST. REMI.—This Claim is for Effects pillaged by the Troops and Volunteers	10	12	0	4	12	0
1012.	JOSEPH GAUTHIER dit ST. GERMAIN	ST. REMI.—This Claim is similar to the last	22	0	3	13	7	8
1013.	PIERRE BOUCHER	ST. REMI.—This Claim is similar to the last	26	10	2	10	4	3
1014.	GUILLAUME BEAUDIN ..	ST. REMI.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	108	4	6	53	15	6
1015.	TOUSSAINT GIBEAU	ST. REMI.—This Claim is for Effects pillaged by the Glengarries	4	1	0	2	17	0
1016.	TOUSSAINT MOUNET	ST. REMI.—This Claim is for Property burnt or pillaged by the Troops and Volunteers being incomplete, the Award will be given hereafter.)	5	15	0	5	0	0
1017.	FRANÇOIS XAVIER GAGNIER	ST. CONSTANT.—This is for Guns, &c., taken by the Volunteers	6	18	3	5	0	0
1018.	PIERRE CARDINAL	ST. CONSTANT.—This Claim is similar to the last	10	7	9	7	10	3
1019.	GEOFFROY LEFEBRE	ST. REMI.—This Claim is for Effects pillaged by the Troops and Volunteers	2	10	0	1	10	0
1020.	JOSEPHTE LEFEBRE, VEUVE CHAS. GODONA.	LAPRAIRIE.—This Claim is for a Gun delivered to the Authorities	5	1	4	3	17	7
1021.	MANLINE LEMIEUX, VEUVE LOUIS GIBAUD.	ST. CONSTANT.—This Claim is for Lodging Troops	31	1	0	10	12	4
1022.	FRANÇOIS DESMARAIS ..	ST. REMI.—This Claim is for Effects pillaged by the Troops and Volunteers	12	18	9	9	15	0
1023.	JOSEPH LEMIEUX	ST. CONSTANT.—This Claim is similar to last	29	1	8	19	0	10
1024.	FRANÇOIS LEMIEUX	ST. CONSTANT.—This Claim is similar to last	2	10	0	2	5	0
1025.	FRANÇOIS GIBEAU	ST. CONSTANT.—This Claim is similar to last						

REPORT of JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

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Appendix (V.V.)

A. 1852.

No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1026..	HEUS OF ANTOINE BEAU-CHAMP, Pere	ST. REMI.—This Claim is similar to last:.....	26	15	0	20	3	0
1027..	OLIVIER ASSELIN	ST. REMI.—This Claim is for a Horse pillaged by the Volunteers	10	0	0	7	10	0
1028..	CONSTANT DISBOIS.....	ST. REMI.—This Claim is for Effects pillaged by the Volunteers	4	6	3	2	6	3
1029..	LAZAURE TURCOT	ST. CONSTANT.—This Claim is for Lodging Troops	22	2	0	15	0	0
1030..	JOSEPH BROUSSEAU	ST. REMI.—This Claim is for Effects pillaged by the Troops and Volunteers The amount of actual loss suffered has been assessed at the sum of .£37 7s. 0d. (But Claimant having confessed he was at the Camp at Napierville, armed with his gun, which he lost at the Camp, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.) Mr. LeBlanc dissenting, because the loss is not the consequence of the act of the Claimant, it having been caused about eighteen miles from Napierville, by parties who did not know the said act, and who pillaged all alike whether guilty or innocent; and because of all the general reasons given in my dissent from the Judgment on Claim No. 72.	54	5	0			
1031..	MARTHE BROUSSEAU	LAPRAIRIE.—This Claim is for Guns delivered to the Authorities	3	15	0	2	10	0
1032..	BAZILE LEFEBVRE	ST. REMI.—This Claim is for Effects pillaged by the Volunteers	14	0	0	10	7	0
1033..	CELESTIN RIELLE	ST. REMI.—This Claim is similar to the last	11	19	9	7	11	8
1034..	MARIE PICOTTE, Veuve J. BAPTISTE BRISSORE..	ST. REMI.—This Claim is similar to the last	8	2	6	6	17	6
1035..	CHARLES BABEU	ST. PHILIPPE.—This Claim is for Guns delivered to the Authorities	2	10	0	1	0	0
1036..	HYPOLITE DALPE'	ST. REMI.—This Claim is for Effects pillaged by the Volunteers	5	10	0	3	12	6
1037..	FRANÇOIS 'DALPE' dit PARISIEU	LAPRAIRIE.—This Claim is for Effects pillaged by the Volunteers	13	17	6	8	5	3

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1038..	ISIDORE DALPE' dit PARISIEU	ST. REMI.—This Claim is similar to the last	17	18	0	11	15	4
1039..	AUGUSTIN DALPE'	ST. REMI.—This Claim is similar to the last	185	2	6	90	6	11
1040..	JOSEPH BRISSON	ST. REMI.—This Claim is similar to the last	4	10	0	3	0	0
1041..	PIERRE LAROCHE	ST. REMI.—This Claim is for a Horse taken by the Glengarries	17	10	0	10	0	0
1042 A.	FRANÇOIS BOUTHILLIER.	LAPRAIRIE.—This Claim is for a Gun delivered to the Authorities	1	15	0	1	0	0
1042 B.	JOSEPH MOQUIN	ST. REMI.—This Claim is for Effects pillaged by the Volunteers	11	9	0	8	12	9
1043..	JACQUES BOURDEAU	LAPRAIRIE.—This Claim is for Two Guns delivered to the Authorities	3	15	0	2	0	0
1044..	ALEXIS PERRAS	ST. REMI.—This Claim is for Effects pillaged by the Volunteers	20	5	8	9	14	5
1045..	PIERRE BOURASSA	LAPRAIRIE.—This Claim is for a Gun and Medical Attendance	9	8	0	2	0	0
1046..	JEAN BAPTISTE GERVAIS.	ST. ISIDORE.—This Claim is for Effects pillaged by the Indians	18	15	6	11	10	0
1047..	FRANÇOIS ST. GERMAIN ..	MONTREAL.—This Claim is similar to the last	45	3	6	31	2	6
1048..	JEAN BAPTE. SUPRENANT.	ST. PHILIPPE.—This Claim is for Lodging Troops, and Effects pillaged by them..	15	13	5	7	5	5
1049..	JOSEPH DAIGNEAU	ST. PHILIPPE.—This Claim is similar to the last	67	0	9	15	13	4
1050..	AMABLE BRINDAMOUR ..	ST. PHILIPPE.—This Claim is for Effects pillaged by the Volunteers	14	12	6	9	0	0
1051..	ETIENNE LECUYER	ST. PHILIPPE.—This Claim is similar to the last	6	12	8	5	16	8
1052..	BENONI LAPERCHE	ST. REMI.—This Claim is similar to the last	35	9	2	15	14	0
1053..	ALEXANDRE LAVIGNE ..	ST. CONSTANT.—This Claim is similar to the last	9	7	9	5	15	4
1054..	ANTOINE LEFEBVRE	ST. CONSTANT.—This Claim is for Effects pillaged by the Troops	35	16	0	25	19	2
1055..	AMABLE PREVOST	ST. CONSTANT.—This Claim is similar to the last	10	12	6	7	16	0
1056..	MARTIN HUET dit DELUDE	ST. CONSTANT.—This Claim is similar to the last	15	0	0	7	10	0

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1057.	RAPHAEL DEMERS	LAPRAIRIE.—This Claim is for a Gun delivered to the Authorities	1	10	0	1	0	0
1058.	EDOUARD CARDINAL.....	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	18	12	6	9	16	3
1059.	SIMON FORSY.....	LAPRAIRIE.—This Claim is similar to the last	9	18	0	5	11	0
1060.	ANNE SCOTT	MONTREAL.—This Claim is for Clothing pillaged by the Troops and Volunteers	498	0	3	186	10	0
1061.	GUILLAUME VARIN.....	LAPRAIRIE.—This Claim is for Property damaged and destroyed by the Troops	129	0	0	54	3	4
		£	3594	14	5	1862	14	4

Claims amounting to Three thousand five hundred and ninety-four pounds, fourteen shillings and five pence, and Awards to One thousand eight hundred and sixty-two pounds, fourteen shillings and four pence.

(Signed,) JOHN SIMPSON,
 “ W. C. HANSON, } Commissioners.
 “ OVIDE LEBLANC. }

COMMISSIONERS' OFFICE,
 Beauharnois, 28th July, 1851.

No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1062.	HEIRS OF THE LATE JEAN BAPTISTE LANCLOT.....	Amount brought forward from Report, dated 28th July, 1851	3594	14	5	1862	14	4
1063.	TOUSSAINT DUCLOS	LACADIE.—This Claim is for Effects pillaged by the Troops and Volunteers	570	4	7	257	8	4
		LAPRAIRIE.—This Claim is for a Gun delivered to the Authorities	2	5	0	1	10	0

1064.	HUBERT BOURASSA, PERE	LAPRAIRIE.—This Claim is similar to the last	6	5	0	3	10	0
1065.	PIERRE VAILLANCOUR..	ST. REMI.—This Claim is for Effects pillaged by the Volunteers.....	18	10	0	9	0	0
1066.	ANDRE' BARBEAU	ST. REMI.—This Claim is similar to the last	16	2	2	7	10	0
1067.	ISAAC OLIGNY	ST. REMI.—This Claim is for Effects and Property burnt or pillaged by the Troops and Volunteers.....	782	16	8	829	17	2
1068.	MARGUERITE LEFEBVRE..	ST. REMI.—This Claim is for Effects pillaged by the Volunteers.....	12	13	0	10	2	9
1069.	SIMON PINSONAULT	ST. REMI.—This Claim is similar to the last	9	9	4	8	1	10
1070.	ANDRE' FORTE'.....	ST. CONSTANT.—This Claim is for Lodging Troops, but is not proved.....	5	13	8			
1071.	TOUSSAINT LEFEBVRE ..	LAPRAIRIE.—This Claim is for Effects pillaged by the Troops	42	17	7	28	9	9
1072.	ETIENNE DUMONTELE..	LAPRAIRIE.—This Claim is for a Gun delivered to the Authorities	1	10	0	1	0	0
1073.	CHARLES LABONTE'	ST. REMI.—This Claim is for Effects pillaged by the Troops	16	2	6	10	0	0
1074.	PIERRE MINOTTE DIT LABONTE'.....	ST. REMI.—This Claim is similar to the last	7	3	0	6	0	0
1075.	PIERRE ST. MARIE	LAPRAIRIE.—This Claim is similar to the last	200	5	0	88	15	0
1076.	JOSEPH RAIMOND	ST. REMI.—This Claim is similar to the last	27	10	0	18	2	6
1077.	JEAN BAPTISTE POUPARD	ST. REMI.—This Claim is for Effects pillaged by the Volunteers	15	0	0	11	5	0
1078.	PASCHAL LUCIER	LAPRAIRIE.—This Claim is for a Gun delivered to the Authorities	3	0	0	1	15	0
1079.	LOUIS DEMERS	LAPRAIRIE.—This Claim is for a Gun delivered to the Authorities	4	0	0	2	10	0
1080.	LOUIS DUQUETTE	LAPRAIRIE.—This Claim is similar to the last.....	4	0	0	2	10	0
1081.	JULIEN SENEVAL.....	LAPRAIRIE.—This Claim is similar to the last	4	0	0	1	10	0
1082.	PIERRE ST. IVE	LAPRAIRIE.—This Claim is similar to the last	1	10	0	1	0	0
1083.	THOMAS ROBERT	ST. PHILIPPE.—This Claim is for Effects taken by the Troops	20	0	0	9	5	6

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1084..	NARCISSE TRUDELLE.....	ST. REMI.—This Claim is for Effects pillaged by the Volunteers.....£26 10s. 0d. (The evidence being incomplete, the Award will be given hereafter.)	114	3	4			
1085..	MARIE HAMELLE VEUVE AMBROISE SANGUINET.....	ST. REMI.—This Claim is for the recovery of the amount of a Farm sold at Sheriff's Sale, her husband being one of the parties excluded by the Act, but the nature of the Claim not coming within the provisions of the Act, it is rejected.....	3	0	0	1	15	0
1086..	PIERRE GOYETTE.....	LAPRAIRIE.—This Claim is for a Gun delivered to the Authorities.....	25	13	3	11	1	11
1087..	MEDARD BRUNEAU.....	ST. CONSTANT.—This Claim is for Effects pillaged by the Volunteers and Troops..	1	10	0	1	0	0
1088..	LOUIS LANCTOT.....	ST. CONSTANT.—This Claim is for a Gun delivered to the Authorities.....	3	2	6	2	0	0
1089..	CHARLES DENEAU.....	ST. CONSTANT.—This Claim is similar to the last.....	56	0	0	23	8	8
1090..	JACQUES BARBEAU.....	ST. CONSTANT.—This Claim is for Effects pillaged by the Troops.....	5	0	0	4	2	6
1091..	JACQUES DAIGNEAULT.....	ST. PHILIPPE.—This Claim is similar to the last.....	1	15	0	1	0	0
1092..	SIMON BINETTE.....	ST. PHILIPPE.—This Claim is for a Gun delivered to the Authorities.....	1	10	0	1	0	0
1093..	NICOLAS BIZAILLON.....	LAPRAIRIE.—This Claim is similar to the last.....	3	15	0	2	10	0
1094..	FRANÇOIS BROSEAU.....	ST. PHILIPPE.—This Claim is similar to the last.....	27	10	0	19	0	0
1095..	JEAN BAPTISTE ST. MARIE.....	ST. CONSTANT.—This Claim is for Effects pillaged by the Glengarries.....	20	0	0	15	0	0
1096..	ANTOINE NORMANDIN.....	ST. REMI.—This Claim is for a Horse taken by the Glengarries.....	560	7	9	301	7	1
1097..	VITAL DUMOUCHEL.....	CHATEAUGUAY.—This Claim is for Effects and Property burnt by the Volunteers.....						

1098..	PAUL ASSELIN.....	ST. CONSTANT.—This Claim is for a Gun delivered and a pig taken by the Troops.	2	5	0	1	10	0
1099..	CHARLES MAILLOUX.....	LAPRAIRIE.—This Claim is for a Gun delivered to the Authorities.....	3	0	0	1	15	0
1100..	LOUIS LEFRANÇOIS.....	LAPRAIRIE.—This Claim is similar to the last.....	1	10	0	1	0	0
1101..	ALEXIS BISSON, Fils.....	ST. REMI.—This Claim is for Effects pillaged by the Volunteers..... The amount of actual loss suffered has been assessed at the sum of £12 12s. 7d. (But Claimant having acknowledged that he was a Captain at the Camp at Napierville, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.) Mr. LeBlanc dissenting, for reasons explained by him in full in a paper attached to the Judgments, marked No. 27.	41	5	0			
1102..	AMABLE GAUTHIER.....	ST. REMI.—This Claim is for Effects pillaged by the Volunteers.....	26	12	6	10	0	3
1103..	ANTOINE BELANGER.....	ST. REMI.—This Claim is similar to the last.....	12	10	10	2	17	8
1104..	JEAN BAPTE, LAFRICAINE	MONTREAL.—This Claim is for Effects pillaged or destroyed by the Troops and Volunteers.....	15	6	3	12	7	6
1105..	ALEXIS MOQUIN.....	LAPRAIRIE.—This Claim is for a Gun delivered to the Authorities.....	1	10	0	0	15	0
1104..	PAUL BOUCHER.....	LAPRAIRIE.—This Claim is similar to the last.....	1	15	0	1	5	0
1107..	PIERRE BOURGEOIS.....	ST. DENIS.—This Claim is for Effects pillaged by the Troops and Volunteers..... (The evidence being incomplete, the Award will be given hereafter.)	15	0	0	14	10	0
1108..	ALEXIS POUPARD.....	LAPRAIRIE.—This Claim is for a Horse, &c., pillaged by the Volunteers.....	15	0	0	12	10	0
1109..	JOSEPH OCTAVE PINSON- NAULT.....	ST. CONSTANT.—This Claim is similar to the last.....	18	19	8	10	12	9
1110..	ETIENNE POUSSANT.....	ST. CONSTANT.—This Claim is for Effects pillaged by the Troops.....	1	5	0	1	0	0
1111..	PAUL BRASSARD.....	LAPRAIRIE.—This Claim is for a Gun delivered to the Authorities.....	55	7	6			
1112..	ANTOINE LABONTE'.....	ST. REMI.—This Claim is for Effects pillaged by the Volunteers..... The amount of actual loss suffered has been assessed at the sum of £21 17s. 6d.						

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1112..	ANTOINE LABONTE'	<i>Continué.</i> (But Claimant having acknowledged that he was a Captain at the Camp at Beauharnois, where he was taken prisoner by the Troops, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.) Mr. LeBlanc dissenting, for reasons explained by him in Claim No. 1101.						
1113..	CONSTANT LANCIOT	ST. REMI.—This Claim is for a Horse, &c., pillaged by the Glengarricks	12	15	0	9	0	0
1114..	NARCISSE AND EMBEREN- TIENNE CAMYRE'	ST. CONSTANT.—This Claim is for the half of the Property destroyed by the Troops, being their mother's rights by her marriage contract, the father being one of the parties excluded by the Act	716	18	6			
		The amount of the loss suffered has been assessed at the sum of £352 13s. 2d. (And the Commissioners award the Claimants the sum of Two hundred and forty-one pounds thirteen shillings and two pence, being the amount of their rights as heirs to their late mother; say £161 0s. 0d. for their half of the real property, and £80 13s. 0d. for the amount of their personal property as their <i>droits successifs mobiliers</i>)				241	13	2
1115..	JOSEPH GOYET	ST. CONSTANT.—This Claim is for Effects pillaged by the Troops and Volunteers.	31	15	0	15	0	0
1116..	ANTOINE GOYET	ST. CONSTANT.—This Claim is similar to the last	9	7	0	5	2	8
1117..	JOSEPH BRISSON	ST. REMI.—This Claim is for a Horse taken by the Volunteers	7	10	0	6	5	0
1118..	ETIENNE BARBEAU	ST. PHILIPPE.—This Claim is for a Gun delivered to the Authorities	1	5	0	1	0	0
1119..	PIERRE PINSONNAULT	ST. PHILIPPE.—This Claim is similar to the last	1	5	0	1	0	0
1120..	PAUL BAULIER	LAPRAIRIE.—This Claim is similar to the last	3	0	0	2	0	0
1121..	JACQUES BROUSSEAU	LAPRAIRIE.—This Claim is similar to the last	1	15	0	1	0	0
1122..	FRANÇOIS MAILLOUX	ST. REMI.—This Claim is for a Horse and Gun taken by the Volunteers	9	10	0	7	5	0
1123..	JACQUES BROUSSEAU	LAPRAIRIE.—This Claim is for a Gun delivered to the Authorities	1	10	0	1	0	0

1124..	LOUIS BOURDEAU	LAPRAIRIE.—This Claim is similar to the last	4	0	0	2	10	0
1125..	GABRIEL LARICHELETTRE	ST. ISIDORE.—This Claim is for Effects pillaged by the Volunteers	6	3	4	4	1	4
1126..	CELESTIN BAUDIN	ST. REMI.—This Claim is similar to the last	12	10	0	10	0	0
1127..	MOYSE GUERIN	LAPRAIRIE.—This Claim is for Guns delivered to the Authorities	3	0	0	2	0	0
1128..	LUC BRISSETTE	LAPRAIRIE.—This Claim is similar to the last	1	15	0	1	0	0
1129..	FRANÇOIS BRO	LAPRAIRIE.—This Claim is for a Gun delivered to the Authorities	3	15	0	2	0	0
1130 A.	MARIE ANNE DUPUIS, VEUVE JOSEPH DUPUIS	ST. CONSTANT.—This Claim is for Lodging Troops	3	16	0	3	16	0
1130 B.	JACQUES GIRARD	ST. REMI.—This Claim is for a Horse and Gun taken by the Volunteers	10	5	0	7	10	0
1131..	DENIS MENOTTE	LAPRAIRIE.—This Claim is for a Gun delivered to the Authorities	3	16	3	2	15	0
1132..	NICOLAS MENOTTE	LAPRAIRIE.—This Claim is similar to the last	1	0	0	1	0	0
1133..	JEAN BAPTISTE VIAU	ST. CONSTANT.—This Claim is similar to the last	4	10	0	4	0	0
1134..	ISAAC RIEL	LAPRAIRIE.—This Claim is similar to the last	3	15	0	2	0	0
1135..	JOSEPH CONSTANT LANCIOT	ST. CONSTANT.—This Claim is for Effects pillaged by the Troops	127	5	0	92	14	3
1136..	JACQUES POUPARD	LAPRAIRIE.—This Claim is for a Gun delivered to the Authorities	2	0	0	1	5	0
1137..	PAUL COUTURE	LAPRAIRIE.—This Claim is similar to the last	2	5	0	1	10	0
1138..	JACQUES PEPIN DU LACHANCE	ST. REMI.—This Claim is for Horses taken by the Glengarricks	21	0	0	15	0	0
1139..	MOYSE BEFFRE	ST. CONSTANT.—This Claim is for Lodging Troops	7	14	0	6	9	0
1140..	THEOPHILE BEFFRE	ST. CONSTANT.—This Claim is similar to the last	4	2	4	3	16	4
1141..	PAUL PERRIER	ST. PHILIPPE.—This Claim is for Effects pillaged by the Volunteers	6	13	4	4	0	0

No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.		Amount Claimed.			Amount Awarded.		
		£	s.	d.	£	s.	d.		
1142..	ALFRED CARDINAL	41	13	4					
	HINCHINBROOKE.—This Claim is for Money in the hands of Joseph Narcisse Cardinal, as Tutor to his late father's minor children (Joseph Narcisse Cardinal was one of the parties condemned and executed under sentence of the Court Martial, and whose property was confiscated and sold by the Sheriff, at which time Claimant neglected to file his opposition to the Sale, and being a Claim not provided for by the Act, it is rejected.)								
1143..	MARIE M. AND HERMENE- GILD CARDINAL	83	0	8	18	0	2		
	ST. CONSTANT.—This Claim is similar to the last, and is rejected for the same reasons								
1144..	MAURICE CARDINAL	41	13	4					
	ST. CONSTANT.—This Claim is similar to the last, and is rejected for the same reasons								
1145..	THEODORE CHARBON- NEAU	45	10	0					
	ST. REMI.—This Claim is for Effects pillaged by the Volunteers								
1146..	JOSEPH GAUTHIER	898	11	11	470	10	4		
	ST. EDOUARD.—This Claim is for Property and Effects pillaged and burnt by the Troops								
1147..	FRANÇOIS RIENDEAU ..	2	0	0	1	5	0		
	ST. REMI.—This Claim is for a Gun delivered to the Authorities								
1148..	JOSEPH BRAULT	1	10	0	1	0	0		
	LAPRAIRIE.—This Claim is similar to the last								
1149..	FRANÇOIS LERIGE' DR LAPLANTE	1	7	0	1	0	0		
	ST. PHILIPPE.—This Claim is similar to the last								
1150..	MEDARD DUPUIS	34	11	0	19	13	0		
	ST. EDOUARD.—This Claim is for Effects pillaged by the Troops								
1151..	JOSEPH DAVID, Fils ..	8	8	0	4	8	10		
	ST. EDOUARD.—This Claim is similar to the last								
1152..	JOHN BOSTON								
	MONTREAL.—This Claim is for Effects pillaged and destroyed by the Troops and Rebels £52 5s. 0d. (The Evidence being incomplete, the Award will be given hereafter.)								
1153..	JOSEPH LANCIOT	7	9	0	5	1	0		
	LAPRAIRIE.—This Claim is for Lodging Troops, and Effects pillaged by them								

1154..	RENE' BARBEAU	2	0	0	1	5	0		
	ST. CONSTANT.—This Claim is for a Gun delivered to the Authorities								
1155..	HYPOLITE SENEAL	2	10	0	1	10	0		
	LAPRAIRIE.—This Claim is similar to the last								
1156..	FRANÇOIS SENEAL	3	17	0	2	10	0		
	LAPRAIRIE.—This Claim is similar to the last								
1157..	JEAN BAPTE. POISSANT..	88	11	0	10	8	2		
	ST. PHILIPPE.—This Claim is for Effects pillaged by the Volunteers								
1158..	PAUL PINSONNAULT	40	8	1					
	ST. REMI.—This Claim is similar to the last The actual loss suffered has been assessed at the sum of £27 15s. 10d. (But Claimant having confessed he was at the Camp at Naperville, armed with his gun, &c, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.) Mr. LeBlanc dissenting, for reasons similar to those in No. 1101.								
1159..	LOUIS DEFAYETTE	3	15	0	2	5	0		
	LAPRAIRIE.—This Claim is for a Gun delivered to the Authorities								
1160..	ANTOINE FORTIN	28	12	0	18	17	0		
	ST. EDOUARD.—This Claim is for Effects pillaged by the Troops								
1161..	XAVIER PALIN	3	5	0	3	0	0		
	ST. PHILIPPE.—This Claim is for a Gun delivered to the Authorities								
1162..	ADELE BOUTHILLER	6	10	0	3	10	0		
	ST. REMI.—This Claim is for Effects pillaged by the Volunteers								
1163..	THOMAS HUGHES	1475	0	0	305	0	0		
	LONGUEUIL.—This Claim is for £75 for Destruction of the Rudders and Boats belonging to the Ferry Boat by the Rebels, and £1400 for Detention of the Ferry Boat by the Military Authorities								
1164..	JOHN DUNN	13	17	0	10	5	0		
	ST. REMI.—This Claim is for Effects pillaged by the Volunteers								
1165..	JOSEPH GALARNEAU, PENE	7	17	0	0	10	0		
	ST. EDOUARD.—This Claim is similar to the last								
1166..	CESAIRE CLEMENT	82	1	8	9	0	0		
	ST. REMI.—This Claim is for Money due on Land confiscated and sold by the Sheriff, but Claimant not having filed his opposition at the time of the Sale, and it being also a Claim not provided for by the Statute, it is rejected								
1167..	JOSEPH ST. JAMES DR BEAUVAIS	15	0	0	9	0	0		
	LAPRAIRIE.—This Claim is for two Oxen shot in the Field during the Rebellion								
1168..	ALEXIS VIAU	1	5	0	1	0	0		
	LAPRAIRIE.—This Claim is for a Gun delivered to the Authorities								
1169..	JOHN WILKINSON	30	12	0	18	15	0		
	ST. CONSTANT.—This Claim is for Effects pillaged by the Rebels								

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

No. of Claim.	NAMES OF CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1170..	ROBERT PHILLIPS	ST. PHILIPPE.—This Claim is similar to the last	88	0	0	35	0	0
1171..	PIERRE BROSSARD	LAPRAIRIE.—This Claim is for Guns delivered to the Authorities	0	5	0	4	5	0
1172..	ETIENNE BOUTELLE	LONGUEUIL.—This Claim is similar to the last	0	5	0	3	15	0
1173..	GILBERT MARCHESSAULT	LAPRAIRIE.—This Claim is similar to the last	3	5	0	2	0	0
1174..	CAMILLE RACINE	LAPRAIRIE.—This Claim is similar to the last	2	0	0	0	10	0
1175..	PIERRE DORE	LAPRAIRIE.—This Claim is similar to the last	15	12	0	5	7	0
1176..	RAPHAEL BEAUVAIS	LAPRAIRIE.—This Claim is similar to the last	3	7	0	2	0	0
1177..	FRANÇOIS BROSEAU	LAPRAIRIE.—This Claim is for a Gun delivered to the Authorities	1	10	3	1	5	0
1178..	MCPHERSON, CRANE & Co.	MONTREAL.—This Claim is for Transport of Troops, and damage done to the Vessel	50	0	0	50	0	0
1179..	JEAN BAPTISTE LAMAIRE	ST. REMI.—This Claim is for Two Horses taken by the Clengarys	22	10	0	17	10	0
1180..	MARK ELRIDGE	ODELLTOWN.—This Claim is for Property burnt in March, 1839, by Parties unknown, presumed to be Refugees	226	7	0	149	2	0
1181..	J. J. & J. ODELL	LACOLLE.—This Claim is similar to the last, burnt in May, 1843.....£138 0s. 0d. (The evidence being incomplete, the Award will be given hereafter.)	24	3	2	14	5	0
1182..	JOSEPH J. ODELL	LACOLLE.—This Claim is for Effects pillaged by the Rebels and Volunteers	30	0	4	23	17	4
1183..	JEAN BAPTE. DELORIERE	NAPIERVILLE.—This Claim is for Effects burnt by the Troops	12	15	10	10	10	10
1184..	LOUIS BELANGER	NAPIERVILLE.—This Claim is similar to the last	10921	5	2	3880	15	2
			£					

Claims amounting to Ten thousand nine hundred and twenty-one pounds, five shillings and ten pence, and Awards to Three thousand eight hundred and thirty-six pounds, fifteen shillings and two pence.

(Signed,) JACQUES VIGER,
 " JOHN SIMPSON,
 " W. C. HANSON,
 " OVIDE LEBLANC. } Commissioners.

COMMISSIONERS' OFFICE,
 Beauharnois, 4th August, 1851.

No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1185..	JOSEPH AUDETTE	Brought forward from Report, dated 4th August, 1851	10921	5	2	3680	15	2
1186..	HUBERT DEMERS	ST. VALENTIN.—This Claim is for Property burnt or pillaged by the Troops and Volunteers	192	15	9	88	8	4
1187..	JOSEPH OLIVIER BRIEN..	ST. VALENTIN.—This Claim is similar to the last	103	19	0	82	5	0
1188..	AMBROISE LANDRY	NAPIERVILLE.—This Claim is for Effects pillaged by the Troops and Volunteers.	12	10	0	7	0	8
1189..	PIERRE OYRE	NAPIERVILLE.—This Claim is for a Horse taken by the Volunteers.....	5	18	0	5	18	0
1190..	WILLIAM GIBSON	ST. VALENTIN.—This Claim is for Property burnt by the Troops	178	0	0	115	12	0
1191..	HUBERT GREGOIRE, ELS..	LACOLLE.—This Claim is for Property burnt in December, 1841, presumed to be done by the Refugees	45	5	0	28	5	0
1192..	J. G. LANCING	NAPIERVILLE.—This Claim is for Horses pillaged by the Volunteers	108	1	8	118	2	11
1193..	JULIEN COUTURE	LACOLLE.—This Claim is for Property and Effects burnt or pillaged by the Rebels.	14	17	0	12	0	0
1194..	THEOPHILE PILOT	BLAIRFINDE.—This Claim is for Effects pillaged by the Troops and Volunteers.	10	0	0	7	10	0
		LACOLLE.—This Claim is for a Horse taken by the Troops						

REPORT of JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—Continued.)

No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1195..	JOHN ODELL	LACOLLE.—This Claim is for Property and Effects burnt in December, 1841, presumed to be by the Rebels.....	258	3	0	141	0	0
1196..	MICHEL NORMANDIN.....	LACOLLE.—This Claim is for Effects pillaged by the Rebels and the Volunteers	5	5	0	3	0	0
1197..	JOHN BOSTON	MONTREAL.—Case resumed from Report, dated 4th August:—	52	5	0	19	10	3
1197..	FRANÇOIS XAVIER DUMAS	This Claim is for Effects pillaged or destroyed by the Rebels and Troops.....	31	7	0	10	2	2
1198..	FRANÇOIS REMILLARD, Fils	LACOLLE.—This Claim is for Effects pillaged by the Volunteers	90	11	2	50	10	0
1199..	MICHEL RICHARD	LACOLLE.—This Claim is similar to the last	40	11	0	33	4	0
1200..	PIERRE SUPRENANT	LACOLLE.—This Claim is similar to the last	108	7	0	64	12	0
1201..	FRANÇOIS REMILLARD, Fils de FRANÇOIS.....	NAPIERVILLE.—This Claim is for Effects pillaged by the Volunteers	69	5	0	38	8	0
1202..	CHARLES LATRIMOULX.....	LACOLLE.—This Claim is similar to the last	52	8	4	21	0	7
1203..	JEAN BAPTE DAIGNEAU	LACOLLE.—This Claim is similar to the last	77	1	7	50	17	9
1204..	PIERRE ROBERT	LACOLLE.—This Claim is similar to the last	23	7	11	9	2	0
1205..	SIMON CORBIERE DIT LAJEUNESSE	LACOLLE.—This Claim is for Property and Effects burnt or pillaged by the Volunteers.....	65	9	10	49	7	5
1206..	FREDERICK NULLER	LACOLLE.—This Claim is similar to the last	142	15	4	95	8	3
1207..	LAURENT CORBIERE	LACOLLE.—This Claim is similar to the last						

1208..	MARIE GENEVIEVE BOUT- DREAU, VEUVE J. MAR- CEAU	NAPIERVILLE.—This Claim is for Lodging Troops, and Effects pillaged	14	7	0	10	0	0
1209..	JOSEPH HEBERT	NAPIERVILLE.—This Claim is similar to the last	14	0	0	10	13	5
1210..	BENJAMIN G. MANNING..	LACOLLE.—This Claim is for Effects pillaged by the Rebels	12	15	9	6	12	0
1211..	TOUSSAINT DUCLOS	LACOLLE.—This Claim is for Effects pillaged by the Volunteers	11	15	0	9	0	0
1212..	FRANÇOIS MENARD.....	ST. EDOUARD.—This Claim is similar to the last	41	7	0	14	3	0
1213..	JAMES O'CONNOR	LACOLLE.—This Claim is for Effects pillaged by the Rebels	25	11	0	17	0	0
1214..	ALEXANDER JOINER	LACOLLE.—This Claim is similar to the last	35	0	0	22	7	0
1215..	FRASER VANVLET	LACOLLE.—This Claim is for Property burnt on the 13th March, 1850, 8th December, 1841, and 24th May, 1843, presumed to be done by the Refugees						
1215..		(The Evidence being incomplete, the Award will be given hereafter.)						
1216..	CORNELIUS VANVLET	LACOLLE.—This Claim is for Effects pillaged by the Rebels	13	0	8	7	10	0
1217..	MORRIS LEWIS	LACOLLE.—This Claim is for Effects pillaged by the Rebels	15	10	0	0	12	9
1218..	JOSEPH LAVINE	LACOLLE.—This Claim is for Potatoes destroyed by the frost during the Rebellion.	13	2	0	13	2	0
1219..	FRANÇOIS LAVALLEE	LACOLLE.—This Claim is for a Horse taken by the Volunteers	12	2	0	8	11	3
1220..	BARTHELEME GERVAIS.....	NAPIERVILLE.—This Claim is for Property, &c., burnt by the Volunteers	140	13	2	100	9	7
1221..	ETIENNE BEAUDOIN	NAPIERVILLE.—This Claim is for Lodging Troops	4	15	2	4	2	8
1222..	PAUL BOISSONEAU	NAPIERVILLE.—This Claim is for Effects pillaged by the Volunteers	14	10	0	10	0	0
1223..	JOSEPH PINSONNAULT	LACOLLE.—This Claim is for a Horse taken by the Volunteers	29	5	0	0	5	0
1224..	MICHEL LUCIER	NAPIERVILLE.—This Claim is for Property and Effects burnt or pillaged by the Volunteers	132	5	0	103	12	5
1225..	FRANÇOIS GERVAIS	NAPIERVILLE.—This Claim is for Property pillaged by the Volunteers	7	10	0	4	10	0

REPORT of JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

16 Victoriae. Appendix (V.V.) A. 1852.

16 Victoriae. Appendix (V.V.) A. 1852.

No. of Claim.	NAMES OF CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1226..	AMBROISE CHARBON-NEAU	NAPIERVILLE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	136	10	2	70	9	1
1227..	AUGUSTIN BISSONNETTE	ST. VALENTIN.—This Claim is similar to the last	75	0	3	00	8	9
1228..	JAMES GAUL	LACOLLE.—This Claim is for Effects pillaged by the Rebels and Volunteers	32	0	4	7	8	10
1229..	SOPHIE ROBERGE	NAPIERVILLE.—This Claim is similar to the last	15	0	10	0	1	1
1231..	JEAN BAPTISTE BERTHIAUME	LACOLLE.—This Claim is for Effects pillaged by the Volunteers, but is not proved	4	0	6			
1232..	FRANÇOIS NOLET	NAPIERVILLE.—This Claim is similar to the last	4	15	0	3	10	0
1232..	PIERRE PATTENAUDE	HEMMINGFORD.—This Claim is for Oats burnt by the Volunteers	17	7	6	9	7	6
1233..	JOSIAH LEWIS	LACOLLE.—This Claim is for Potatoes destroyed during the Rebellion	4	0	0	2	10	0
1234..	JACOB REMILLARD	NAPIERVILLE.—This Claim is for Effects pillaged by the Volunteers	5	10	0	3	10	0
1235..	DAVID F. BARKER (MARIE A. HENAULT, VEUVE OF)	LACOLLE.—This Claim is for Property and Effects burnt in March, 1838, but from the Evidence it would appear the fire was accidental, and is therefore allowed not provided for under the Act.	148	13	7			
1236..	FRANÇOIS PATTENAUDE	SHERRINGTON.—This Claim is for Property and Effects burnt by the Volunteers	89	5	11	61	6	1
1237..	HONORE' CHASSE	LACOLLE.—This Claim is for Effects pillaged by the Volunteers	9	1	6	5	13	0
1238..	LOUIS DUMAS	ST. VALENTIN.—This Claim is similar to the last	48	0	11	23	11	4
1239..	JOSEPH ETHIER dit DRAGON, Fils de LOUIS	ST. VALENTIN.—This Claim is similar to the last	32	12	0	19	1	3

1240..	FRANÇOIS ETHIER dit DRAGON	ST. VALENTIN.—This Claim is similar to the last	13	0	0	8	10	9
1241..	MARIE MONTREUIL dit LEDELEAU, Veuve J. BAPTISTE BOYER	ST. EDOUARD.—This Claim is for Effects and Property burnt or pillaged by the Volunteers	156	15	11	101	3	1
1242..	CASIMER MARTINEAU	NAPIERVILLE.—This Claim is for Effects pillaged by the Volunteers	30	5	0	21	3	6
1243..	ALEXIS PATTENAUDE	ST. VALENTIN.—This Claim is similar to the last	37	18	9	6	17	8
1244..	HOMER WOODWORTH	LACOLLE.—This Claim is similar to the last	9	0	8	1	6	8
1245..	LEON CARON	LACOLLE.—This Claim is similar to the last	20	7	9	14	4	0
1246..	NOEL THIBEAU	ST. VALENTIN.—This Claim is similar to the last	20	19	9	13	17	9
1247..	FRANÇOIS CHRISTIE	NAPIERVILLE.—This Claim is similar to the last	59	13	5	43	13	5
1248..	JOSEPH HEBERT	NAPIERVILLE.—This Claim is for Effects pillaged by the Volunteers	6	7	6	3	15	0
1249..	ANDRE' GUERNON	ST. VALENTIN.—This Claim is similar to the last	20	15	0	10	5	0
1250..	LAURENT RAINAULT	NAPIERVILLE.—This Claim is for Effects and Property burnt or pillaged by the Troops and Volunteers						
1251..	JULIEN LANDRIE	(The Evidence being incomplete, the Award will be given hereafter.) ST. VALENTIN.—This Claim is similar to the last	484	5	11	166	10	9
1252..	JOSEPH SMITH	NAPIERVILLE.—This Claim is similar to the last	7	0	0	6	5	0
1253..	ISAAC HENKLE	ST. EDOUARD.—This Claim is for Effects pillaged by the Troops	6	5	0	4	10	0
1254..	JOSEPH LEFEBVRE	ST. EDOUARD.—This Claim is similar to the last	5	15	10	4	2	6
1255..	LUC PERRIER	ST. EDOUARD.—This Claim is for Effects pillaged by the Troops						
1256..	JOSEPH BOUDREAU	ST. VALENTIN.—This Claim is for Cattle Claimant had to return to a party of the name of Scott, from whom he had pillaged other Cattle during the Rebellion, and is rejected	17	0	0			

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

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Appendix (V.V.)

A. 1852.

No. of Claim.	NAMES OF CLAIMANTS.	P L A C E OF R E S I D E N C E .	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1257..	SIMON LACROIX	NAPIERVILLE.—This Claim is for Effects pillaged and for Lodging Troops	6	1	0	3	4	0
1258..	PIERRE PALIN	NAPIERVILLE.—This Claim is similar to the last	18	9	6	14	19	2
1259..	JEAN BAPTISTE FRE- DETTE, fils	NAPIERVILLE.—This Claim is for Property burnt or pillaged by the Troops and Volunteers	69	10	5	56	4	7
1260..	FRANÇOIS XAVIER DAN- DURAND	ST. VALENTIN.—This Claim is similar to the last	8	13	8	7	10	0
1261..	PIERRE DANDURAND	ST. VALENTIN.—This Claim is for Guns delivered to the Authorities	4	3	3	2	5	0
1262..	ANDRE MAROIS	NAPIERVILLE.—This Claim is for Effects pillaged by the Volunteers	11	0	0	8	10	6
1263..	JACQUES POISSON	ST. EDOUARD.—This Claim is similar to the last	8	2	11	7	10	7
1264..	LAURENT POISSON	ST. EDOUARD.—This Claim is similar to the last	5	14	0	4	17	0
1265..	SOPHIE LETOURNEAU	NAPIERVILLE.—This Claim is similar to the last, but is not proved	3	0	0			
1266..	ETIENNE BRUNELLE	NAPIERVILLE.—This Claim is similar to the last	37	10	3	25	2	8
1267..	JEAN BAPTE RENARDET	NAPIERVILLE.—This Claim is similar to the last	19	19	6	14	11	2
1268..	LANDRY MAILLOUX	NAPIERVILLE.—This Claim is similar to the last	12	10	0	10	0	0
1269..	ISAIÉ MARTIN	ST. CYPRIEN.—This Claim is for Lodging Troops and Effects destroyed	27	15	0	22	0	0
1270..	JEAN BAPTE TREMBLAY	NAPIERVILLE.—This Claim is for Effects pillaged by the Volunteers	47	10	3	30	14	0
1271..	LOUIS ETHER dit DRAGON	ST. VALENTIN.—This Claim is similar to the last						
		(The Evidence being incomplete, the Award will be given hereafter.)						

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Appendix (V.V.)

A. 1852.

1272..	PAUL EVANGELISTE FORTIN	ST. VALENTIN.—This Claim is similar to the last	8	3	0	4	14	6
1273..	PIERRE GODIN	ST. VALENTIN.—This Claim is similar to the last	10	12	6	8	12	6
1274..	JOSEPHTE POUPAR, Veuve BERTHELOT	NAPIERVILLE.—This Claim is similar to the last	20	17	1	16	10	2
1275..	JOSEPH GREGOIRE, Pere	NAPIERVILLE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	375	0	3	182	18	9
1276..	ALEXIS HEBERT	NAPIERVILLE.—This Claim is for Effects pillaged by the Troops	1	9	9	1	9	0
1277..	BENONI BOUCHARD	ST. VALENTIN.—This Claim is similar to the last	17	12	6	10	15	0
1278..	ZOZIME TREMBLAY	NAPIERVILLE.—This Claim is for a House burnt by the Troops	10	0	0	7	10	0
1279..	EUSTACHE CHOUNARD	NAPIERVILLE.—This Claim is for Effects pillaged by the Volunteers	20	12	5	10	7	0
1280..	ANTOINE ROCQUE	ST. VALENTIN.—This Claim is similar to the last						
		(The Evidence being incomplete, the Award will be given hereafter.)						
1281..	FRANÇOIS MARCHAND	ST. JOHNS.—This Claim is for a House burnt by the Troops	150	0	0	100	0	0
1282..	TOUSSAINT MARTIN	ST. VALENTIN.—This Claim is for Property burnt by the Troops ..						
		(The Evidence being incomplete, the Award will be given hereafter.)						
1283..	EDOUARD NOEL	ST. VALENTIN.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	161	10	0	70	18	0
1284..	PASCHAL BLAIS	ST. CYPRIEN.—This Claim is similar to the last	71	5	0	56	16	6
1285..	MATHURIN BOULEE	NAPIERVILLE.—This Claim is for Effects pillaged by the Volunteers	90	2	3	59	9	0
1286..	ELOI LETOURNEAU	NAPIERVILLE.—This Claim is similar to the last	12	0	0	7	10	0
1287..	JULIEN FONTAINE	NAPIERVILLE.—This Claim is similar to the last						
		(The Evidence being incomplete, the Award will be given hereafter.)						
1288..	LOOP ODELL	NAPIERVILLE.—This Claim is for Rent of House as Barracks for 2½ months	87	10	0	25	0	0

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

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Appendix (V.V.)

A. 1852.

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Appendix (V.V.)

A. 1852.

No. of Claim.	NAMES of CLAIMANTS.	PLACE or RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1289..	JAMES STOW	NAPIERVILLE.—This Claim is for Lodging Troops.....	4	0	0	2	10	0
1290..	LOUIS MARCEAU	NAPIERVILLE.—This Claim is for Lodging Troops.....	20	0	0	11	10	0
1291..	THOMAS WILSON.....	NAPIERVILLE.—This Claim is similar to the last	12	10	0	11	17	6
1292..	FRANÇOIS PICARD	NAPIERVILLE.—This Claim is similar to the last.....	20	0	0	12	10	0
1293..	JULIEN REMILLARD	NAPIERVILLE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers..... (The Evidence being incomplete, the Award will be given hereafter.)	16	0	0	10	0	0
1294..	NARCISSE LETOURNEAU.	NAPIERVILLE.—This Claim is similar to the last, say for Lodging Troops	16	0	0	10	0	0
1295..	JOHN McNEIL, PERE.....	NAPIERVILLE.—This Claim is similar to the last.....	16	0	0	10	0	0
1296..	JOSEPH BEAUCHAMP. VEUVE JOSEPH LATOUR	NAPIERVILLE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	71	3	0	48	18	3
1297..	CELESTIN BEDARD	ST. CYPRIEN.—This Claim is for Effects pillaged or burnt by the Volunteers	37	17	0	20	10	5
1298..	ABRAHAM BERUBE'	NAPIERVILLE.—This Claim is similar to the last	20	5	6	12	6	7
1299..	MOYSE LATOUR	NAPIERVILLE.—This Claim is similar to the last..... (The Evidence is incomplete, the Award will be given hereafter.)	15	5	0	4	15	0
1300..	JOHN STOCKDALE	NAPIERVILLE.—This Claim is for Property pillaged by the Rebels	52	0	6	37	4	6
1301..	GEORGE KEDDY	LACOLLE.—This Claim is similar to the last.....	14	15	0	6	0	0
1302..	JOSEPH ALEXANDER.....	NAPIERVILLE.—This Claim is similar to the last.....	12	18	6	10	6	10
1303..	GEORGE ROBIDOUX	NAPIERVILLE.—This Claim is for Effects pillaged by the Troops						

1304..	PIERRE HEBERT, PERE ..	NAPIERVILLE.—This Claim is for Effects pillaged by the Volunteers	7	10	0	5	5	0
1305..	JOHN SLOANE	SHERRINGTON.—This Claim is for Damage done to a Well during the Rebellion.	6	5	0	1	5	0
1306..	JAMES SLOANE.....	SHERRINGTON.—This Claim is for Grain destroyed	5	0	0	1	5	0
1307..	JOHN HOY	ST. EDOUARD.—This Claim is similar to the last.....	7	0	0	4	7	6
1308..	ALEXIS HEBERT	NAPIERVILLE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	108	19	9	51	15	0
1309..	LOUIS MARTIN	ST. CYPRIEN.—This Claim is for Effects pillaged by the Volunteers.....	2	14	6	2	6	3
1310..	PIERRE MARTIN	NAPIERVILLE.—This Claim is similar to the last.....	42	8	6	29	11	1
1311..	SIMON MARTIN.....	NAPIERVILLE.—This Claim is for Effects pillaged by the Volunteers	13	0	0	9	15	0
1312..	FRANÇOIS MARTIN	NAPIERVILLE.—This Claim is similar to the last.....	9	6	5	5	15	10
1313..	OLIVIER BEDARD.....	NAPIERVILLE.—This Claim is similar to the last	5	17	3	2	0	0
1314..	ISAAC HEBERT	NAPIERVILLE.—This Claim is similar to the last.....	9	11	6	6	4	11
1315..	JEAN BAPTE PERRAULT.	NAPIERVILLE.—This Claim is similar to the last.....	10	13	4	9	8	4
1316..	LAURENT DUPUIS	NAPIERVILLE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	45	18	2	20	8	11
1316..	LAURENT CHARPENTIER.	LACOLLE.—This Claim is for Effects pillaged by the Troops	15	12	6	1	17	6
		£	16673	6	6	7097	2	0
		N.B.—Add to the Award column, being error in the addition of last Week's Report, see folio 29				1000	0	0
		£	16673	6	6	8097	2	0

Claims amounting to Sixteen thousand six hundred and seventy-three pounds, six shillings and six pence, and

Awards to Eight thousand and ninety-seven pounds, two shillings.

(Signed,) J. VIGER, } Commissioners.
 " W. C. HANSON, }
 " OVIDE LEBLANC. }

COMMISSIONERS' OFFICE,
 Beauharnois, 11th August, 1851.

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

No. of Claim.	NAMES of CLAIMANTS.	P L A C E of RES I D E N C E.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1318..	PAUL SORRETTE	Brought forward from Report of 11th August, 1851.	166	6	0	80	2	0
1319..	RAYMOND ROBERT	LACOLLE.—This Claim is for Effects pillaged by the Troops	12	0	5	7	10	0
1320..	GEORGE CROUKWRIGHT.	NAPIERVILLE.—This Claim is similar to the last	25	8	11	18	18	6
1321..	TOUSSAINT LAVOIE, PÈRE	LACOLLE.—This Claim is for Property burnt in May, 1843, presumed to be done by the Refugees. £531 17s. 0d. (The Evidence being incomplete, the Award will be given hereafter.)						
1322..	AMABLE BARRETTE	NAPIERVILLE.—This Claim is for Property pillaged by the Volunteers	26	7	1	20	5	0
1323..	RICHARD EAMAN	NAPIERVILLE.—This Claim is similar to the last	46	1	6	30	10	4
1324..	AUGUSTIN BOUDREAU ..	NAPIERVILLE.—This Claim is for Effects pillaged by the Rebels	36	0	0	22	4	9
1325..	CHARLES ROI	NAPIERVILLE.—This Claim is for Effects pillaged by the Volunteers	21	13	0	17	14	3
1326..	CELESTIN LUCIER	BLAIRFINDIE.—This Claim is for Effects pillaged by the Volunteers	25	8	4	17	11	6
1327..	ALEXIS ROY	NAPIERVILLE.—This Claim is similar to the last	18	14	7	11	9	7
		BLAIRFINDIE.—This Claim is similar to the last	58	5	0	31	18	9

1328..	BERNARD BROUILLET ..	NAPIERVILLE.—This Claim is for Horses taken by the Rebels	27	10	0	20	0	0
1329..	RALPH FEATHERSTONE..	LACOLLE.—This Claim is for Effects pillaged by the Rebels	27	15	0	14	12	7
1330..	GEORGE CARRY	LACOLLE.—This Claim is similar to the last, and by Volunteers	79	0	1	32	6	3
1331..	DAVID FREDETTE	SHERRINGTON.—This Claim is similar to the last.. ..	48	1	6	32	18	8
1332..	JULIEN FREDETTE	SHERRINGTON.—This Claim is for Property and Effects burnt or pillaged by the Volunteers	45	19	3	30	15	9
1333..	ANDREW BOYINGTON ..	NAPIERVILLE.—This Claim is for Effects pillaged and destroyed by the Rebels ..	23	9	0	11	0	0
1334..	FLORENCE HEBERT, VEUVE ANT. DENAULT	ST. EDOUARD.—This Claim is for Property burnt or pillaged by the Troops and Volunteers	77	3	3	25	10	10
1335..	EDWARD WILLIAMS	ST. CYPRIEN.—This Claim is for Effects pillaged by the Rebels	7	11	3	3	10	0
1336..	W. MCDOWELL, SENIOR ..	HEMMINGFORD.—This Claim is for House Rent as Guard House, &c	23	0	0	12	10	0
1337..	THOMAS COUTURE	LACOLLE.—This Claim is for Property burnt by the Volunteers	88	8	10	50	1	0
1338..	EDOUARD BEDARD	LACOLLE.—This Claim is for Effects pillaged by the Volunteers	7	4	6	4	10	5
1339..	JEAN MONTMENE'	LACOLLE.—This Claim is for Property pillaged by the Volunteers	43	14	0	13	5	0
1340..	ALEXANDER PINON- NAULT	ST. VALENTIN.—This Claim is similar to the last	211	15	0	121	12	0
1341..	URIAH TRAVER	LACOLLE.—This Claim is for Effects pillaged by the Rebels	46	17	6	36	11	6
1342..	GREGOIRE GUAY	ST. VALENTIN.—This Claim is similar to the last	7	18	0	5	19	3
1343..	CRISPIN GUAY	ST. VALENTIN.—This Claim is for Effects pillaged by the Troops	9	15	0	4	8	9
1344..	CHARLOTTE BOILEE, VEUVE THOMAS GUAY	ST. VALENTIN.—This Claim is similar to the last	15	15	0	11	5	0
1345..	MOYSE PINSONNAULT ..	ST. VALENTIN.—This Claim is similar to the last	63	17	6	36	13	3

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

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No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1846..	JACQUES METIVIER	ST. VALENTIN.—This Claim is for Effects pillaged by the Troops....£28 4s. 1d. (The Evidence being incomplete, the Award will be given hereafter.)	7	0	0	4	10	0
1847..	FRANÇOIS HEBERT	ST. VALENTIN.—This Claim is for a horse taken by the Volunteers.....						
1848..	MEDARD LUCIER	NAPIERVILLE.—This Claim is similar to the last	0	7	0	4	13	0
1849..	FUSEBE ROBERT	NAPIERVILLE.—This Claim is similar to the last	7	10	0	0	5	0
1850..	ANTOINE BOISSON— NEAULT	ST. VALENTIN.—This Claim is for Money stolen by parties disguised, presumed to be Rebels						
1851..	REMI GAUVIN	ST. VALENTIN.—This Claim is for Horses taken by Rebels	25	0	0	20	0	0
1852..	JEAN BAPTE OUELLETTE	ST. EDOUARD.—This Claim is for Effects pillaged by the Troops	7	15	0	3	0	0
1853..	VALENCIENNE FILON, VEUVE ANTOINE TOUR- GEON	NAPIERVILLE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	205	1	10	117	2	3
1854..	JEAN BAPTE. ROBERT ..	ST. EDOUARD.—This Claim is for Effects pillaged by the Carters.....	4	7	2	3	2	10
1855..	JOSEPH LAMOUREUX, PERE	NAPIERVILLE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	44	17	9	31	0	0
1856..	JOSEPH LAMOUREUX, Fils ..	NAPIERVILLE.—This Claim is similar to the last	9	14	6	7	6	0
1857..	BARNEY HUGHES	LACOLLE.—This Claim is for Effects pillaged by the Rebels	15	5	0	0	5	0
1858..	CHARLES LANGLOIS	L'ACADIE.—This Claim is for Effects pillaged by the Troops	8	16	1	0	6	10

1859..	WARREN JOHNSON.....	LACOLLE.—This Claim is for Effects pillaged by the Rebels	14	12	3	5	10	0
1860..	JOSEPH ETHER DIT DRA- GON, FUS D'AMABLE..	ST. VALENTIN.—This Claim is for Effects pillaged by the Volunteers	15	0	0	12	0	0
1861..	SIMON LAREAU.....	NAPIERVILLE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Rebels	139	7	0	111	5	3
1862..	FRANÇOIS GAMACHE, PERE ..	NAPIERVILLE.—This Claim is for Effects pillaged by the Rebels and Dragoons ..	35	16	8	27	1	4
1863..	LOUIS TETRO.....	NAPIERVILLE.—This Claim is for Effects pillaged by the Volunteers	4	12	11	3	2	4
1864..	ANTOINE FORGUE	ST. VALENTIN.—This Claim is similar to the last	20	0	0	15	0	10
1865..	CONSTANT BOUSQUET ..	NAPIERVILLE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers.....						
1866..	ANTOINE GAMACHE	ST. VALENTIN.—This is for Effects pillaged by the Volunteers.....	12	19	8	10	9	8
1867..	LOUIS AUDETTE	ST. VALENTIN.—This Claim is similar to the last	30	18	0	22	12	3
1868..	JEAN BAPTE. PAYE— NAUDE	LACOLLE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers.....	145	3	8	72	10	8
1869..	GUILLAUME BELOUIN ..	LACOLLE.—This Claim is similar to the last	47	15	0	20	5	5
1870..	PIERRE OYRE	NAPIERVILLE.—This Claim is for a Horse taken by the Volunteers.....	20	0	0	15	0	0
1871..	JEAN BAPTE. BOUSQUET ..	LACOLLE.—This Claim is similar to the last	5	13	9	5	0	0
1872..	AMBROISE HEBERT	NAPIERVILLE.—This Claim is similar to the last	18	0	9	7	10	5
1873..	LEONARD PINE.....	ST. JOHNS.—This Claim is for Effects pillaged by the Troops	108	16	0	60	4	8
1874..	ANSELME PARE'	NAPIERVILLE.—This Claim is for Lodging Troops and Pillage.....	40	14	8	31	2	0
1875..	FRANÇOIS THIBEAU	ST. OYRIEN.—This Claim is for Effects pillaged by the Troops	20	12	2	19	10	0
1876..	JACQUES CATUDAL	NAPIERVILLE.—This Claim is similar to the last.....	53	7	4	38	0	4

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

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No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1877..	THEODORE PREVOST	ST. EDOUARD.—This Claim is for Guns delivered to the Authorities	9	18	1	1	0	0
1878..	JOSEPH HEBERT, PENE, (Heirs of)	NAPIERVILLE.—This Claim is for Lodging Troops and Pillage				50	10	0
1879..	NORBERT BELL	ST. EDOUARD.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	91	8	8	19	10	2
1880..	MARIE LOUISE XACEDON, VEUVE MICHEL PELL... ..	ST. EDOUARD.—This Claim is similar to the last	21	15	5	4	3	0
1881..	JOSEPH CHARON	ST. VALENTIN.—This Claim is similar to the last	28	11	0	10	2	11
1882..	BAZILE ROBERT	ST. CYPRIEN.—This Claim is similar to the last	10	11	9	8	11	3
1883..	FRANÇOIS GIROUX	NAPIERVILLE.—This Claim is similar to the last	28	18	0	13	15	0
1884..	MARY STOPPS, Widow JOHN STEPHENSON.. ..	LACOLLE.—This Claim is similar to the last	19	11	2	13	4	4
1885..	FRANÇOIS GRENON	NAPIERVILLE.—This Claim is for Effects pillaged by the Troops and Volunteers	37	17	2	24	17	11
1886..	MICHEL MOJSANT	NAPIERVILLE.—This Claim is similar to the last	2	1	3	2	1	3
1887..	MARIE QUENVILLE, VEUVE JOSEPH BOUNEAU	ST. VALENTIN.—This Claim is similar to the last	17	10	6	14	12	3
1888..	JOSEPH BARRETTE (AMELIE CUSSON, VEUVE)	LACOLLE.—This Claim is similar to the last	8	0	3	5	9	0
1889..	ETIENNE DUQUETTE	LACOLLE.—This Claim is similar to the last	20	12	5	11	10	0
1890..	IGNAOE GERARD	NAPIERVILLE.—This Claim is similar to the last						

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1391..	MATHURIN HEBERT	NAPIERVILLE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	65	18	0	47	3	11
1392..	PIERRE HAILE	NAPIERVILLE.—This Claim is for Effects pillaged by the Volunteers	12	9	0	5	18	7
1393..	FRANÇOIS PERRAS	NAPIERVILLE.—This Claim is similar to the last	12	0	0	9	10	0
1394..	ANASTASIE LENOIR, VEUVE THOS. DAVID HEBERT	NAPIERVILLE.—This Claim is similar to the last	28	10	0	15	0	0
1395..	ALEXIS BENOIT	ST. CYPRIEN.—This Claim is similar to the last	52	8	1	33	19	6
1396..	FRANÇOIS XAVIER BAR- BAULT	NAPIERVILLE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	389	14	0	105	10	9
1397..	LOUIS LETOURNEAU	NAPIERVILLE.—This Claim is for Effects pillaged by the Troops	29	14	0	20	5	8
1398..	JOSEPH MONJEAU	ST. VALENTIN.—This Claim is similar to the last	40	6	3	2	5	0
1399..	JOSEPH BELLE	NAPIERVILLE.—This Claim is similar to the last	10	7	0	6	16	3
1400..	JEAN CASINO	NAPIERVILLE.—This Claim is similar to the last	9	15	0	0	10	0
1401..	IRA WILSON	LACOLLE.—This Claim is for Effects pillaged by the Rebels	11	16	3	8	1	3
1402..	PIERRE HEBERT	NAPIERVILLE.—This Claim is for Effects pillaged by the Volunteers	20	16	0	15	0	0
1403..	DAVID CHOUNARD	NAPIERVILLE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	181	7	1	80	3	7
1404..	PIERRE GAMACHE	NAPIERVILLE.—This Claim is for Effects pillaged by the Troops	15	10	0	12	0	0
1405..	JEAN RAPTE, ETHIER DU DRAGON	ST. VALENTIN.—This Claim is for Property and Effects burnt or pillaged in November, 1838, and April, 1839, by the Rebels and Refugees	114	9	2	61	0	10
1406..	ANTOINE FILION	NAPIERVILLE.—This Claim is for Effects pillaged by the Volunteers ..						

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

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No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1407.	REBECCA HEBERT, VEUVE ISAAC GERVAIS	NAPIERVILLE.—This Claim is for Lodging Troops.....	12	0	0	5	0	0
1408.	ANTOINE MERIZZY	NAPIERVILLE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers..... (The Evidence being incomplete, the Award will be given hereafter.)						
1409.	JAMES COEY	SHERRINGTON.—This Claim is for Guns delivered to the Authorities	5	0	0	2	5	0
1410.	JOSEPH TRUDEAU	NAPIERVILLE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	396	9	0	222	0	3
1411.	EDOUARD CYRE	NAPIERVILLE.—This Claim is for Effects pillaged by the Troops	82	17	9	54	12	2
1412.	FRANÇOISE NADEAU VEUVE JOSEPH TRU- DEAU	ST. CYPRIEN.—This Claim is similar to the last	34	1	9	22	0	0
1413.	JOSEPH HILAIRE SUPRE- NANT	NAPIERVILLE.—This Claim is similar to the last	22	15	0	19	0	0
1414.	EDOUARD CHATTELLE	NAPIERVILLE.—This Claim is for Property, &c., burnt or pillaged by the Troops and Volunteers.....	71	18	6	47	14	7
1415.	AMBROISE POISSANT dit LASALARIE	LACOLLE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers.....	140	13	0	92	0	9
1416.	LAURENT COUTURE	NAPIERVILLE.—This Claim is for Effects pillaged by the Volunteers	20	18	0	14	10	0
1417.	LOUIS PARE', PERE	NAPIERVILLE.—This Claim is similar to the last.....	3	15	0	2	1	10
1418.	FRANÇOIS MOUNETTE	ST. EDOUARD.—This Claim is similar to the last.....	81	10	9	11	15	5
1419.	JULIEN MOUNETTE.....	ST. EDOUARD.—This Claim is similar to the last	4	10	0	4	10	0

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1420.	DOMATILDE CYRE, VEUVE JOSEPH LAMOUREUX.	NAPIERVILLE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	104	3	3	58	13	0
1421.	JEAN MARIE GAGNER	NAPIERVILLE.—This Claim is for Effects pillaged by the Volunteers	11	18	0	7	15	0
1422.	TOUSSAINT CIRCE' dit ST. MICHEL.....	ST. EDOUARD.—This Claim is similar to the last	6	12	0	4	12	0
1423.	ANTOINE BELONI	NAPIERVILLE.—This Claim is similar to the last	20	10	0	11	12	0
1424.	LOUIS TROTIER, VEUVE LOUIS REMILLARD	NAPIERVILLE.—This Claim is similar to the last.....	35	17	8	22	18	0
1425.	W. ROBINSON	LACOLLE.—This Claim is for Effects pillaged by the Rebels	64	17	5	38	3	0
1426.	PIERRE BACHAUT	LACOLLE.—This Claim is for Merchandize pillaged by the Rebels	67	8	5	37	13	8
1427.	ALEXANDRE BERTRAND.....	NAPIERVILLE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	55	10	5	41	9	8
1428.	PIERRE PERRIER	NAPIERVILLE.—This Claim is for Effects pillaged by the Troops	28	8	4	7	10	0
1429.	JOSEPH BRUNELLE.....	NAPIERVILLE.—The Claim is similar to the last	12	11	8	9	1	8
1430.	MARGUERITE BRUNELLE.....	NAPIERVILLE.—This Claim is similar to the last.....	0	5	0	4	10	0
1431.	FRS. X. VAUTRAIN.....	ST. EDOUARD.—This Claim is similar to the last.....£25 6s. 0d. (The Evidence being incomplete, the Award will be given hereafter.)						
1432.	PIERRE MOQUETTE.....	NAPIERVILLE.—This Claim is similar to the last						
1433.	AMBROISE GUAY	LACOLLE.—This Claim is for Effects pillaged by the Troops.....£13 12s. 0d. (The Evidence being incomplete, the Award will be given hereafter.)						
1434.	ALEXIS BRUNELLE	NAPIERVILLE.—This Claim is similar to the last	34	15	0	9	15	0
1435.	OLIVIER HEBERT.....	BLAIRFINDIE.—This Claim is for Property burnt or pillaged by the Troops and Volunteers						
		(The Evidence being incomplete, the Award will be given hereafter.)						

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

No. of Claim.	NAMES of CLAIMANTS.	P L A C E or R E S I D E N C E.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1436..	JEAN GODFROY ROY.....	BLAIRFINDIE.—This Claim is for Effects pillaged by the Volunteers	65	1	0	36	18	4
1437..	PIERRE L'HEUREUX	BLAIRFINDIE.—This Claim is for Property burnt or pillaged by the Troops and Volunteers						
		(The Evidence in this case being incomplete, the Award will be given hereafter.)						
1438..	SIMON MARCHESSAULT..	BLAIRFINDIE.—This Claim is for Effects pillaged by the Volunteers	10	17	2	10	0	5
1439..	HENRI DESPRINCES	BLAIRFINDIE.—This Claim is for Effects pillaged by the Volunteers	14	0	0	12	7	0
1440..	JEAN BAPTE. GIROUX ..	NAPIERVILLE.—This Claim is for Property burnt by the Volunteers	70	18	8	45	9	4
1441..	FRANÇOIS GIROUX	NAPIERVILLE.—This Claim is similar to the last	49	17	0	45	12	0
1442..	MARGUERITE BERNABE, VEUVE JACQUES BLANG	ST. VALENTIN.—This Claim is similar to the last	1	10	0	1	10	0
1443..	LOUIS LIVERNOIS DR MELOCHE.....	SHERRINGTON.—This Claim is for Effects pillaged by the Indians	15	19	0	15	15	0
		£	21755	8	11	11018	18	6

Claims amounting to Twenty-one thousand seven hundred and thirty-five pounds, eight shillings and eleven pence, and Awards to Eleven thousand and eighteen pounds, eighteen shillings and six pence.

(Signed,) JACQUES VIGER, }
 “ W. C. HANSON, }
 “ OVIDE LEBLANC. }
 Commissioners.

COMMISSIONERS' OFFICE,
 Beauharnois, 18th August, 1852.

No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
		Amount brought forward from last Continuation of Report, dated 18th August, 1851.....	21785	8	11	11018	18	6
1444..	L. M. DECOIGNE	L'ACADIE.—This Claim is for Property burnt or pillaged by the Troops and Volunteers.....	208	18	0	71	0	0
1445..	ALEXIS DUROCHER	NAPIERVILLE.—This Claim is for Effects pillaged by the Volunteers	59	4	0	41	12	8
1446..	CHRYSOSTOME MARTINEAU	NAPIERVILLE.—This Claim is similar to the last.....	52	14	10	33	10	0
1447..	RICHARD MARTINEAU	NAPIERVILLE.—This Claim is similar to the last	18	9	7	14	12	0
1448..	MARGUERITE CARRON, VEUVE TOUSSAINT CARRIER	NAPIERVILLE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	71	2	6	54	19	3
1449..	JOSEPH MOLEUR	ST. VALENTIN.—This Claim is for Horses taken by the Volunteers.....	25	0	0	10	0	0
1450..	AARON TRAVER	LACOLLE.—This Claim is for Property burnt in March, 1840, presumed by the Refugees.....£247 18s. 9d. (The Evidence being incomplete, the Award will be given hereafter.)						
1451..	HEURS of FRANÇOIS REMILLARD, PÈRE	BLAIRFINDIE.—This Claim is for Property burnt by the Troops and Volunteers.....£218 17s. 6d. (The Evidence being incomplete, the Award will be given hereafter.)						
1452..	NARCISSE GREGOIRE	NAPIERVILLE.—This Claim is for Effects pillaged by the Volunteers	8	14	6	4	14	6
1453..	EUSEBE AUDETTE	BLAIRFINDIE.—This Claim is similar to the last.....	54	19	2	47	5	9
1454..	JOHN WRIGHT	ST. VALENTIN.—This Claim is similar to the last	49	17	6	26	16	3
1455..	WILLIAM MCGOWAN	ST. VALENTIN.—This Claim is for Effects pillaged by the Rebels.....	25	2	9	14	17	6
1456..	WILLIAM SCRIVER	LACOLLE.—This Claim is for Effects pillaged by the Rebels	9	15	0	7	0	0

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1457..	LOUIS FRECHETTE	NAPIERVILLE.—This Claim is for Effects burnt or pillaged by the Troops and Volunteers, but is not proved.....	11	11	6			
1458..	DAVID LORD	BLAIRFINDIE.—This Claim is for a Horse taken by the Volunteers, but not proved	20	0	0			
1459..	JEAN GAGNON	NAPIERVILLE.—This Claim is for Effects pillaged by the Troops	11	15	0	9	0	0
1460..	PIERRE BOUSQUET	LACOLLE.—This Claim is for Property burnt or pillaged by the Troops and Volunteers.....	60	18	4	42	18	2
1461..	TOUSSAINT BEAUDIN.....	ST. EDOUARD.—This Claim is for Effects pillaged by the Volunteers	30	8	9	28	7	6
1462..	MOYSE SANS-CARTIER ..	NAPIERVILLE.—This Claim is for Lodging Troops and Effects pillaged	13	9	3	11	0	0
1463..	PIERRE LEMELIN	NAPIERVILLE.—This Claim is similar to the last.....	21	10	0	11	1	0
1464..	CHARLES MILLETTE	NAPIERVILLE.—This Claim is similar to the last	28	5	0	17	4	0
1465..	JEAN BTE. LAVERRIERE	NAPIERVILLE.—This Claim is similar to the last	82	10	10	20	18	10
1466..	ANTOINE POTRE' DR. LAVINE.....	NAPIERVILLE.—This Claim is for Lodging Troops.....	2	0	0	2	0	0
1467..	JEAN BAPTE. MONJEAU..	NAPIERVILLE.—This Claim is similar to the last.....	8	0	0	5	0	0
1468..	LOUISE GIGUERE, Veuve NICOLAS BOUGNON..	NAPIERVILLE.—This Claim is similar to the last.....	12	0	0	7	10	0
1469..	JACQUES MARCEAU	NAPIERVILLE.—This Claim is for Lodging Troops	13	16	0	12	6	0
1470..	DAVID SCOTT	LACOLLE.—This Claim is for Effects pillaged by the Rebels	7	0	0	5	10	0
1471..	WILLIAM PAINE	LACOLLE.—This Claim is similar to the last.....	15	4	0	12	10	0

1472..	LAURENT LERIGE' DR LAPLANIE	ST. EDOUARD.—This Claim is for Effects pillaged by the Troops	8	9	6	4	10	11
1473..	ANTOINE MARCHISSAULT	LACADIE.—This Claim is similar to the last.....	57	17	10	36	13	9
1474..	LOUIS MONBELEAU.....	BLAIRFINDIE.—This Claim is for Effects pillaged by the Volunteers.....	21	2	6	11	6	8
1475..	FRANÇOIS PATENAUDE..	LACADIE.—This Claim is for Effects pillaged by the Volunteers.....£51 10s. 10d. (The Evidence being incomplete, the Award will be given hereafter.)						
1476..	JACOB BOUCHARD	BLAIRFINDIE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers	189	0	0	175	16	0
1477..	NOEL DESAUTELS	LACOLLE.—This Claim is for Effects pillaged by the Rebels	11	5	0	11	5	0
1478..	JOSEPH NOEL	ST. VALENTIN.—This Claim is for Effects pillaged by the Volunteers	7	2	6	5	8	4
1479..	JULIEN PATENAUDE	NAPIERVILLE.—This Claim is similar to the last	28	7	0	11	15	0
1480..	CLEMENT FERLAND	NAPIERVILLE.—This Claim is for Effects pillaged by the Volunteers, but is not proved	4	10	0			
1481..	JACQUES DEMERS	NAPIERVILLE.—This Claim is for Property burnt or pillaged by the Troops and Volunteers	177	0	0	73	9	0
1482..	ROSE LANDRY, Veuve JEAN BAPTE. CYRE..	NAPIERVILLE.—This Claim is for Effects pillaged by the Volunteers	24	19	11	16	5	4
1483..	LAURENT MORIN	NAPIERVILLE.—This Claim is for Lodging Troops	9	17	6	6	17	6
1484..	PIERRE DUTEAU	NAPIERVILLE.—This Claim is for Effects pillaged by the Troops	6	12	8	3	18	4
1485..	JEAN LEVESQUE	LACOLLE.—This Claim is similar to the last.....	26	13	2	18	19	8
1486..	THOMAS HEWSON	LACOLLE.—This Claim is for Effects pillaged or destroyed by the Rebels and Volunteers.....	16	16	0	8	10	0
1487..	THOMAS HODGSON	LACOLLE.—This Claim is for Effects pillaged or destroyed by the Rebels and Volunteers.....	12	16	9	5	5	0
1488..	JEAN MARIE BONAULT..	NAPIERVILLE.—This Claim is for Effects pillaged by the Volunteers, but is not proved	6	8	9			

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

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No. of Claim.	NAMES of CLAIMANTS.	P L A C E of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1489..	JEAN BAPTE DOZOIS ..	ST. CYPRIEN.—This Claim is similar to the last	14	0	0	10	0	0
1490..	PIERRE GRANGER	NAPIERVILLE.—This Claim is similar to the last	17	18	11	11	11	0
1491..	MARIE ANNE GRANGER, VEUVE LOUIS GRIFFARD	(The Evidence being incomplete, the Award will be given hereafter.) NAPIERVILLE.—This Claim is similar to the last	3	19	0	2	14	0
1492..	HUBERT DUPUIS	NAPIERVILLE.—This Claim is similar to the last	10	0	7	5	0	0
1493..	ANTOINE HEBERT	NAPIERVILLE.—This Claim is for Effects pillaged by the Rebels	146	8	4	45	17	4
1494..	JOSEPH BRISSETT	ST. EDOUARD.—This Claim is for Effects pillaged by the Rebels and Volunteers	12	10	0	11	7	0
1495..	FRANÇOIS VEZINA	NAPIERVILLE.—This Claim is for Effects pillaged by the Volunteers	63	5	10	26	11	3
1496..	LOUIS SENNE'	ST. VALENTIN.—This Claim is similar to the last	22	17	6	16	11	0
1497..	VITAL GALARNEAU	ST. EDOUARD.—This Claim is similar to the last	85	8	10	48	15	4
1498..	SIMON MARTIN	ST. PHILIPPE.—This Claim is for Property burnt or pillaged by the Troops and Volunteers	33	15	0	25	2	6
1499..	JULIEN CARDINAL	NAPIERVILLE.—This Claim is for Lodging Troops and Effects pillaged	9	18	9	5	1	3
1500..	CATHERINE ST. DENIS, VEUVE JOSEPH BENOIT	ST. EDOUARD.—This Claim is for Effects pillaged by the Troops	1	10	0	1	10	0
1501..	JACQUES LEVERT	ST. EDOUARD.—This Claim is for a Gun delivered to the Authorities	9	6	3	8	17	1
1502..	JEAN BAPTE BER- THIAUME	NAPIERVILLE.—This Claim is for Effects pillaged by the Troops	967	0	11	534	8	9
1503..	AMABLE CYRE	NAPIERVILLE.—This Claim is for Property burnt or pillaged by the Troops and Volunteers						

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1504..	LOUIS BELL (SOPHIE COURVILLE, VEUVE) ..	NAPIERVILLE.—This Claim is similar to the last	198	0	0	93	14	10
1505..	FRANÇOIS BOURRASSA, Fils	BLAIRFINDIE.—This Claim is for a Horse taken by the Volunteers, but is not proved	25	0	0			
1506..	LUC VERDON	ST. EDOUARD.—This Claim is for Property burnt or pillaged by the Troops and Volunteers	49	18	0	23	3	4
1507..	WILLIAM ROBSON	ST. EDOUARD.—This Claim is for Effects pillaged by the Rebels and Volunteers	56	1	0	35	4	8
1508..	MICHEL LUSSIER	ST. EDOUARD.—This Claim is for Effects pillaged by the Rebels	28	10	0	20	7	3
1509..	MARIE ANASTASIE BRIN, VEUVE FR. CHUINARD	NAPIERVILLE.—This Claim is for Effects pillaged by the Troops	76	14	10	56	7	11
1510..	FRANÇOIS XAVIER SENE' ..	NAPIERVILLE.—This Claim is the same as the last, but not proved	16	9	0			
1511..	ANGELIQUE LAVOIS, VEUVE CHARLES LANGLOIS	NAPIERVILLE.—This Claim is for Effects pillaged or destroyed by the Troops and Volunteers	5	6	0	4	16	0
1512..	MARIE MIGNOTTE, VEUVE CHARLES POUILLIOTTE	NAPIERVILLE.—This Claim is for Effects pillaged or destroyed by the Troops and Volunteers	10	2	4	4	0	5
1513..	FELICITE MORIN, DAME F. VALLERAND	NAPIERVILLE.—This Claim is similar to the last	61	7	6	39	5	0
1514..	LOUIS DUPUIS	LACOLLE.—This Claim is for Property burnt or pillaged by the Troops and Volunteers	6	0	0	8	0	0
1515..	JEAN BAPTE BEAU- DRAULT	(The Evidence being incomplete, the Award will be given hereafter.) NAPIERVILLE.—This Claim is for Boards taken by the Troops	319	0	0	188	11	3
1516..	ELIZABETH ROY, VEUVE JEAN BAPTE. PARA- DIS, PERE	LACADIE.—This Claim is for Property and Effects burnt or pillaged by the Troops and Volunteers						

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—Continued.

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No. of Claim.	NAMES of CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1517..	LOUIS LEMELIN (SALO-MEE DUPUIS, Veuve)	NAPIERVILLE.—This Claim is for Effects pillaged by the Volunteers	05	4	2	10	0	0
1518..	LOUIS GUERIN	ST. CYPRIEN.—This Claim is for Effects pillaged by the Volunteers.	12	2	0	11	4	0
1519..	EULALIE ARCAD, Veuve FRANÇOIS ROY	NAPIERVILLE.—This Claim is for Grain burnt by the Volunteers	0	11	6	2	13	0
1520..	LAURENT ROY (Hens of)	BLAIRFINDIE.—This Claim is for Property destroyed by the Troops	94	17	0	0	0	0
1521..	JEAN BAPTE, HALL	NAPIERVILLE.—This Claim is similar to the last	20	17	0	13	18	0
1522..	FRANÇOIS AUBRY	ST. EDOUARD.—This Claim is for Effects pillaged by the Troops	0	4	0	7	12	0
1523..	THOMAS SCARFE	LACOLLE.—This Claim is similar to the last	40	13	10	29	15	7
1524..	AMBROISE SABOURIN	ST. VALENTIN.—This Claim is for Property burnt by the Troops	24	0	11	18	3	1
1525..	JEAN BAPTE, LeBLANC	NAPIERVILLE.—This Claim is for Property pillaged by the Troops	21	10	0	14	19	0
1526..	FRS. XAVIER LATOUR	NAPIERVILLE.—This Claim is similar to the last.	41	17	0	27	10	0
1527..	MAXIME HENAUT	ST. VALENTIN.—This Claim is similar to the last	54	5	0	20	1	0
1528..	JEAN BAPTE, BELANGER	NAPIERVILLE.—This Claim is similar to the last	0	0	8	8	0	1
1529..	LOUIS ETHER (Pere)	ST. VALENTIN.—This Claim is similar to the last	80	0	0	40	0	8
1530..	AUBIN GAMACHE	ST. VALENTIN.—This Claim is for Effects pillaged by the Troops.	30	0	0	10	0	0
1531..	JULIEN RICARD	ST. VALENTIN.—This Claim is similar to the last	5	7	10	3	8	0
1532..	AMBROISE PARE'	NAPIERVILLE.—This Claim is for Property burnt by the Troops and Volunteers	256	1	0	94	0	0

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1533..	GILBERT WELDON	LACOLLE.—This Claim is for Property burnt in June, 1843, presumed by the Refugees (The Evidence being incomplete, the Award will be given hereafter)	4	2	0	2	10	0
1534..	PIERRE BISSONNETE	NAPIERVILLE.—This Claim is for Property pillaged by the Volunteers	158	8	0	64	1	0
1535..	AUGUSTIN PLUNQUIER	LACOLLE.—This Claim is for Property burnt by the Volunteers	183	14	10	109	19	10
1536..	JOSEPH PIEDALUE	BLAIRFINDIE.—This Claim is similar to the last	15	2	0	10	5	0
1537..	DOMINIQUE PIEDALUE	BLAIRFINDIE.—This Claim is for Effects pillaged by the Volunteers...£24 9s. 4d. (The Evidence being incomplete, the Award will be given hereafter.)	4	14	0	2	7	0
1538..	ZENUS CLARK	LACOLLE.—This Claim is for Effects destroyed during the Rebellion.	16	1	3	5	10	0
1539..	DAVID NOEL	ST. VALENTIN.—This Claim is for Effects pillaged by the Volunteers	44	12	8	20	2	10
1540..	BENJAMIN LAMADELEINE	ST. EDOUARD.—This Claim is for Effects pillaged by the Troops	88	13	0	25	15	7
1541..	RALPH MOORE	LACOLLE.—This Claim is for Effects pillaged by the Rebels	208	3	11	99	17	8
1542..	JOSEPH PALIN	ST. VALENTIN.—This Claim is for Effects pillaged by the Volunteers...£28 19s. 0d. (The Evidence being incomplete, the Award will be given hereafter.)	20	0	2	22	0	0
1543..	LOUIS TOUPIN	ST. VALENTIN.—This Claim is similar to the last	15	1	8	11	15	5
1544..	APOLINE MARCEAU, Veuve LAMBERT FONTAINE	ST. CYPRIEN.—This Claim is for Property burnt or pillaged by the Troops and Volunteers	11	5	0	1	0	0
1545..	JEAN BAPTE, FREDETTE, Pere	NAPIERVILLE.—This Claim is for Effects pillaged by the Troops	12	0	0	7	10	0
1546..	PIERRE TOURGEON	NAPIERVILLE.—This Claim is similar to the last						
1547..	AMBROISE DUBE'	ST. VALENTIN.—This Claim is for a Horse taken by the Volunteers						
1548..	ELIZABETH BROUILLET, Veuve GEORGE RE-NARDET	NAPIERVILLE.—This Claim is for Lodging Troops						

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

No. of Claim.	NAMES of CLAIMANTS.	P L A C E of R E S I D E N C E.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1549.	GEORGE SMITH.....	NAPIERVILLE.—This Claim is for Effects pillaged by the Rebels	60	0	0	45	18	0
1550.	HAMILTON FORREST	ST. EDOUARD.—This Claim is similar to the last	88	10	8	44	5	0
1551.	THOMAS FIGSBY	ST. EDOUARD.—This Claim is similar to the last	31	11	0	17	12	0
1552.	JOSEPH PINSONNAULT	ST. JACQUES I ^{re} MINEUR.—This Claim is for an Inventory burnt with the Notarials of J. Bte. Lukin by the Troops, but is not proved	37	10	0			
1553.	MARIE MODESTE GIRARD, VEUVE ALEXIS GAGNIER	HENRYVILLE.—This Claim is for Effects pillaged by the Troops£77 4s. 4d. (The Evidence being incomplete, the Award will be given hereafter.)						
1554.	ANTOINE BELLANGER	NAPIERVILLE.—This Claim is for Effects pillaged by the Troops	48	10	8	10	12	0
1555.	MICHEL SUPRENANT	ST. EDOUARD.—This Claim is similar to the last	15	14	0	10	12	8
1556.	CHRISTOPHE SHYTHE	ST. EDOUARD.—This Claim is similar to the last	4	17	1	2	5	4
1557.	FRANÇOIS VACHEREAU	ST. EDOUARD.—This Claim is similar to the last	8	0	0	4	1	8
1558.	ANTOINE DAIGNEAU	LACOLLE.—This Claim is for Effects burnt or pillaged by the Volunteers.....	16	17	11	12	14	5
1559.	JEAN BAPTE. ETHER dit DRAGON, Fils.....	ST. VALENTIN.—This Claim is for Effects pillaged by the Rebels£31 17s. 4d. (The Evidence being incomplete, the Award will be given hereafter.)	20	0	0	7	16	8
1560.	JOHN YORK	NAPIERVILLE.—This Claim is for Lodging Troops	20	13	6	23	13	11
1561.	FRANÇOIS GAMACHE, Fils.....	ST. CYPRIEN.—This Claim is for Effects pillaged by the Volunteers.....						
1562.	CHARLES REAUME	ST. VALENTIN.—This Claim is similar to the last.....£44 1s. 6d. (The Evidence being incomplete, the Award will be given hereafter.)						

1563.	JULIE ELISE VEUVE NICO— LAS GAMACHE	NAPIERVILLE.—This Claim is similar to the last	15	10	2	8	0	8
1564.	ELIZABETH BELL, Widow JONATHAN HODGSON	LACOLLE.—This Claim is for Property burnt in May, 1839, by parties unknown, but is not proved as being done as a consequence of the Rebellion, but rather by accident, and is a loss not provided for by the Act	148	0	0			
1565.	MARGUERITE JOURDON— NAIS, VEUVE JOSEPH BISSONNETTE	NAPIERVILLE.—This Claim is for Lodging Troops.....	11	8	9	10	0	0
			27404	13	11	14009	8	5

Claims amounting to Twenty-seven thousand four hundred and four pounds, thirteen shillings and eleven pence, and Awards to Fourteen thousand and nine pounds, three shillings and five pence.

(Signed,) JACQUES VIGER,
" JOHN SIMPSON,
" W. C. HANSON, } Commissioners.
OVIDE LEBLANC.

Commissioners' Office,
Beauharnois, 25th August, 1851.

No. of Claim.	NAMES of CLAIMANTS.	P L A C E of R E S I D E N C E.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
			27404	13	11	14009	8	5
1566.	ANDRE' PREVOST.....	Amount brought forward from Report, dated 25th August	10	18	6	7	12	4
1567.	JEAN GUAY	ST. EDOUARD.—This Claim is for Effects pillaged by the Troops.....	12	0	9	6	10	0
1568.	AUGUSTIN GRENON	NAPIERVILLE.—This Claim is similar to the last..... NAPIERVILLE.—This Claim is similar to the last.....	12	19	8	9	8	4

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No. of Claim.	NAMES OF CLAIMANTS.	P L A C E of R E S I D E N C E.			Amount Claimed.			Amount Awarded.		
		£	s.	d.	£	s.	d.	£	s.	d.
		1569..	MARIE McCABE, VEUVE PIERRE THEOP. DE- COINGNE	15	9	0	10	0	0	10
1570..	BAZILE LUSSIER	11	17	4	4	7	3			
1571..	MICHEL GINNES	20	9	3	18	1	9			
1572..	PIERRE REIGNIER	26	2	2	19	1	11			
1573..	DAVID PATENAUDE	26	10	0	7	1	0			
1574..	GEORGE LAVALLEE	1027	0	0	441	8	0			
1575..	JEAN BAPTISTE LUKIN..	52	10	0	32	10	0			
1576..	RENSELER SEWELL	21	15	0	21	15	0			
1577..	TYLER GROVE	20	15	0	15	10	0			
1578..	JOSEPH REMILLARD	15	0	0						
1579..	CYPRIEN ST. AMANT....	10	0	0	10	15	0			
1580..	JEAN BAPTÉ. ST. AMAND	2	0	0	1	5	0			
1581..	HENRI ROBIDOUX	5	0	0	1	10	0			
1582..	JOSEPH BROUSSEAU									
1583..	WILLIAM SUMMERS									
1584..	RICHARD DENISON									
1585..	JOSEPH LABONTE'									
1586..	JOSEPH MARCEAU									
1587..	ALEXIS AUBRIE									
1588..	JOHN COOKMAN									
1589..	PIERRE ROY									
1590..	HENRY WILSON									
1591..	JAMES MACMANUS									
1592..	JOSEPH TRAHAN									
1593..	VITAL BOUGHARD									
1594..	JOSEPH RICHARD									
1595..	JOSEPH ROBERGE									
1596..	JOSEPHTE LANOIX, VEUVE JOSEPH ROY									
1595..	ANTOINE BOYE'									
1596..	FRANÇOIS FONTAINE....									
1599..	EUSTACHE SEGUIN.....									
1600..	ABRAHAM BESSETTE									
1601..	JOSEPH ROBERGE									

1584..	RICHARD DENISON	7	10	0	3	4	0			
1585..	JOSEPH LABONTE'	11	1	0	7	8	0			
1586..	JOSEPH MARCEAU	87	17	4	50	12	7			
1587..	ALEXIS AUBRIE	0	12	0	4	1	0			
1588..	JOHN COOKMAN	32	14	0	27	9	0			
1589..	PIERRE ROY	12	7	0	8	17	0			
1590..	HENRY WILSON	8	10	0	0	4	8			
1591..	JAMES MACMANUS	02	0	10	33	3	8			
1592..	JOSEPH TRAHAN	02	2	0	38	1	3			
1593..	VITAL BOUGHARD	04	10	0	20	0	0			
1594..	JOSEPH RICHARD	9	10	0	7	10	0			
1595..	JOSEPH ROBERGE	5	3	3	3	5	0			
1596..	JOSEPHTE LANOIX, VEUVE JOSEPH ROY									
1595..	ANTOINE BOYE'									
1596..	FRANÇOIS FONTAINE....									
1599..	EUSTACHE SEGUIN.....									
1600..	ABRAHAM BESSETTE	20	15	0	11	7	8			
1601..	JOSEPH ROBERGE	103	16	10	58	4	0			

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1602..	JOSEPH BISSONNETTE ..	ST. VALENTIN.—This Claim is for Effects pillaged by the Troops	13	13	0	11	10	0
1603..	FRANÇOIS FAUCHEZ	NAPIERVILLE.—This Claim is similar to the last, but is not proved.	12	14	3			
1604..	FRANÇOIS RANGER AND AMBROISE SENECAI..	BLAIRINDIE.—This Claim is for £302 10s. 0d. for Property destroyed belonging to Etodic Sénécal, for whom F. Ranger is Tutor, £1,124 10s. 4d. for Merchandise, and £246 5s. 0d. for Effects, all destroyed by the Troops	1673	5	4			
		Awarded, £263 5s. 0d. on the fixed Property belonging to Etodic Sénécal, and £817 8s. 10d. on Merchandise and Effects, making One thousand and eighty pounds eight shillings and ten pence				1080	8	10
1605..	PIERRE BLAIR	NAPIERVILLE.—This Claim is for a Pig taken by the Troops	3	0	0	3	0	0
1606..	ANTOINE LIVEROIS DIT MELOCHE	CHATEAUGUAY.—This Claim is for Property burnt or pillaged by the Indians ..	200	0	0	106	7	2
1607..	WILLIAM DALTON	CHATEAUGUAY.—This Claim is similar to the last, viz., Property burnt or pillaged by the Indians	200	16	3	175	15	7
1608..	JEAN BAPTE. DAMIEN ..	CHATEAUGUAY.—This Claim is similar to the last.	5	5	5	4	3	0
1609..	JOSEPH DUFOUR	CHATEAUGUAY.—This Claim is similar to the last.	5	10	5	4	15	5
1610..	LOUISE REAUME, VEUVE JACQUES LABERGE..	CHATEAUGUAY.—This Claim is similar to the last.						
1611..	FRANÇOIS BOUDREAU DIT GRAVELINE	CHATEAUGUAY.—This Claim is for Effects pillaged by the Volunteers and Indians	136	0	0	50	5	4
1612..	MICHEL CONTOIS	CHATEAUGUAY.—This Claim is similar to the last	69	13	3	42	5	0

1613..	AMABLE REGIS SAMSON.	CHATEAUGUAY.—This Claim is for Property burnt or pillaged by the Indians and Volunteers						
		(The Evidence being incomplete, the Award will be given hereafter.)						
1614..	MARIE HURTEAU, VEUVE JEAN CERAT	CHATEAUGUAY.—This Claim is for Effects pillaged by the Indians.	14	5	0	8	10	0
1615..	JULIE PREJEANT, VEUVE BERTHELEMI CERAT.	CHATEAUGUAY.—This Claim is similar to the last.	7	0	7	4	6	9
1616..	ADELAIDE CERAT, VEUVE JOSEPH MAILLOUX..	CHATEAUGUAY.—This Claim is similar to the last.	31	14	6	23	13	3
1617..	MICHEL MICHLEON DIT LARANGE	ST. CLEMENT.—This Claim is for Property burnt or pillaged by the Volunteers ..	63	15	6	49	5	9
1618..	OLIVIER TONDU DIT ST. ONGE	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	14	19	3	8	8	3
1619..	JOSEPH LEDUC, Fils D'AMABLE	BEAUHARNOIS.—This Claim is for Effects pillaged by the Volunteers	13	12	4	10	17	0
1620..	HYACINTHE LEFEBRE ..	ST. CLEMENT.—This Claim is similar to the last.	18	0	2	13	4	4
1621..	MARY LOUISE DANDU- RAND, VEUVE J. DU- QUETTE	CHATEAUGUAY.—This Claim is for Property burnt or pillaged by the Indians and Rebels						
		(The Evidence being incomplete, the Award will be given hereafter.)						
1622..	PIERRE LEDUC	ST. TIMOTHEE.—This Claim is for Effects pillaged by the Volunteers	75	15	0	52	15	0
1623..	CHARLES D'AOUST	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers.	29	17	11	21	13	7
1624..	AUGUSTIN BARRETE ..	ST. CLEMENT.—This Claim is similar to the last.	20	7	6	16	5	0
1625..	JOSEPH DAIGNEAU, Fils..	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	13	11	4	9	5	11
1626..	LOUIS LESIEGE	CHATEAUGUAY.—This Claim is for Effects pillaged by the Indians	90	0	0	53	6	0

REPORT of JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1627..	MESSEUR L. MICHEL QUIN-TAL.....	BEAUHARNOIS.—This Claim is for Lodging Troops, and Effects furnished the Troops	72	16	10	63	14	0
1628..	JEAN LOUIS DUQUET dit DUROCHER	CHATEAUGUAY.—This Claim is for Effects pillaged by the Volunteers and Indians	27	2	10	19	18	10
1629..	MARGUERITE CORDELLIER, DAME JOS. DU-MOUCHELLE	STE. MARTINE.—This Claim is for One-half of the Property of her Husband burnt by the Troops						
		(The Evidence is incomplete.)						
1630..	PAUL GENDRON, Fils	ST. CLEMENT.—This Claim is similar to the last	150	19	19	97	6	11
1631..	CHARLES FARRELL.....	ST. CLEMENT.—This Claim is similar to the last	91	13	2	56	11	6
1632..	JOSEPH HOGUE.....	ST. CLEMENT.—This Claim is for a Horse taken by the Volunteers	6	10	0	5	10	0
1633..	PIERRE BRYERE	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	16	9	0	12	7	9
		£	32401	7	3	16916	4	3

Claims amounting to Thirty-two thousand four hundred and one pounds, seven shillings and three pence, and Awards to Sixteen thousand nine hundred and sixteen pounds, four shillings and three pence.

(Signed,) P. H. MOORE,
 “ JACQUES VIGER,
 “ JOHN SIMPSON,
 “ W. C. HANSON,
 “ OVIDE LEBLANC. } Commissioners.

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
		Amount brought forward from Report, dated 1st September, 1851.....	32401	7	3	16916	4	3
1634..	IGNACE LABERGE	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	55	17	6	41	12	7
1635..	CHARLES BOYER	CHATEAUGUAY.—This Claim is for Effects pillaged by the Indians.....	5	13	5	5	10	0
1636..	FRANÇOIS XAVIER LENOIR dit ROLLAND	CHATEAUGUAY.—This Claim is for Effects pillaged by the Volunteers and Indians.....	37	0	6	16	3	5
1637..	ROSE TESSIER dit LA- VIGNE, VEUVE J. B. BRANCHAUD	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	58	10	0	14	5	9
1638..	SOLOMON CHARTIER	ST. CLEMENT.—This Claim is for Labor done and unpaid for, and is rejected as not coming within the Act.....	6	18	0			
1639..	MICHEL LATOUR	ST. CLEMENT.—This Claim is for a Horse and Saddle pillaged by the Volunteers.	8	15	0	6	0	0
1640..	PIERRE LABERGE	STE. MARTINE.—This Claim is for Property burnt by the Volunteers	54	7	5	42	6	3
1641..	JOACHIM LABERGE.....	STE. MARTINE.—This Claim is for Pillage by the Volunteers	12	1	3	10	11	5
1642..	APPOLINE DESFORGES, VEUVE IS. CONSIGNY.	STE. MARTINE.—This Claim is for Property burnt or pillaged by the Volunteers.	35	2	8	12	16	11
1643..	HENRY BOGUE & Co.....	BEAUHARNOIS.—This Claim is for Effects pillaged by the Rebels and Volunteers..... (The Evidence being incomplete, the Award will be given hereafter.)						
1644..	G. W. BAKER	STE. MARTINE.—This Claim is for Property and Effects burnt and pillaged by the Volunteers						
1645..	JAMES PERRIGO	STE. MARTINE.—This Claim is for Property and Effects burnt by the Volunteers.	198	11	0	118	8	6

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

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A. 1852.

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No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1646..	TOUSSAINT TAILLEFER..	STE. MARTINE.—This Claim is for a House and Effects burnt by the Volunteers, the Claimant having sold the House to another party who has also claimed for it, withdraws his Claim to the House, which was valued at £250 Os. 0d.	272	11	6	17	7	0
1647..	CHARLES SAVAGEAU....	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers.....	12	18	6	5	17	3
1648..	ETIENNE DESGROZEIL- LERS.....	STE. MARTINE.—This Claim is similar to the last.....	14	7	6	11	7	6
1649..	LOUIS BERGEVIN, FILS DE PAUL.....	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers.....	26	12	1	14	15	0
1650..	GEDEON BRAZEAU.....	STE. MARTINE.—This Claim is for Effects burnt or pillaged by the Volunteers, but is not proved.....	225	9	10			
1651..	JOSEPH GOYETTE.....	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers.....	16	1	9	12	19	3
1652..	FRANÇOISE PREJEANT, VEUVE JOS. DANDU- RAND.....	ST. CLEMENT.—This Claim is similar to the last.....	4	1	9	2	17	9
1653..	PIERRE LEFEBVRE.....	STE. MARTINE.—This Claim is for Property damaged and Effects pillaged by the Volunteers.....	24	8	5	19	8	5
1654..	PAUL GAGNIER.....	STE. MARTINE.—This Claim is for Property and Effects pillaged and burnt by the Volunteers.....	399	18	2	250	0	0
1655..	JOSEPH PRIMEAU.....	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers.....	17	8	6	12	5	0
1656..	JEROME PRIMEAU.....	ST. TIMOTHEE.—This Claim is for Effects pillaged by the Volunteers and Indians.....	34	11	2	15	19	4
1657..	THOMAS LEFEBVRE.....	CHATEAUGUAY.—This Claim is similar to the last.....	90	10	0	57	1	6
1658..	AMABLE PATTENAUDE, PERE.....	STE. MARTINE.—This Claim is similar to the last.....	18	17	6	16	15	0

1659..	J. B. AMIOT.....	STE. MARTINE.—This Claim is similar to the last.....	13	10	6	10	17	11
1660..	OLIVIER JEAN LEFEBVRE	STE. MARTINE.—This Claim is similar to the last.....	21	5	0	16	0	0
1661..	AMABLE PATTENAUDE, FILS.....	STE. MARTINE.—This Claim is similar to the last.....	230	0	0	120	2	3
1662..	JEAN LEFEBVRE.....	STE. MARTINE.—This Claim is similar to the last.....	18	15	0	14	5	0
1663..	JOSEPH HAINAULT.....	BEAUHARNOIS.—This Claim is similar to the last.....	64	8	3	43	15	2
1664..	MICHEL LABERGE.....	STE. MARTINE.—This Claim is similar to the last.....	7	15	0	5	10	0
1665..	NICOLAS MATHIEU.....	STE. MARTINE.—This Claim is similar to the last.....	19	4	0	15	2	10
1666..	JOSEPHTE LEGER, VEUVE LOUIS LEMAY.....	ST. CLEMENT.—This Claim is similar to the last.....	6	15	0	6	5	0
1667..	CATHERINE MERGILLE, VEUVE MICHEL DUQUET	ST. CLEMENT.—This Claim is similar to the last, but is not proved.....	14	17	6			
1668..	ARCHANGE HENAULT, VEUVE PL. TONDU DE ST. ONGE.....	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers.....	28	7	11	19	1	0
1669..	DAVID LANOUILLE.....	CHATEAUGUAY.—This Claim is similar to the last.....	46	12	6	26	5	6
1670..	CHARLOTTE DAMOUR, VEUVE ETIENNE CARON	CHATEAUGUAY.—This Claim is similar to the last.....	49	0	0	35	6	0
1671..	FRANÇOIS CARON.....	CHATEAUGUAY.—This Claim is for Pillage by the Indians.....	13	15	0	11	0	0
1672..	JEAN BAPTISTE DUQUET	CHATEAUGUAY.—This Claim is for Effects pillaged by the Indians.....	5	10	0	4	16	9
1673..	JOSEPH DUBOIS.....	ST. CLEMENT.—This Claim is similar to the last.....	27	10	0	20	0	0
1674..	PIERRE DUBOIS.....	ST. CLEMENT.—This Claim is similar to the last.....	2	5	0	1	10	0
1675..	PIERRE ST. MICHEL.....	ST. TIMOTHEE.—This Claim is similar to the last.....	8	2	4	4	19	4

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

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No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1676..	PAUL LEGER dit PARI-SIEN, Pere.....	ST. CLEMENT.—This Claim is similar to the last.....	14	10	0	0	3	5
1677..	NARCHISSE MALLETTE.....	CHATEAUGUAY.—This Claim is for Property pillaged by the Rebels, Indians, and Troops, and for Lodging and Provisions furnished to H. M. Troops as well as for the loyal Prisoners quartered on the Claimant.....	254	0	0	0	7	0
1678..	JEAN LOUIS CARON, REPRESENTING HIMSELF AND CREDITORS IN BANKRUPTCY.....	CHATEAUGUAY.—This Claim is for Property burnt and pillaged by the Volunteers.....	1017	19	0	557	11	7
1679..	JOACHIM DUQUET.....	CHATEAUGUAY.—This Claim is for Effects pillaged by the Indians.....	22	3	1	17	8	5
1680..	AMABLE DUQUET.....	CHATEAUGUAY.—This Claim is similar to the last.....£43 6s. 10d. (The Evidence being incomplete, the Award will be given hereafter.)						
1681..	AMABLE ROBILLARD.....	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers.....	6	5	10	3	7	8
1682..	J. B. DUQUET dit DUROCHER.....	CHATEAUGUAY.—This Claim is for pillage by the Indians and Volunteers.....	13	7	0	5	3	0
1683..	FRANÇOIS VALLEE, Pere.....	STE. MARTINE.—This Claim is for pillage by the Volunteers.....	4	5	0	3	0	0
1684..	J. B. CHARLEBOIS.....	ST. ANICET.—This Claim is for Effects burnt and pillaged by the Indians and Volunteers.....	287	2	3	75	7	1
1685..	FRANÇOIS BERGEVIN.....	ST. TIMOTHEE.—This Claim is for Pillage by the Volunteers.....	12	10	8	10	10	8
1686..	LUC MALLETTE.....	BEAUIARNOIS.—This Claim is for Property and Effects burnt and pillaged by the Troops and Volunteers.....	97	11	8	57	16	8
1687..	ANTOINE ROY.....	ST. CLEMENT.—This Claim is similar to the last.....£510 12s. 10d. (The Evidence being incomplete, the Award will be given hereafter.)						
1688..	JEAN SABASTIEN OLICHIE.....	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers.....	11	10	0	9	18	4

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No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1689..	MICHEL DUMAS.....	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers.....	78	18	2	40	8	4
1690..	FRANÇOIS POIRIER, Fils.....	ST. TIMOTHEE.—This Claim is for Property pillaged by the Volunteers.....	10	15	0	12	10	0
			30442	2	4	18881	1	6

Claims amounting to Thirty-six thousand four hundred and forty pounds, two shillings and four pence, and Awards to Eighteen thousand eight hundred and eighty-one pounds, one shilling and six pence.

(Signed,) P. H. MOORE,
" JACQUES VIGER,
" JOHN SIMPSON, } Commissioners.
OVIDE LEBLANC.

No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1691..	AUGUSTIN MAILLOUX ..	Amount brought forward from Report, dated 8th September, 1851.....	30442	2	4	18881	1	6
1692..	EUSTACHE LEFEBVRE ..	ST. TIMOTHEE.—This Claim is for a Horse and Guns lost, and other Effects pillaged by the Volunteers and Troops, but is not proved.....	16	0	0			
1693..	CHARLES CRETE.....	ST. TIMOTHEE.—This Claim is for Effects pillaged by the Volunteers.....	81	16	0	25	1	0
1694..	FRANÇOIS LEFEBVRE....	STE. MARTINE.—This Claim is for a Mare and other Effects pillaged by the Indians and Volunteers.....	12	0	0	10	5	0
1695..	TOUSSAINT HEBERT	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers.....	34	3	4	25	0	10
1696..	PAUL LEDUC.....	STE. MARTINE.—This Claim is for Property burnt by the Volunteers.....	10	5	0	9	19	6
		STE. MARTINE.—This Claim is for Pillage by the Indians and Volunteers.....	80	1	7	60	4	2

Commissioners' Office,
Beauharnois, 8th September, 1851.

No. of Claim.	NAMES OF CLAIMANTS.	P L A C E OF R E S I D E N C E .	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1729..	ALEXIS VAUDRIN	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	22	7	0	19	7	8
1730..	TOUSSAINT VAUDRIN ..	ST. CLEMENT.—This Claim is similar to the last.....	34	15	0	25	0	0
1731..	BENJAMIN SIMON	STE. MARTINE.—This Claim is similar to the last	49	0	0	34	7	0
1732..	CHARLES BERGEVIN DIT LANGEVIN, FILS DE PAUL.....	STE. MARTINE.—This Claim is similar to the last	57	9	4	38	17	8
1733..	EUSTACHE SIMON	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	53	12	5	38	11	9
1734..	JOSEPHTE BOUGIE VEUVE FRANÇOIS GENDRON DIT TAPPET.....	BEAUHARNOIS.—This Claim is for Property burnt or pillaged by the Volunteers.	102	7	8	79	6	1
1735..	HYACINTHE FAUXBERT...	BEAUHARNOIS.—This Claim is for Effects pillaged by the Volunteers	21	11	5	15	11	5
1736..	CHARLES GENDRON, FILS DE THOMAS.....	BEAUHARNOIS.—This Claim is similar to the last	22	10	9	15	12	9
1737..	JEAN BAPTE. GENDRON DIT JOSON, PERE.....	BEAUHARNOIS.—This Claim is similar to the last	12	10	1	0	1	1
1738..	FRANÇOIS REGIS POIRIER	ST. CLEMENT.—This Claim is similar the last	12	7	0	7	15	0
1739..	PIERRE GENDRON DIT PLOCHE	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	11	18	9	5	8	9
1740..	GUILAUME LABERGE ..	ST. CLEMENT.—This Claim is similar to the last.....	14	10	5	6	17	5
1741..	EUSTACHE LEBEUF	BEAUHARNOIS.—This Claim is similar to the last	15	1	3	14	2	6
1742..	ETIENNE LEFEBVRE	ST. CLEMENT.—This Claim is similar to the last.....	14	5	0	8	0	6

1743..	MICHEL BROSSOIS	ST. CLEMENT.—This Claim is similar to the last.....	18	10	0	12	5	0
1744..	JOSEPH ALLARD	ST. CLEMENT.—This Claim is for Property burnt by the Volunteers	32	10	0	16	5	0
1745..	ANTOINE MAHEU.....	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	11	15	0	10	10	0
1746..	MARGUERITE HAINAULT, DAME PIERRE PILON,	ST. TIMOTHEE.—This Claim is similar to the last	40	16	8	20	15	0
1747..	JEAN BAPTISTE MON- PEYTI, FILS	ST. CLEMENT.—This Claim is similar to the last.....	20	0	0	16	5	0
1748..	JUDITH POIRIER, VEUVE MICHEL LEDUC DIT RENE, PERE	BEAUHARNOIS.—This Claim is for Property burnt by the Volunteers.....	50	0	0	35	0	0
1749..	ANTOINE MATHIEU (OA- THERINE GALARNEAU, VEUVE)	ST. TIMOTHEE.—This Claim is for Effects pillaged by the Volunteers	34	5	0	17	2	8
1750..	BAZILE MATHIEU	ST. CLEMENT.—This Claim is for Property burnt by the Volunteers	40	9	2	20	8	10
1751..	JEAN BAPTISTE METRAS	ST. CLEMENT.—This Claim is for Effects burnt or pillaged by the Volunteers.....	88	11	10	50	0	6
1752..	JOSEPH LEBEUF	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers.....	34	13	6	14	4	8
1753..	ANTOINE HUOT	CHATEAUGUAY.—This Claim is for a Horse pillaged by the Volunteers	25	0	0	20	0	0
1754..	BAZILE MATHIEU	ST. CLEMENT.—This Claim is for Effects burnt by the Volunteers	3	11	8	3	0	0
1755..	JEAN BAPTISTE DECENT, PERE.....	This Claim is for Effects pillaged by the Volunteers	10	6	8	12	9	2
1756..	JOSEPH COTE	STE. PHILOMENE.—This Claim is similar to the last	20	5	0	14	15	0
1757..	IGNACE COTE	STE. PHILOMENE.—This Claim is for Effects pillaged by the Volunteers	27	12	4	10	13	0
1758..	FRANÇOIS POIRIER, FILS DE PIERRE	ST. TIMOTHEE.—This Claim is similar to the last	8	14	0	5	0	0
1759..	MARTIN FORTIER.....	ST. TIMOTHEE.—This Claim is similar to the last	7	6	0	2	10	8

REPORT of JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

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No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1760..	BAZILE CHATIGNY	ST. TIMOTHEE.—This Claim is similar to the last, but is not proved	4	15	0			
1761..	JEAN BAPTE. LARIVIERE.	CHATEAUGUAY.—This Claim is similar to the last.....	100	0	0	51	14	2
1762..	NOEL EMOND.....	ST. TIMOTHEE.—This Claim is similar to the last	11	5	0	8	15	0
1763..	CHARLES TONDU dit ST. ONGE	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	13	15	0	7	0	0
1764..	IGNACE QUEVILLON	BEAUHARNOIS.—This Claim is similar to the last	28	13	5	15	8	4
1765..	ANTOINE BOURBONNAIS..	ST. CLEMENT.—This Claim is similar to the last.....	9	5	0	7	0	8
1766..	ANTOINE DAIGNEAU, Pere	ST. CLEMENT.—This Claim is similar to the last.....	17	17	11	9	10	0
1767..	JEAN BAPTISTE VEZINA.	STE. MARTINE.—This Claim is similar to the last	15	12	0	12	14	9
1768..	AUGUSTIN MYRE.....	STE. MARTINE.—This Claim is similar to the last	9	12	9	0	2	0
1769..	MICHEL ROY	STE. MARTINE.—This Claim is for Property burnt or pillaged by the Volunteers.	145	3	2	74	5	3
1770..	JEAN BAPTE. GUIMOND..	BEAUHARNOIS.—This Claim is similar to the last	56	10	0	38	7	0
1771..	JAMES OGDEN	BEAUHARNOIS.—This Claim is similar to the last	30	10	11	18	11	8
1772..	PIERRE PELTHIER	BEAUHARNOIS.—This Claim is similar to the last	113	15	7	47	1	0
1773..	GENEVIEVE DUMOUCHEL, DAME PIERRE PELTHIER	ST. CLEMENT.—This Claim is similar to the last	15	9	5	10	7	2
1774..	NICOLAS BOYER	BEAUHARNOIS.—This Claim is similar to the last	74	10	11	51	9	1
1775..	CHARLES TESSIER dit LAVIGNE	ST. CLEMENT.—This Claim is for a Horse pillaged by the Volunteers	8	0	8	0	5	0

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1776..	PIERRE LEDUC, Fils	ST. TIMOTHEE.—This Claim is for Effects pillaged by the Troops.....	31	15	0	15	10	9
1777..	NARCISSÉ FOURNIER	ST. CLEMENT.—This Claim is similar to the last.....	10	14	0	9	18	3
1778..	ANTOINE LEDUC dit PENOU	ST. TIMOTHEE.—This Claim is similar to the last	5	12	0	2	0	0
1779..	JAMES KNIGHT.....	ST. TIMOTHEE.—This Claim is similar to the last	21	11	7	12	13	3
1780..	ISIDORE BOURDON	CHATEAUGUAY.—This Claim is similar to the last	10	10	0	14	10	0
1781..	JOACHIM GENDRON	BEAUHARNOIS.—This Claim is for Effects pillaged by the Volunteers.....	10	17	11	14	10	4
1782..	JEAN LOUIS GAUTHIER.	BEAUHARNOIS.—This Claim is similar to the last	29	5	3	22	3	8
1783..	ISIDORE TREMBLAY	ST. CLEMENT.—This Claim is similar to the last.....	87	10	2	58	0	8
1784..	JEAN BAPTISTE DORAIS.	ST. CLEMENT.—This Claim is for Property burnt by the Volunteers	91	13	9	39	10	2
1785..	AUGUSTIN BOUCHER.....	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	24	5	0	14	8	9
1786..	JOSEPH ROUSSEAU	ST. CLEMENT.—This Claim is similar to the last.....	18	13	4	10	2	0
1787..	JEAN BAPTISTE TONDU dit ST. ONGE	ST. CLEMENT.—This Claim is for Pillage by the Volunteers	9	5	0	5	12	0
1788..	HENRY CRAIG	BEAUHARNOIS.—This Claim is similar to the last	41	4	11	28	9	9
1789..	ANTOINE TESSIER dit LAVIGNE	BEAUHARNOIS.—This Claim is similar to the last	31	10	3	16	17	6
1790..	JACQUES BRUNET dit BELLEHUMEUR	ST. CLEMENT.—This Claim is similar to the last.....	23	10	0	14	0	0
1791..	BARTHELEMI SENECAL..	ST. CLEMENT.—This Claim is similar to the last.....	8	3	6	0	4	10
1792..	FRANÇOIS PITRE	ST. TIMOTHEE.—This Claim is for Cartage of Troops, but is not proved	4	0	0			
1793..	ALEXANDER STEWART.	GODMANCHESTER.—This Claim is for destruction of Provisions during the Rebellion	84	15	0	12	10	0

REPORT of JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

No. of Claim.	NAMES of CLAIMANTS.	P L A C E of R E S I D E N C E.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1794..	FIRMIN MARTIN	ST. CLEMENT.—This Claim is for Pillage by the Volunteers	11	10	2	8	13	4
1795..	LOUIS LEDUC	ST. TIMOTHEE.—This Claim is similar to the last	9	11	8	6	10	10
1796..	JOSEPH L'ECUYER, Pere....	CHATEAUGUAY.—This Claim is for Property burnt or pillaged by the Indians. (The Evidence being incomplete, the Award will be given hereafter.)						
1797..	CHARLES BAULNE	ST. CLEMENT.—This Claim is for Pillage by the Volunteers	2	5	0	1	5	0
1016..	DOMINIQUE MONNET	ST. RENE.—Case resumed from Report, dated 28th July :— This Claim is for Property burnt by the Troops	40	0	0	213	10	5
		£	409	49	11	214	25	8

Claims amounting to Forty thousand nine hundred and forty-nine pounds, eleven shillings and six pence, and Awards to Twenty-one thousand four hundred and twenty-five pounds, fourteen shillings and eight pence.

(Signed,) P. H. MOORE,
 “ JACQUES VIGER,
 “ JOHN SIMPSON,
 “ W. C. HANSON,
 “ OVIDE LEBLANC. } Commissioners.

COMMISSIONERS' OFFICE,
 Beauharnois, 15th September, 1851.

No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
		Amount brought forward from Report, dated 15th September	4094	11	0	2142	14	8
1798..	JEAN BAPTISTE CRETE..	CHATEAUGUAY.—This Claim is for Effects burnt or pillaged by the Volunteers and Indians.	70	11	2	49	5	6
1799..	JOSEPH LECAIRE.....	STE. MARTINE.—This Claim is similar to the last	18	9	4	18	6	10
1800..	PIERRE MARLEAU	ST. CLEMENT.—This Claim is similar to the last	5	12	6	2	17	0
1801..	FRANÇOIS BOISSONNEAU.	BEAUHARNOIS.—This Claim is similar to the last	22	6	2	17	11	5
1802..	ANTOINE COTE.....	STE. MALACHIE.—This Claim is similar to the last, but the Claimant being one of the parties excluded by the Act, it is rejected	31	10	0			
1803..	PIERRE MONPETIT, Pere..	ST. CLEMENT.—This Claim is similar to the last	28	8	4	21	5	5
1804..	BENONI MONPETIT	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	1	13	0	1	1	9
1805..	LOUIS TRUDELLE, Pere..	This Claim is similar to the last	9	0	0	4	0	0
1806..	DOMINIQUE HERBOUR, Pere	ST. CLEMENT.—This Claim is similar to the last	5	10	0	4	0	5
1807..	PIERRE MARCOTTE, Pere.	ST. CLEMENT.—This Claim is similar to the last	0	5	0	0	5	0
1808..	AMBROISE TRUDELLE ..	ST. CLEMENT.—This Claim is similar to the last	2	4	9	1	12	6
1809..	FRANÇOISE GENDRON, VEUVE FRs. BOUGHÉ..	BEAUHARNOIS.—This Claim is similar to the last	3	17	0	3	0	0
1810..	JOSEPH VACHON, Fils ..	ST. CLEMENT.—This Claim is for Property burnt or pillaged by the Volunteers.	78	11	4	30	7	8
1811..	LEANDRE VACHON	ST. CLEMENT.—This Claim is similar to the last	20	6	3	18	16	0
1812..	FRANÇOIS RENE VACHON	STE. MARTINE.—This Claim is similar to the last	159	17	0	91	6	5
1813..	LOUIS BUZIERÉ	CHATEAUGUAY.—This Claim is similar to the last	22	12	5	11	5	8

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

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No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1814.	JOSEPHTE LEBCEUF, DAME JACQUES GOYETTE.	ST. CLEMENT.—This Claim is for her Half of her Husband's Property burnt by the Troops, her Husband being one of the parties excluded by the Act. (The Evidence being incomplete, the Award will be given hereafter.)						
1815.	ANDRE DUMAS.	NORTH GEORGETOWN.—This Claim is for Property burnt by the Volunteers.	35	5	10	18	8	2
1816.	AMABLE TURCOT, PERE.	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	5	15	0	4	0	0
1817.	TOUSSAINT LEFEBVRE.	ST. CLEMENT.—This Claim is similar to the last.	3	8	0	1	18	9
1818.	CHARLES ROY, Fils.	ST. CLEMENT.—This Claim is for Property burnt by the Volunteers	99	16	0	67	0	0
1819.	ETIENNE HENAUT.	ST. TIMOTHEE.—This Claim is similar to the last	585	17	1	352	4	0
1820.	LOUIS HEBERT, Fils D'ADRIEN.	BEAUHARNOIS.—This Claim is similar to the last	70	2	5	47	6	7
1821.	IGNACE MORIN.	ST. CLEMENT.—This Claim is similar to the last	58	17	3	31	8	2
1822.	LOUIS HEBERT, Fils DE LOUIS	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers.	4	4	1	2	17	8
1823.	JOSEPHTE DECENS, VEUVÉ JEAN BAPTE MIRE.	CHATEAUGUAY.—This Claim is for Two Horses taken by the Volunteers	25	0	0	19	11	8
1824.	HILAIRE MARTIN.	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	9	15	0	6	1	0
1825.	JOSEPH ROY, Fils.	ST. CLEMENT.—This Claim is similar to the last.	14	13	9	11	17	9
1826.	PIERRE PRIMEAU.	ST. CLEMENT.—This Claim is similar to the last.	3	19	0	2	4	3
1827.	LOUIS ROY, PERE.	ST. CLEMENT.—This Claim is similar to the last.	32	19	10	24	15	11

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1828.	LOUIS TRUDELLE, PERE.	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	16	15	0	11	12	6
1829.	CHARLES GRAVELLE.	ST. CLEMENT.—This Claim is for Property burnt or pillaged by the Volunteers.	20	4	0	10	14	6
1830.	PIERRE PITRE DU LA- JAMBE, PERE.	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	23	5	3	14	1	9
1831.	HYACINTHE MONPETIT, PERE.	ST. CLEMENT.—This Claim is similar to the last	25	6	8	15	17	6
1832.	PIERRE ROBIDOUX.	STE. MARTINE.—This Claim is similar to the last	20	12	0	15	0	0
1833.	GILBERT MONPETIT.	ST. CLEMENT.—This Claim is similar to the last.	11	7	0	7	14	3
1834.	LOUIS SECOURS.	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	11	0	3	6	14	2
1835.	ALEXIS GAGNIER.	CHATEAUGUAY.—This Claim is similar to the last	21	5	0	15	0	0
1836.	JEAN BAPTISTE DUQUET.	CHATEAUGUAY.—This Claim is similar to the last	10	17	7	9	10	0
1837.	JEAN GENESTET.	ST. CLEMENT.—This Claim is similar to the last.	5	14	0	4	3	3
1838.	JOSEPH HEBERT, Fils DE JOSEPH.	ST. CLEMENT.—This Claim is similar to the last.	9	10	9	9	6	4
1839.	LOUIS DURANCEAU.	CHATEAUGUAY.—This Claim is similar to the last	11	3	9	6	0	0
1840.	PIERRE COLIN.	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	9	2	6	6	12	6
1841.	NICOLAS VANDAL.	CHATEAUGUAY.—This Claim is for Property burnt and pillaged by the Volun- teers and Indians	425	9	0	230	19	7
1842.	CHARLES TESSIER DU CHOCTOU.	This Claim is similar to the last.	172	12	7	102	12	6
1843.	PAUL DUMOUCHEL.	ST. LAURENT.—This Claim is for Effects burnt by the Volunteers	34	10	0	10	17	0
1844.	JEAN BAPTISTE LAURIN.	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	12	0	0	8	12	6
1845.	JULIE CENTAINE, VEUVÉ JOSEPH MARCHAND.	ST. CLEMENT.—This Claim is similar to the last.	13	10	0	8	10	0

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

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No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1846.	FRANÇOIS DANDURAND..	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers.....	31	5	0	10	0	0
1847.	HENRIETTE HEBERT, VEUVE BAZILE ROY..	ST. CLEMENT.—This Claim is for Property burnt by the Volunteers.....	102	0	0	91	5	0
1848.	ISIDORE TRUDEAU.....	ST. CLEMENT.—This Claim is similar to the last.....	133	0	6	74	9	4
1849.	PAUL HEBERT, PERE.....	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers.....	23	0	1	11	1	3
1850.	PAUL ROY.....	ST. CLEMENT.—This Claim is similar to the last.....	5	0	0	2	12	6
1851.	AUGUSTIN CAHIER.....	ST. CLEMENT.—This Claim is similar to the last.....	15	18	4	9	14	3
1852.	JACQUES CHARRON.....	STE. MARTINE.—This Claim is for Property burnt or pillaged by the Volunteers.....	61	14	11	32	1	11
1853.	PIERRE PRIMEAU dit DESFONDS.....	ST. CLEMENT.—This Claim is similar to the last.....	46	1	3	21	17	8
1854.	MICHEL DESGROZELLERS.....	STE. MARTINE.—This Claim is similar to the last.....	30	18	0	20	10	9
1855.	WILLIAM GRIFFITH.....	ST. TIMOTHEE.—This Claim is similar to the last.....	3	5	1	3	5	1
1856.	MARIE GALARNEAU, VEUVE FRs. D'Aoust..	ST. TIMOTHEE.—This Claim is for Effects pillaged by the Volunteers.....	9	0	0	9	0	0
1857.	JEAN BAPTISTE LEBCEUF.....	ST. TIMOTHEE.—This Claim is for a Gun delivered to the Authorities.....	2	5	0	1	2	6
1858.	PIERRE LEBCEUF.....	ST. TIMOTHEE.—This Claim is for a Gun delivered to the Authorities.....	2	0	0	1	0	0
1859.	IGNACE TESSIER.....	ST. TIMOTHEE.—This Claim is for Effects pillaged by the Volunteers.....	7	10	0	6	5	0
1860.	DOMINIQUE TRUDEAU.....	STE. MARTINE.—This Claim is similar to the last.....	4	15	0	3	10	0
1861.	AUGUSTIN BONNIER dit LAPLANTE.....	STE. MARTINE.—This Claim is similar to the last.....	11	11	8	9	17	0

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1862.	MICHEL TESSIER.....	ST. TIMOTHEE.—This Claim is similar to the last.....	22	5	0	14	10	0
1863.	JOHN McDONALD.....	CHATEAUGUAY.—This Claim is for Effects pillaged by the Rebels.....	137	19	7	78	8	0
1864.	FRANÇOIS TRUDEAU.....	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers.....	34	6	8	16	16	3
1865.	FRANÇOIS PAPINEAU.....	STE. MARTINE.—This Claim is similar to the last.....	17	15	0	6	5	0
1866.	CATHERINE ROY DANE JACQUES PARRE'.....	BEAUHARNOIS.—This Claim is similar to the last.....	18	0	7	12	9	4
1867.	EDOUARD MAILLOUX.....	ST. TIMOTHEE.—This Claim is similar to the last.....	2	1	3	0	17	11
1868.	GABRIEL RICHARD.....	STE. MARTINE.—This Claim is for a Horse taken by the Volunteers.....	12	10	0	8	0	0
1869.	FRANÇOIS CHEVALLIER, PERE.....	STE. MARTINE.—This Claim is for Property burnt by the Volunteers.....	53	8	10	26	18	4
1870.	EUPHAZINE LEFEBVRE, VEUVE LS. LABERGE, PERE.....	ST. CLEMENT.—This Claim is for Property burnt or pillaged by the Volunteers.....	258	17	3	178	10	5
1871.	ROBERT FINDLAY.....	CHATEAUGUAY.—This Claim is for Effects pillaged by the Rebels.....	23	17	6	9	12	6
1872.	ANTOINE BOYER.....	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers.....	27	12	8	17	15	9
1873.	CHARLES LABERGE, Fils.....	ST. CLEMENT.—This Claim is similar to the last.....	34	7	1	20	13	11
1874.	ALEXIS LECLERC.....	ST. CLEMENT.—This Claim is similar to the last.....	25	17	5	21	15	4
1875.	BENJAMIN MACABEE.....	ST. TIMOTHEE.—This Claim is similar to the last.....	13	8	4	8	15	11
1876.	AMBROISE BUISSON.....	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers.....	29	13	5	20	16	5
1877.	JEAN BAPTE AND JOSEPH HAINAULT dit DES- CHAMPS.....	ST. CLEMENT.—This Claim is similar to the last.....	16	5	0	10	5	0
1878.	APPOLINE HAINAULT, VEUVE J. BAPTE. POI- RIER dit LAFLEUR.....	ST. CLEMENT.—This Claim is similar to the last.....	20	16	0	16	7	8

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued)

No. of Claim.	NAMES of CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1879..	JOSEPH MAROIS	ST. CLEMENT.—This Claim is similar to the last	14	9	6	7	9	0
1880..	VITAL LEFEBVRE	CHATEAUGUAY.—This Claim is similar to the last	21	15	0	18	4	0
1881..	ELIZABETH DENIS, VEUVE JEAN BTE. BOUDRIAS	CHATEAUGUAY.—This Claim is for Property burnt or pillaged by the Volunteers and Indians	251	16	9	150	12	3
1882..	N. RUSTON	HUUNTINGDON.—This Claim is for Merchandize pillaged by the Rebels and Volunteers	80	0	0	70	5	11
1883..	ISIDORE DESPAROIS dit CHAMPAGNE	CHATEAUGUAY.—This Claim is for Effects pillaged by the Volunteers	23	10	0	17	0	0
1884..	FELICITE GAGNE', VEUVE JOSEPH LEFEBVRE	STE. MARTINE.—This Claim is for Effects burnt or pillaged by the Volunteers	69	10	0	18	8	1
1885..	OLIVIER LEFEBVRE, Vrs DE FRANÇOIS	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	7	10	0	6	5	0
1886..	JEAN BLANCHETTE	STE. MARTINE.—This Claim is similar to the last	20	4	7	22	14	0
1887..	JEAN BAPTE. LEFEBVRE	STE. MARTINE.—This Claim is similar to the last	4	5	8	2	16	8
1888..	PAUL PARENT	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	48	3	1	28	16	11
1889..	AMABLE DUQUETTE, Pere	CHATEAUGUAY.—This Claim is for Property burnt or pillaged by the Volunteers	148	2	2	101	13	2
1890..	JOSEPH BELINGE	CHATEAUGUAY.—This Claim is for Effects pillaged by the Volunteers	19	17	0	10	0	0
1891..	FRANÇOIS REID	CHATEAUGUAY.—This Claim is for Property burnt by the Indians	187	10	0	74	17	9
1892..	HEMS OF THE LATE JEAN BAPTISTE RUFFELANGE	CHATEAUGUAY.—This Claim is similar to the last	205	0	0	115	15	0

1893..	LOUIS STE. MARIE	CHATEAUGUAY.—This Claim is for Effects pillaged by the Volunteers	14	7	6	10	9	0
1894..	PIERRE BERGEVIN	ST. TIMOTHEE.—This Claim is for Property burnt or pillaged by the Volunteers	121	0	0	94	0	0
1895..	JOSEPHTE LEDUC, VEUVE VENANT LEFEBVRE	ST. TIMOTHEE.—This Claim is for Effects pillaged by the Volunteers	8	1	8	7	5	3
1896..	ETIENNE FAUXBERT	STE. MARTINE.—This Claim is similar to the last	10	0	0	7	10	0
1897..	LAURENT FORTIER	ST. TIMOTHEE.—This Claim is similar to the last	14	15	0	11	10	0
1898..	FRANÇOIS XAVIER LEGER	ST. TIMOTHEE.—This Claim is for Property burnt by the Volunteers	83	17	6	20	0	0
1899..	FRANÇOIS RAPIN	ST. TIMOTHEE.—This Claim is for Effects pillaged by the Volunteers	21	10	0	8	4	0
1900..	LOUIS BERGEVIN	ST. TIMOTHEE.—This Claim is for Effects pillaged by the Volunteers	12	5	0	8	10	0
		£	46810	10	2	24370	7	0

Claims amounting to Forty-five thousand eight hundred and sixteen pounds, ten shillings and two pence, and Awards to Twenty-four thousand three hundred and seventy pounds, seven shillings and six pence.

(Signed,) P. H. MOORE,
" JACQUES VIGER, } Commissioners.
" JOHN SIMPSON,
" OVIDE LEBLANC. }

COMMISSIONERS' OFFICE,

Beauharnois, 29th September, 1851.

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

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No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
		Amount brought forward from last Continuation of Report, dated 29th September, 1851	4816	10	2	24870	7	0
1901..	OLIVER BOUIN	ST. TIMOTHEE.—This Claim is for Effects pillaged by the Volunteers	28	14	0	17	9	5
1902..	JACQUES AGUENIER	STE. MARTINE.—This Claim is similar to the last	4	17	6	4	17	6
1903..	LOUIS MORAND	STE. MARTINE.—This Claim is for Property burnt by the Volunteers	41	14	11	27	19	3
1904..	PAUL OECIRE	CHATEAUGUAY.—This Claim is for Effects pillaged by the Volunteers	6	0	0	0	10	0
1905..	SEBASTIEN LEFEBVRE	STE. MARTINE.—This Claim is similar to the last	9	5	0	0	0	0
1906..	AUGUSTIN MIRON	ST. TIMOTHEE.—This Claim is similar to the last, but is not proved	9	5	0			
1907..	MICHEL LEDUC dit RENE, Fils	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	20	6	0	13	10	0
1908..	JULIEN SAUVE'	ST. TIMOTHEE.—This Claim is similar to the last	19	0	0	13	9	3
1909..	NARCISSE TRUDEAU	STE. MARTINE.—This Claim is similar to the last	27	0	1	17	11	0
1910..	LOUIS MAHEU	STE. MARTINE.—This Claim is for Property burnt by the Volunteers	105	14	0	57	12	0
1911..	FRANCOIS DESGROZEL- LIERS	STE. MARTINE.—This Claim is similar to the last	108	19	7	02	6	7
1912..	AUGUSTIN LEDUC, Pere	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	3	10	8	2	18	9
1913..	GEOFFROY HEBERT	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	22	14	9	13	19	6
1914..	ETIENNE MONTPEYET, Pere	ST. CLEMENT.—This Claim is similar to the last	16	7	6	13	17	0
1915..	AUGUSTIN LEDUC, Fils	ST. CLEMENT.—This Claim is similar to the last	8	13	4	7	8	4

1916..	JOSEPH MALLETE	ST. CLEMENT.—This Claim is similar to the last, but is not proved	8	0	7			
1917..	JOSEPH TURCOT	STE. MARTINE.—This Claim is similar to the last	75	1	0	55	7	0
1918..	PIERRE MARIE COUL- LARD	CHATEAUGUAY.—This Claim is for Effects pillaged by the Indians	14	0	5	10	8	9
1919..	MCPHERSON, CRANE & Co., AGENTS U. C. STEAMBOAT COMPANY	MONTREAL.—This Claim is for sinking the Steamer "Henry Brougham" by the Rebels	450	0	0	200	0	0
1920..	CHARLES LABERGE	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	27	15	0	15	10	0
1921..	PAUL LEDUC	ST. CLEMENT.—This Claim is similar to the last	21	15	8	10	4	2
1922..	HENRI PAYFER	ST. CLEMENT.—This Claim is similar to the last	54	11	9	38	9	5
1923..	THEOPHILE MARLEAU	STE. MARTINE.—This Claim is similar to the last	50	7	6	24	7	2
1924..	JEAN BAPTISTE LAVOIE	ST. TIMOTHEE.—This Claim is similar to the last	30	10	0	17	10	0
1925..	FAUSTIN BOYER	ST. CLEMENT.—This Claim is similar to the last	29	5	0	21	0	8
1926..	PAUL LEBGEUF	BEAUIARNOIS.—This Claim is similar to the last	7	17	11	3	11	8
1927..	PIERRE LEDUC, Fils de PIERRE	ST. TIMOTHEE.—This Claim is similar to the last	51	5	9	32	16	10
1928..	JOSEPHTE DAIGNEAU VEUVE FRANÇOIS GEO. LEPAILLEUR	CHATEAUGUAY.—This Claim is for Lodging Troops, and Property destroyed by them	232	11	8	57	1	0
1929..	ETIENNE DAHAUT	BEAUIARNOIS.—This Claim is for Effects pillaged by the Volunteers	14	8	8	8	7	1
1930..	NARCISSE BOURDON	ST. CLEMENT.—This Claim is for Property burnt or pillaged by the Volunteers	92	18	3	58	5	8
1931..	MARIE DUQUETTE, Veuve ANTOINE COULLARD	CHATEAUGUAY.—This Claim is for Effects pillaged by the Volunteers	8	17	5	5	1	11

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1932..	JEAN BAPTISTE LACROIX	ST. CLEMENT.—This Claim is similar to the last	15	5	0	0	12	0
1933..	JEAN BAPTE. ROUSSEAU	STE. MARTINE.—This Claim is similar to the last	4	10	0	3	10	0
1934..	PIERRE BARITEAU	STE. MARTINE.—This Claim is for Property burnt by the Volunteers	112	15	0	64	18	0
1935..	LOUIS TOUCHETTE	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	41	14	4	27	11	10
1936..	CHARLES LEGAULT dit DELORIER	STE. MARTINE.—This Claim is for Property burnt by the Volunteers	63	0	0	51	0	0
1937..	JEAN BAPTE. FRENIERE..	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	7	15	0	6	10	0
1938..	LOUIS BLANCHETTE AND WIFE	STE. MARTINE.—This Claim is similar to the last	40	0	0	20	1	8
1939..	BARBE LABERGE, VEUVE PIERRE PREJEAN	STE. MARTINE.—This Claim is similar to the last	8	15	0	7	10	0
1940..	LOUIS LEMIEUX	STE. MARTINE.—This Claim is similar to the last	26	12	1	14	16	7
1941..	VITAL PAYANT dit ST. ONGE	STE. MARTINE.—This Claim is similar to the last	17	10	6	14	10	0
1942..	ANTOINE CHALOUPE	ST. JEAN CHRYSOSTOME.—This Claim is similar to the last	9	13	0	5	0	0
1943..	IGNACE POISSANT dit LASALINE	STE. MARTINE.—This Claim is similar to the last	8	1	8	6	6	8
1944..	LOUISE DUQUETTE, VEUVE CHARLES LABERGE	STE. MARTINE.—This Claim is similar to the last	37	8	8	22	8	10
1945..	PIERRE LECLERO	HINCHINBROOK.—This Claim is similar to the last	77	1	8	47	16	11
1946..	JEAN BAPTISTE GARIPEY	STE. MARTINE.—This Claim is similar to the last	10	3	0	8	0	0

1947..	JEAN BAPTISTE LEDOUX	ST. REMI.—This Claim is for Property burnt or pillaged by the Volunteers	76	8	7	45	18	1
1948..	GABRIEL LABERGE (MAR-GUERTE METRAS, Veuve)	(The evidence being incomplete, the Award will be given hereafter.)	185	12	11	127	15	0
1949..	RENE OULLERIER	STE. MARTINE.—This Claim is similar to the last	14	17	1	7	0	0
1950..	TOUSSAINT DULUDE (CLARIE POMINVILLE, Veuve)	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	59	12	0	38	19	8
1951..	FRANÇOIS IEBERT (MAR-GUERTE HUOT, Veuve)	STE. MARTINE.—This Claim is for Property burnt or pillaged by the Volunteers.	88	7	2	47	5	4
1952..	CHARLES HEBERT	ST. CLEMENT.—This Claim is similar to the last	10	5	0	7	15	0
1953..	TOUSSAINT BOURDON ..	STE. MARTINE.—This Claim is similar to the last	15	1	3	13	11	0
1954..	FRANÇOIS RIENDEAU	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	12	5	0	6	10	0
1955..	ANTOINE LAZURE, FILS DE MICHEL	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	53	7	10	44	1	9
1956..	ANGELIQUE PATTE-NAUDE, Veuve BENJ. LEMAY dit DELORME..	STE. MARTINE.—This Claim is similar to the last	18	15	0	8	14	6
1957..	ETIENNE TRUDEAU	STE. MARTINE.—This Claim is similar to the last	23	5	0	4	10	0
1958..	GABRIEL LAZURE (Heirs or)	STE. MARTINE.—This Claim is similar to the last	108	14	5	72	6	11
1959..	JEAN MARIE LEFEBVRE..	STE. MARTINE.—This Claim is for Property burnt or pillaged by the Volunteers...	10	6	8	8	11	8
1960..	LOUIS YELLE	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers ..	1887	15	0	757	18	3
1961..	MARIE ANNE IEBERT, VEUVE PIERRE HEROUX	ST. ISIDORE.—This Claim is for Property burnt or pillaged by the Volunteers and Indians						

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No. of Claim.	NAMES OF CLAIMANTS.	P L A C E OF RES I D E N C E .	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1962..	PIERRE MAHEU	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers						
1963..	ANTOINE BOIRE	STE. MARTINE.—This Claim is similar to the last	10	15	5	9	0	0
1964..	DENIS RIENDEAU	STE. MARTINE.—This Claim is similar to the last	21	11	0	16	2	5
1965..	A. D. CARDINAL, WIFE OF FRANÇOIS M. LEPAL-LIEUR	MONTREAL.—This Claim is for One-half of her Husband's Property burnt by the Volunteers, her Husband being one of the parties excluded by the Act						
		(The Evidence being incomplete, the Award will be given hereafter.)						
1966..	MARC PATTENAUDE	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	38	10	0	27	5	0
1967..	JOSEPH LABERGE, FILS DE JOACHIM	STE. MARTINE.—This Claim is similar to the last	18	10	5	15	14	11
1968..	PIERRE POISSANT	STE. MARTINE.—This Claim is similar to the last	10	12	6	5	10	2
1969..	PIERRE CLICHE	STE. MARTINE.—This Claim is similar to the last	18	7	6	12	7	0
1970..	JEAN BAPTISTE VALLEE	STE. MARTINE.—This Claim is similar to the last	67	0	0	37	1	3
1971..	LOUIS LAMAGDELEINE	STE. MARTINE.—This Claim is similar to the last	13	1	8	9	10	0
1972..	PAUL ALEXANDRE DE GRANDBOIS	STE. MARTINE.—This Claim is for Property burnt or pillaged by the Volunteers	394	17	0	157	12	0
1973..	MICHEL BEAUDRAULT	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	11	3	10	8	1	10
1974..	MARIE LABERGE, VEUVE ANDRE MARCILLE	CHATEAUGUAY.—This Claim is similar to the last	55	10	6	25	12	5
1975..	HUBERT BÉTOURNE'	STE. MARTINE.—This Claim is similar to the last	21	5	0	16	0	0

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1976..	JULIEN NIDING	STE. MARTINE.—This Claim is for Property burnt or pillaged by the Volunteers	79	6	11	51	0	5
1977..	MARTIN GRAYTON	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	9	5	4	7	14	8
1978..	ANTOINE LAZURE	STE. MARTINE.—This Claim is similar to the last	7	13	9	6	8	9
1979..	ANGÉLIQUE VINCENT, VEUVE JEAN L'S. PRI-MEAU	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	13	16	0	4	18	0
1980..	JOSEPH PRIMEAU	STE. MARTINE.—This Claim is similar to the last	9	17	0	7	12	6
1981..	MARGUERITE PEZETTE, VEUVE PIERRE PRI-MEAU	STE. MARTINE.—This Claim is similar to the last	15	12	8	7	8	10
1982..	DENIS COUILLARD	ST. CLEMENT.—This Claim is similar to the last	10	2	1	5	5	1
1983..	PIERRE CULLERIER	STE. MARTINE.—This Claim is similar to the last	8	5	11	5	8	0
1984..	PIERRE MERCIER	STE. MARTINE.—This Claim is similar to the last	7	17	6	6	12	6
1985..	JEAN BAPTISTE BLONDIN	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	11	19	8	8	6	1
1986..	CATHERINE FAUXBERT, VEUVE JACQUES DORAIS	STE. MARTINE.—This Claim is similar to the last	14	13	4	9	10	10
1987..	MARC ANTOINE PRIMEAU	STE. MARTINE.—This Claim is for Property and Effects pillaged by the Rebels and Volunteers	231	1	0	101	15	8
1988..	LUC THIBAUT	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers, but is not proved	6	12	0			
1989..	ANTOINE PEZETTE	STE. MARTINE.—This Claim is similar to the last	2	16	3	2	5	0
1990..	PIERRE PÉTRE	STE. MARTINE.—This Claim is similar to the last	7	5	0	6	0	0
1991..	CELESTIN PITRE	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	6	18	7	4	14	0
1992..	PIERRE PARANT (HEIRS OF)	STE. MARTINE.—This Claim is similar to the last	40	10	5	28	4	4

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

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No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1993..	JACQUES PATTENAUDE..	STE. MARTINE.—This Claim is similar to the last	18	9	0	13	11	0
1994..	ANTOINE ALEXANDER TROTHIER	STE. MARTINE.—This Claim is similar to the last	227	9	0	128	13	0
1995..	MATHURIN BOUCHARD..	STE. MARTINE.—This Claim is similar to the last	25	3	0	14	0	10
1996..	MICHEL BOUCHARD	STE. MARTINE.—This Claim is similar to the last	16	15	0	11	10	0
1997..	ANTOINE CHEVALLIER..	STE. MARTINE.—This Claim is for Property burnt or pillaged by the Volunteers..	87	10	0	57	2	0
1998..	ETIENNE GERVAIS	STE. MARTINE.—This Claim is similar to the last	15	5	3	11	5	0
1999..	PIERRE HIEBERT	STE. MARTINE.—This Claim is similar to the last	47	18	11	26	13	11
2000..	LOUIS HIEBERT	STE. MARTINE.—This Claim is similar to the last	21	11	6	16	15	0
2001..	ETIENNE LEMAIRE dit RAPIDIEUX	STE. MARTINE.—This Claim is similar to the last	310	0	0	141	15	0
2002..	Dr. ENOCH JACQUES.....	(The Evidence being incomplete, the Award will be given hereafter.)	15	0	0	12	10	0
2003..	LOUIS MATHIEU	PARISHVILLE, U. S.—This Claim is similar to the last	18	12	11	10	0	0
2004..	HONORE' BETOURNE, Veuve ANDRE' MARCILLE.....	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	289	2	3	100	15	9
2005..	BENONI TREMBLAY	STE. MARTINE.—This Claim is similar to the last	4	0	0	2	11	0
2006..	JOSEPH DESGROSSEL-LIERS.....	STE. MARTINE.—This Claim is for Property burnt or pillaged by the Volunteers.....						

2007..	CHARLES DERAIS	ST. CLEMENT.—This Claim is similar to the last	11	0	0	7	15	0
2008..	ANTOINE DENEAU	BEAULARNOIS.—This Claim is for Effects pillaged by the Volunteers	52	14	8	19	7	1
2009..	DENIS PRIMEAU	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	6	6	8	4	0	0
2010..	PRUDENT VINET dit SOULIGNY	ST. CLEMENT.—This Claim is similar to the last.....	31	17	6	21	10	0
2011..	CHARLES LEBRUN	STE. MARTINE.—This Claim is similar to the last.....	13	7	6	7	15	9
2012..	MARGUERITE HUOT, Veuve MICHEL LAZURE	STE. MARTINE.—This Claim is similar to the last	31	19	4	15	15	10
2013..	LOUIS DAGENAIS, Pere	STE. MARTINE.—This Claim is similar to the last	13	2	6	9	8	5
2014..	MICHEL ROCHON	STE. MARTINE.—This Claim is similar to the last	5	0	0	3	15	0
2015..	PIERRE GADBOIS	STE. MARTINE.—This Claim is similar to the last	28	0	0	13	5	0
2016..	LOUIS DUQUETE	STE. MARTINE.—This Claim is similar to the last	42	0	0	25	0	0
2017..	ANTOINE CADIEUX	STE. MARTINE.—This Claim is similar to the last	6	0	0	5	0	0
2018..	ISAAC PATTENAUDE	STE. MARTINE.—This Claim is similar to the last	12	10	0	8	0	0
2019..	LEON DORAIS	STE. MARTINE.—This Claim is similar to the last	10	17	6	8	0	0
2020..	CHARLES BOURDON (MARE LABERGE, Veuve)	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	20	14	8	12	4	9
2021..	FRANÇOIS TURCOT	ST. JEAN CHRYSOSTOME.—This Claim is for Effects pillaged by the Volunteers.....	27	1	0	16	1	10
2022..	JEAN BAPTISTE BOURSIER	STE. MARTINE.—This Claim is similar to the last	26	0	0	15	0	0
2023..	JEAN BAPTISTE DOUTRE	STE. MARTINE.—This Claim is similar to the last	10	4	6	8	2	6
2024..	ALEXIS MARCILLE	STE. MARTINE.—This Claim is similar to the last	9	0	0	5	0	0

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

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No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
2025..	PIERRE DEMERS (MARIE BOUNIER dit LA-PLANTE, VEUVE).....		9	18	4	8	17	0
2026..	NOEL MARCILLE	STE. MARIE.—This Claim is similar to the last.....	2	12	6	1	17	6
2027..	AMABLE MARCILLE	STE. MARTINE.—This Claim is similar to the last	4	0	0	2	15	0
2028..	BENJAMIN BOYER	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	52	18	10			
		SALMON RIVER.—This Claim is similar to the last						
		The amount of actual loss suffered has been assessed at the sum of £33 2s. 0d. (But Claimant having acknowledged that he was voluntarily at Baker's Camp, armed with a Gun, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.)						
		Mr. LeBlanc dissenting, for reasons to be explained.						
2029..	JOSEPH POISSANT dit L'ASALINE	STE. MARTINE.—This Claim is similar to the last	7	10	10	6	12	0
2030..	JEAN BAPTISTE CLICHEE.....	STE. MARTINE.—This Claim is similar to the last	81	9	0	26	18	0
2031..	JEAN BAPTISTE AUBRY (ADELAIDE MARTIN, VEUVE)	STE. MARTINE.—This Claim is similar to the last	38	10	3	21	17	9
2032..	JEAN BAPTISTE PRIMEAU	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	51	18	11	37	6	3
2033..	HYACINTHE VALLEE, Fils	STE. MARTINE.—This Claim is for Property burnt by the Volunteers	186	15	6	105	12	4
2034..	JEAN MARIE QUEVILLON (MADELAINE TRUDELLE, VEUVE).....	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	14	10	0	7	15	0
1107..	PIERRE BOURGEOIS	ST. DENIS.—Case resumed from Report, dated 4th August, 1851:— This Claim is for Effects pillaged by the Troops	53	9	7	16	4	8

1206..	FREDERICK MILLER	LACOLLE.—Case resumed from Report, dated 11th August, 1851:— This Claim is for Property burnt by the Volunteers	187	5	0	105	5	3
			£	53786	18	2	28452	17

Claims amounting to Fifty-three thousand seven hundred and eighty-six pounds, eighteen shillings and two pence, and Awards to Twenty-eight thousand four hundred and fifty-two pounds, seventeen shillings and eleven pence.

(Signed,) P. H. MOORE,
" JACQUES VIGER,
" JOHN SIMPSON, } Commissioners.
OVIDE LEBLANC. }

COMMISSIONERS' OFFICE,
Beauharnois, 6th October, 1851.

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1406..	ANTOINE FILION	Amount brought forward from the last Continuation of Report, dated 6th October, 1851	53786	18	2	28452	17	11
1431..	FRANÇOIS XAVIER VAU-TRAIN	NAPIERVILLE.—Case resumed from Report, dated 18th August:— This Claim is for Effects pillaged by the Volunteers	49	0	0	27	0	0
		ST. EDUARD.—Case resumed from Report, dated 18th August:— This Claim is for Property pillaged or destroyed by the Troops and Volunteers. (The amount of actual loss suffered has been assessed at £12 10s. for the loss of a Horse killed by the Volunteers whilst he was employed driving them to Beauharnois, and £8 17s. 0d. for Effects pillaged, whilst he acknowledges he was fighting against the Troops at Lacolle, and, in consequence, the Commissioners are of opinion that he is not entitled to the latter amount, but Award the value of the Horse.)	25	6	9			
						12	10	0

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

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No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1451..	HEIRS FRANÇOIS REMIL-LARD	NAPIERVILLE.—Case resumed from Report, dated 25th August:— This Claim is for Property burnt by the Volunteers	218	17	6	105	0	0
1553..	MARIE MODESTE GIRARD, Veuve ALEXIS GAGNIER	HENRYVILLE.—Case resumed from Report, dated 25th August:— This Claim is for Effects pillaged by the Volunteers	77	4	0	43	8	9
1559..	JEAN BAPTISTE ETHIER DIT DRAGON, Fils	ST. VALENTIN.—Case resumed from Report, dated 28th August:— This Claim is for Property pillaged or destroyed by the Rebels	31	17	4	27	9	0
1562..	CHARLES REAUME	ST. VALENTIN.—Case resumed from Report, dated 25th August:— This Claim is for Effects pillaged by the Volunteers	44	1	6	35	13	5
1569..	MARIA McCABE, Veuve PIERRE THEOPHILE DECOIGNE	NAPIERVILLE.—This Claim, resumed from Report dated the 1st September, is for her half of her husband's property destroyed by the Volunteers, valued at the amount of actual loss suffered, has been assessed at.....£33 8s. 0d. Claimant's husband having been tried by Court Martial and executed, Claimant is awarded her half of the Property	49	16	10			
1588..	JOHN COOKMAN	LACOLLE.—Case resumed from Report, dated 1st September:— This Claim is for a Horse killed during the Rebellion	7	10	0	6	5	0
1607..	WILLIAM DALTON	CHATEAUGUAY.—Case resumed from Report, dated 1st September:— This Claim is for Effects pillaged by the Indians	408	2	8	195	10	7
1613..	AMABLE REGIS SAMSON..	CHATEAUGUAY.—Case resumed from Report, dated 1st September:— This Claim is similar to the last.....	492	16	1	171	1	9
1621..	LOUISE DANDURAND, Veuve JOSEPH DUQUETTE.....	CHATEAUGUAY.—Case resumed from Report, dated 1st September:— This Claim is for Property burnt or pillaged by the Indians	352	4	6	151	4	4

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1643..	IL BOQUET & Co.....	BEAUEHARNOIS.—Case resumed from Report, dated 8th September:— This Claim is for Merchandise pillaged by the Rebels.....	91	19	6	75	0	0
1644..	G. W. BAKER	STE. MARTINE.—Case resumed from Report, dated 8th September:— This Claim is for Property burnt or pillaged by the Volunteers.....	988	15	6	499	8	8
2001..	ETIENNE LEMAIRE DIT RAPIDIEUX	STE. MARTINE.—Case resumed from Report, dated 6th October, :— This Claim is for Effects pillaged by the Volunteers	19	10	0	12	4	0
1796..	JOSEPH L'ECUYER, Pere..	CHATEAUGUAY.—Case resumed from Report, dated 15th September:— This Claim is for Property burnt or pillaged by the Indians	628	7	6	369	19	2
2035..	GABRIEL COURROUX....	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers.....	3	7	6	3	6	3
2036..	GABRIEL RAIMOND	STE. MARTINE.—This Claim is similar to the last	14	5	0	10	0	0
2037..	LOUIS DUVAL	STE. MARTINE.—This Claim is similar to the last, but is not proved	3	14	6			
2038..	PAUL PITRE	STE. MARTINE.—This Claim is similar to the last	39	13	3	24	15	0
2039..	ANDRE' LEMIEUX	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	19	3	4	13	8	4
2040..	ALEXIS BARETTE	ST. REMI.—This Claim is similar to the last	9	0	0	6	5	0
2041..	ALEXIS TRUDEAU	STE. MARTINE.—This Claim is similar to the last	8	19	10	6	6	6
2042..	JOSEPH DOUTRE, Fils....	STE. MARTINE.—This Claim is similar to the last	6	2	6	4	6	6
2043..	MICHAEL CHARTRAND ..	STE. MARTINE.—This Claim is similar to the last	3	10	0	2	5	0
2044..	FRANÇOIS LEFEBVRE, Fils DE JACQUES.....	STE. MARTINE.—This Claim is similar to the last	6	0	9	4	1	5
2045..	JEAN JACQUES TOUCHETTE.....	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	15	17	6	8	12	1
2046..	JEAN BAPTISTE EMARD..	STE. MARTINE.—This Claim is similar to the last.....£10 5s. 0d. (The Evidence being incomplete, the Award will be given hereafter.)						
2047..	LOUIS D'AOUST.....	ST. TIMOTHEE.—This Claim is similar to the last	21	5	0	11	0	0

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No. of Claim.	NAMES OF CLAIMANTS.	P L A C E OF R E S I D E N C E .	Amount Claimed.		Amount Awarded.	
			£	s. d.	£	s. d.
2048.	ADELIA MILLS, Widow JOSEPH HALL	HOGANSBURG.—This Claim is for Lumber lost or destroyed during the Rebellion.	375	0 0	275	0 0
2049.	HYACINTHE SEGUIN	HAWKESBURY.—This Claim is for Property burnt by the Volunteers,	51	8 0	31	14 0
2050.	JOSEPH BINETTE	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	9	12 10	8	7 0
2051.	JOSEPH GAUDREAU	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	15	4 0	0	4 0
2052.	MOYSE DANDURAND	LACHINE.—This Claim is for Property burnt by the Volunteers	123	15 0	80	0 0
2053.	APOLLINAIRE FORTIN	CHATEAUGUAY.—This Claim is similar to the last.	103	0 0	65	10 4
2054.	ETIENNE RUFFIANGE	CHATEAUGUAY.—This Claim is for Effects pillaged by the Volunteers	9	15 10	6	8 4
2055.	FRANÇOIS ROY	ST. CLEMENT.—This Claim is similar to the last.	19	5 10	13	11 2
2056.	MICHEL LONGTIN, FRS	ST. CLEMENT.—This Claim is similar to the last.	5	5 0	3	11 3
2057.	PATRICK ENWRIGHT	CHATEAUGUAY.—This Claim is for Property burnt by the Volunteers	120	0 0	20	0 0
2058.	ANTOINE LEDUC, FRS	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	30	2 8	20	4 5
2059.	ETIENNE HAINAULT, FRS DE JOSEPH	ST. CLEMENT.—This Claim is similar to the last.	16	0 0	8	10 0
2060.	LOUIS LONGTIN	ST. CLEMENT.—This Claim is similar to the last.	3	5 0	1	13 9
2061.	CHARLES GRIFFE	ST. CLEMENT.—This Claim is similar to the last.	33	11 0	24	16 9
2062.	AMABLE MONPENT, WIFE OF ANTOINE LEFEBVRE	ST. CLEMENT.—This Claim is for Property burnt or pillaged by the Volunteers	354	7 9	220	17 8
2063.	ETIENNE MONPETIT	ST. TIMOTHÉE.—This Claim is for Property burnt or pillaged by the Volunteers	57	2 3	33	7 4

2064.	LOUIS BELANGER	CHATEAUGUAY.—This Claim is for Effects pillaged by the Volunteers	20	2 0	11	7 10
2065.	JOSEPH PELTIER, WIFE OF FRANÇOIS PRÉVOST	DEAUIARNOIS.—This Claim is for her Share of the Property brought by her on her marriage, her Husband being one of the parties excluded by the Act .. (The Evidence being incomplete, the Award will be given hereafter.)				
2066.	FRANÇOIS ANTOINE LA- ROCCHE	MONTREAL.—This Claim is for Property burnt by the Volunteers	200	0 0	100	10 0
2067.	FRANÇOIS LEDUC	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	4	0 0	2	17 4
2068.	ANTOINE LAMONTAGNE	POINT LEVY.—This Claim is for Effects destroyed by the Troops .. (This Claim has not been proved further than that his House was occupied by the 43rd Regiment in the Fall of 1837, for twenty-four hours, and in the Fall of 1838 for the same length of time by the 11th Regiment, when his House must necessarily have been dirtied, and his carpets and furniture damaged to some extent; and taking this into consideration, the Commissioners award him	748	0 0	50	0 0
2181.	J. J. & J. ODELL	LACOLLE.—Case resumed from Report, dated 4th August:— This Claim is for Property burnt by Parties supposed to be Refugees	138	0 0	60	0 0
1215.	TRAYER VANVLICHT	LACOLLE.—Case resumed from Report, dated 11th August:— This Claim is similar to the last.	353	2 4	100	10 0
1250.	LAURENT RAIGNAULT	NAPIERVILLE.—Case resumed from Report, dated 11th August:— This Claim is for Property burnt by the Volunteers	204	11 0	120	9 9
1251.	JULIEN LANDRIE	ST. VALENTIN.—Case resumed from Report, dated 11th August:— This Claim is for Property burnt by the Volunteers	40	9 2	30	15 0
1271.	LOUIS ETHIER DR DRAGON	ST. VALENTIN.—Case resumed from Report, dated 11th August:— This Claim is for Effects pillaged by the Volunteers .. The amount of actual loss suffered has been assessed at the sum of £18 10s. 6d. (But Claimant having acknowledged that he was at the Battle of Lacolle, and fought against the Troops, and was afterwards two years absent in the States, the Commissioners are of opinion that Claimant is not entitled to Indemnity under the Act.) Mr. LeBlanc dissenting, because the loss was not the consequence of his participation in Rebellion, and for all other general reasons given in his dissent in Claim No. 72.	27	11 3		

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1280..	ANTOINE ROCQUE	ST. VALENTIN.—Case resumed from Report, dated 11th August:— This Claim is similar to the last..... The amount of actual loss suffered has been assessed at the sum of £10 4s. 1d. (But one of the Witnesses having proved that Claimant was one of a party of Rebels who took him Prisoner during the Rebellion, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.) Messrs. Hanson and LeBlanc dissenting, for reasons similar to those in the previous Claim, and Hanson in a paper attached, marked No. A.	35	1	4			
1282..	TOUSSAINT MARTIN	ST. VALENTINE.—Case resumed from Report, dated 11th August:— This Claim is for Property burnt by the Troops..... The amount of actual loss suffered has been assessed at the sum of £226 13s. 0d. (But Claimant having acknowledged that he lost his leg whilst fighting against the Troops at the Bridge at Lacolle, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.) Mr. LeBlanc dissenting, because his Property was burnt in a different Parish from where he was fighting against the Troops, and, in all probability, some days after, and so that the damage was not the immediate effect of his participation in the Battle, and for other general reasons similar to those in Claim No. 72.	407	2	0			
1287..	JULIEN FONTAINE	NAPIERVILLE.—Case resumed from Report, dated 11th August:— This Claim is for Property destroyed by the Volunteers..... The amount of actual loss suffered has been assessed at the sum of £17 16s. 10d. (But Claimant having acknowledged that he went to the Battle of Odelltown and fought there, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.) Mr. LeBlanc dissenting, because the injury was not the immediate consequence of his participation in the Rebellion, and for other general reasons similar to the last.	38	11	0			
1293..	JULIEN REMILLARD	NAPIERVILLE.—Case resumed from Report, dated 11th August:— This Claim is for Property destroyed by the Volunteers..... The amount of actual loss suffered has been assessed at the sum of £232 0s. 11d. (But Claimant having acknowledged that he was at the Camp at Napierville, which was also proved by witnesses, and that he was an Agriator and armed with a	048	19	7			

1299..	MOYSE LATOUR	Mr. Viger objects to the allegation made above in the case of Messrs. Girouard and Barcelo, as being incorrect. Messrs. Hanson and LeBlanc dissenting, for reasons explained in full in Papers attached to the Judgments, No. B.	19	0	0			
1299..	MOYSE LATOUR	NAPIERVILLE.—Case resumed from Report, dated 11th August:— This Claim is for Effects pillaged by the Troops..... The amount of actual loss suffered has been assessed at the sum of £11 13s. 1d. (But Claimant having acknowledged that he was at the Battle of Odelltown, and fought against the Troops, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.) Mr. LeBlanc dissenting, because, having been pillaged in a different Parish from the place where he fought, the pillage was not, therefore, the necessary consequence of his Act, and for other general reasons similar to those in No. 72.	531	17	0	219	10	0
1299..	GEORGE OROUKWRIGHT.	LACOLLE.—Case resumed from Report, dated 18th August:— This Claim is for Property burnt, presumed to be done by the Refugees.....	28	4	1			
1299..	JACQUES METIVIER	ST. VALENTIN.—Case resumed from Report, dated 18th August:— This Claim is for Effects pillaged by the Volunteers						

sword, and made prisoners, as per Journal, page 1654, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.)
Mr. LeBlanc dissents, because the injury caused the Claimant was not the necessary consequence of his having been at the Napierville Camp, as he confessed, nor was it the necessary consequence of any other act or acts of his in the Rebellion as is supposed to be proved against him, but which in fact is not legally proved, the evidence in support of such other act or acts being *ex parte* as appears by the Journal of this Commission, inasmuch that there is nothing in the said Journal to show that the said Claimant was present when such evidence was given, or that it was in any way made known to him, so as to afford him a chance to rebut the said evidence,—allowing this Commission to be vested with judicial powers, and that the Act of Amnesty is a dead letter; and also because a majority of this Commission, composed of Messrs. Viger, Hanson, and LeBlanc, did award an Indemnity to Messrs. Girouard and Barcelo, notwithstanding the *ex parte* evidence which they were informed to exist against them and requested to rebut, but which they did not rebut, pursuant to Mr. LeBlanc's opposition, and that the said majority having thus awarded an Indemnity to the said Messrs. Girouard and Barcelo, it is unjust and partial on the part of the said Mr. Viger, allowing that he has judicial powers as aforesaid, to refuse the present Claimant the award of an Indemnity on the score of *ex parte* evidence; and further because of all the general reasons given in my dissent on Claim No. 72.
Mr. Viger objects to the allegation made above in the case of Messrs. Girouard and Barcelo, as being incorrect.
Messrs. Hanson and LeBlanc dissenting, for reasons explained in full in Papers attached to the Judgments, No. B.

REPORT of JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1346..	JACQUES METIVIER							
	<i>Continued.</i> The amount of actual loss suffered has been assessed at the sum of £23 17s. 0d. (But Claimant having acknowledged that he joined the Rebels, and was armed by them, and fired on the Troops, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.) Mr. LeBlanc dissenting, for reasons similar to those in the previous Claim.							
1350..	ANTOINE BOISSONNEAU..		50	0	0	50	0	0
	ST. VALENTIN.—Case resumed from Report, dated 18th August:— This Claim is for Money stolen by parties masked and disguised							
1378..	HEIRS of JOSEPH HEBERT, PERE		76	10	3			
	NAPIERVILLE.—Case resumed from Report, dated 18th August:— This Claim is for Effects pillaged by the Volunteers							
	The amount of actual loss has been assessed at the sum of.....£34 18s. 8d. (But the representing Heir having acknowledged that he, as well as his late Father, were both at the Camp at Napierville, and his Father was taken Prisoner there by the Troops, it, in the opinion of the Commissioners, deprives the Claimant of the right to Indemnity under the Act.) Mr. Hanson dissenting, for reasons explained in a paper attached to the Report, marked No. C.; and Mr. LeBlanc, because the pillage was not the necessary consequence of his having been at the Napierville Camp, and because of other general reasons, as per Claim No. 72.							
1432..	PIERRE MOQUETTE.....		45	12	6			
	NAPIERVILLE.—Case resumed from Report, dated 18th August:— This Claim is for Effects pillaged by the Volunteers							
	The amount of actual loss suffered has been assessed at the sum of £14 7s. 9d. (But Claimant having acknowledged that he had been at the Camp at Napierville, where he left his Gun, and afterwards went to the Battle of Odelltown, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.) Mr. LeBlanc dissenting, because the pillage occurred in a different place to where he went to the Battle, and for other reasons similar to those in Nos. 1299 and 72.							
1433..	AMBROISE GUAY.....		13	12	0			
	LACOLLE.—Case resumed from Report, dated 18th August:— This Claim is for Effects pillaged by the Volunteers							

1435..	OLIVIER HEBERT.....		53	15	0			
	The amount of actual loss suffered has been assessed at the sum of £8 14s. 1d. (But Claimant having acknowledged that he fought against the Troops at the first Battle of Lacolle, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.) Mr. LeBlanc dissenting, because the pillage was not a necessary consequence of his being at the Battle, and for the general reasons similar to those in No. 72.							
1437..	PIERRE L'HEUREUX		434	3	0			
	BLAIRFINDE.—Case resumed from Report dated 18th August:— This Claim is for Property burnt or pillaged by the Volunteers							
	The amount of actual loss suffered has been assessed at the sum of £22 15s. 0d. (But Claimant having confessed that he was at the Camp at Napierville at the time of the destruction, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.) Mr. Hanson dissenting, for reasons explained in full in a paper attached to the Report, marked No. D; and Mr. LeBlanc, for reasons similar to those in the previous Claim.							
1450..	AARON TRAVER		247	18	9	102	5	7
	LACOLLE.—Case resumed from Report dated 25th August:— This Claim is for Property burnt by parties presumed to be Refugees.....							
1475..	FRANÇOIS PATTENAUDE.		51	10	10			
	L'ACADIE.—Case resumed from Report dated 25th August:— This Claim is for Effects pillaged by the Volunteers							
	The amount of actual loss suffered has been assessed at the sum of.....£30 7s. 4d. (But Claimant having acknowledged that he was voluntarily at the Camp at Napierville at the time of the pillage, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.) Messrs. Hanson and LeBlanc dissenting, for reasons similar to those in the last Claim; and Hanson in paper attached, marked No. E.							
	Messrs. Hanson and LeBlanc dissenting, for reasons similar to those in No. 1437, and Hanson as per paper attached, marked No. F.							

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

No. of Claim.	NAMES OF CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1490..	PIERRE GRANGER	NAPIERVILLE.—Case resumed from Report dated 25th August:— This Claim is similar to the last..... Messrs. Moore and Simpson dissenting.	11	10	0	10	0	0
1533..	GILBERT WELDON	LACOLLE.—Case resumed from Report dated 25th August:— This Claim is for Property burnt by parties presumed to be refugees	182	0	0	73	10	0
1537..	DOMINIQUE PIEDALUE	BLAIRFINDE.—Case resumed from Report dated 25th August:— This Claim is for Effects pillaged by the Volunteers	24	0	4			
		The amount of actual loss suffered has been assessed at the sum of...£14 4s. 2d. (But Claimant having acknowledged that he was at the Camp at Napierville at the time, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.) Messrs. Hanson and LeBlanc dissenting, for reasons similar to those in No. 1475, and Hanson as per paper attached, marked No. G.						
1542..	JOSEPH PATIN	ST. VALENTIN.—Case resumed from Report dated 25th August:— This Claim is for Effects pillaged by the Volunteers	28	10	0			
		The amount of actual loss suffered has been assessed at the sum of...£18 5s. 0d. (But Claimant having acknowledged that he had fired on the Troops as much as he could, and was at the first battle at the Bridge of Lacolle, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.) Mr. LeBlanc dissenting, for reasons similar to those in No. 1299.						
1579..	CYPRIEN ST. AMANT	ST. VALENTIN.—Case resumed from Report dated 1st September:— This Claim is similar to the last.....	18	0	0			
		The amount of actual loss suffered has been assessed at the sum of...£12 2s. 6d. (But Claimant having acknowledged that he had joined voluntarily the Camp at Napierville, and afterwards went to the battle of Lacolle, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.) Mr. LeBlanc dissenting, for reasons similar to those in the last case.						

1597..	ANTOINE BOYER	BLAIRFINDE.—Case resumed from Report dated 1st September:— This Claim is for Property burnt or pillaged by the Troops and Volunteers	70	9	4			
		The amount of actual loss suffered has been assessed at the sum of...£54 7s. 8d. (But Claimant having acknowledged that he fought against the Troops at both battles at Lacolle, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.) Mr. LeBlanc dissenting, for reasons similar to the last case.						
1599..	EUSTACHE SEGUN	ST. VALENTIN.—Case resumed from Report dated 1st September:— This Claim is for Property burnt or pillaged by the Troops and Volunteers	65	8	5			
		The amount of actual loss suffered has been assessed at the sum of £28 12s. 2d. (But Claimant having acknowledged that he was at the Camp at Napierville, and at the Battle of Lacolle, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.) Mr. LeBlanc dissenting, for reasons similar to the last case.						
1687..	ANTOINE ROY	ST. CLEMENT.—Case resumed from Report dated 8th September:— This Claim is similar to the last.....	510	12	10			
		The amount of actual loss suffered has been assessed at the sum of £235 3s. 10d. (But two of the Witnesses having proved that Claimant was a Rebel, and one of them that he was at the Camp, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.) Mr. Hanson dissenting, for reasons explained in a paper attached to the Report, marked No. II; and Mr. LeBlanc, because the proof is insufficient, allowing that the Commissioners have jurisdiction to try Claimant, and because, if sufficient, the injury was not the consequence of his participation in the Rebellion, and for other general reasons similar to those in No. 72.						
1702..	CHARLES MARCHAND	ST. CLEMENT.—Case resumed from Report dated 15th September:— This Claim is for Effects pillaged by the Volunteers	0	17	0			
		The amount of actual loss suffered has been assessed at the sum of £8 11s. 6d. (But Claimant having acknowledged that he lost his Gun at the Camp, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.) Mr. LeBlanc dissenting, for reasons similar to those in No. 1435; and Mr. Hanson, for reasons in a paper, No. I.						
1680..	AMABLE DUQUET	CHATEAUGUAY.—Case resumed from Report dated 8th September:— This Claim is for Effects pillaged by the Volunteers	43	0	10	20	4	0

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

No. of Claim.	NAMES OF CLAIMANTS.	P L A C E OF R E S I D E N C E .	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
2069..	DAVID MANNING	ST. JEAN CRYSTOSTOME.—This Claim is for Property burnt by the Volunteers...	275	0	0	119	10	0
2070..	JOSEPH CLEMENT	ST. CYPRIEN.—This Claim is similar to the last	50	10	0	27	15	0
2071..	ALEXANDER MCFEE	HEMMINGFORD.—This Claim is for Property burnt by the Rebels	73	0	0	13	10	0
2072..	JOSEPH BÉTOURNE' (APO- LAINE PATÉNAUDE, VEUVE)	STE. MARTINE.—This Claim is for Property burnt or pillaged by the Volunteers.	72	15	0	33	19	0
2073..	ROBERT CHISHOLM	ST. MALACHIE.—This Claim is for Effects pillaged by the Rebels	70	0	0	40	12	8
		£	64720	13	8	32463	10	2

Claims amounting to Sixty-four thousand seven hundred and twenty-six pounds, thirteen shillings and three pence, and Awards to Thirty-two thousand four hundred and eighty-three pounds, ten shillings and two pence.

(Signed,) P. H. MOORE,
 “ JACQUES VIGER,
 “ JOHN SIMPSON,
 “ W. C. HANSON,
 “ OVIDE LEBLANC. } Commissioners.

COMMISSIONERS' OFFICE,
 Beauharnois, 13th October, 1851.

No. of Claim.	NAMES OF CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
		Amounts brought forward from last Continuation of Report, dated 13th October, 1851	04726	13	3	32483	10	2
40..	JOHN HENDERSON	PHILIPSBURG.—This Claim is for Effects destroyed by the Rebels	30	10	0	21	0	9
2074..	JEAN BAPTISTE ROY dit BAZILETTE	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	10	18	3	7	2	6
2075..	JEAN BAPTISTE DESGRO- ZELLERS	ST. CLEMENT.—This Claim is similar to the last.....	22	4	2	15	0	9
2076..	JOACHIM FAUXBERT, Fils DE JOACHIM	BEAUHARNOIS.—This Claim is similar to the last	11	5	0	8	10	0
2077..	CHARLES PRIMEAU	STE. MARTINE.—This Claim is similar to the last	10	12	6	7	10	0
2078..	JOSEPH LANCTOT	BEAUHARNOIS.—This Claim is similar to the last	14	5	0	9	15	0
2079..	BENONI LONGPRE'	BEAUHARNOIS.—This Claim is for Effects pillaged by the Volunteers.....	38	6	6	21	13	3
2080..	ROBERT SILKIRK	ORMSTOWN.—This Claim is for a Barrel of Potash taken by the Volunteers	7	0	0	6	5	0
2081..	CHRISTOPHE D'AOUST ..	ST. TIMOTHEE.—This Claim is for Effects pillaged by the Volunteers	46	10	0	36	9	10
2082..	ELEONORE DUFORT, VEUVÉ EUSEBE BARDY	MONTREAL.—This Claim is similar to the last	256	8	6	45	4	2
2083..	JEAN BAPTE, GENDRON dit JOSON, Fils (JO- SEPHTE BRANCHAUD, VEUVE)	ST. CLEMENT.—This Claim is similar to the last	6	8	9	4	9	0
2084..	JOSEPH BOYER dit PEL- TIER	ST. TIMOTHEE.—This Claim is similar to the last	17	0	0	11	10	0

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
			17	10	0	11	12	0
2085..	ANTOINE HAINAULT	ST. TIMOTHEE.—This Claim is for Effects pillaged by the Volunteers	6	19	0	5	1	2
2086..	CLAIRE ROLLIN, Veuve JEAN BTE. GENDRON	ST. CLEMENT.—This Claim is similar to the last	16	4	0	4	12	3
2087..	FRANÇOIS HEBERT, Fils..	BEAUHARNOIS.—This Claim is similar to the last	16	11	1	6	16	5
2088..	FRANÇOIS DEMERS	ST. JEAN CRYSTOSTOME.—This Claim is similar to the last	105	16	11	71	5	3
2089..	JOSEPH DAIGNAULT, Pere	ST. CLEMENT.—This Claim is similar to the last	6	7	0	2	18	6
2090..	JOACHIM BROSSOIS	ST. CLEMENT.—This Claim is similar to the last	24	17	1	13	19	4
2091..	CATHERINE ROY, Veuve LS. GOYETTE	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	8	0	10	5	12	8
2092..	LEON BERGERON	ST. CLEMENT.—This Claim is similar to the last	6	12	6	4	18	0
2093..	JOSEPH BERGERON	ST. CLEMENT.—This Claim is similar to the last	8	7	9	5	1	8
2094..	MARIE LEFEBVRE	STE. MARTINE.—This Claim is similar to the last	15	19	7	11	2	6
2095..	NAROISSSE BUTLEAU	STE. MARTINE.—This Claim is similar to the last	2	2	0	1	10	0
2096..	LOUIS TESSIER	ST. TIMOTHEE.—This Claim is similar to the last	17	7	6	10	7	0
2097..	PIERRE LEDUC, Fils DE BAZILE	ST. TIMOTHEE.—This Claim is for Effects pillaged by the Volunteers	7	6	3	4	16	3
2098..	DENIS LEFEBVRE	STE. MARTINE.—This Claim is similar to the last						

2099..	CATHERINE GILCHRIST, FORMERLY WIDOW JOHN ROSS, AT PRESENT WIFE OF EDWARD CORSKELLY	BEAUHARNOIS.—This Claim is for Property burnt or destroyed by the Volunteers	395	0	0	84	12	6
2100..	EUSTACHE BERGEVIN ..	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	31	15	8	18	18	2
2101..	PIERRE VEZINA	NAPIERVILLE.—This Claim is similar to the last	58	15	0	39	4	0
2102..	ANGELE GENDRON, Veuve FRANÇOIS TESSIER dit LAVIGNE	ST. CLEMENT.—This Claim is similar to the last	16	5	5	8	18	7
2103..	JAMES JOSEPH WHITE- CHURCH, BY HIS ATTOR- NEY, W. HY. AUSTIN.	CLIFTON, ENGLAND.—This Claim is loss on Property in consequence of the the Rebellion.£500 Os. Od. (The Evidence being incomplete, the Award will be given hereafter.)	9	5	0	6	5	0
2104..	MICHEL PRIMEAU	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	58	17	2	36	9	8
2105..	PAUL MERCILE	ST. CLEMENT.—This Claim is for Property burnt by the Volunteers	109	10	0	73	17	0
2106..	HENRI LAPPARE	MONTREAL.—This Claim is for Effects pillaged by the Troops	14	3	0	10	16	9
2107..	CHARLES FAUXBERT	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	21	10	0	10	6	11
2108..	ANTOINE LAMBERT	ST. CLEMENT.—This Claim is similar to the last	13	3	7	10	0	9
2109..	PIERRE JEANNOT dit LACHAPELLE	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	19	10	7	10	10	0
2110..	WM. THOMPSON	WILLIAMSTOWN.—This Claim is for Effects destroyed in the Rebellion	8	10	0	6	0	0
2111..	FRANÇOIS LEDUC dit QUÉTON	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	2	10	0	1	5	0
2112..	MOYSE COTE	ST. CLEMENT.—This Claim is similar to the last						

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
2113..	ANTOINE DARPENTIGNY.	L'ISLE PEROT.—This Claim is similar to the last.....	3	0	0	1	10	0
2114..	XAVIER MELOCHE	ST. TIMOTHEE.—This Claim is similar to the last	9	18	4	4	5	0
2115..	FRANÇOIS MELOCHE	ST. TIMOTHEE.—This Claim is similar to the last.....	5	5	0	3	17	6
2116..	HUGH McLEOD	ST. JEAN CHRYSOSTOME.—This Claim is for Effects pillaged by the Volunteers.	8	10	0	5	19	0
2117..	LOUIS DECOIGNE.....	ST. TIMOTHEE.—This Claim is similar to the last	3	5	0	2	15	0
2118..	CHARLES BOUGIE	STE. MARTINE.—This Claim is similar to the last	8	16	0	6	5	0
2119..	AUGUSTIN LEFEBVRE.....	ST. TIMOTHEE.—This Claim is similar to the last	11	0	0	7	5	0
2120..	ANTOINE LEDUC, Pere ..	ST. TIMOTHEE.—This Claim is similar to the last	3	0	0	1	10	0
2021..	JULIE LEGER, Veuve AUGUSTIN POIRIER.....	ST. TIMOTHEE.—This Claim is similar to the last	20	10	0	13	5	0
2122..	ETIENNE TRANQUILLE ..	CHATEAUGUAY.—This Claim is for Effects pillaged by the Volunteers	17	10	0	14	0	0
2123..	PIERRE SERAPHINE RI- CHER LAFLECHE.....	MONTREAL.—This Claim is for Wood destroyed by the Troops	121	5	0	18	15	0
2124..	JOSEPH STE. MARIE	CHATEAUGUAY.—This Claim is for Effects pillaged by the Volunteers	22	19	8	18	15	4
2125..	MARGUERITE VIEAU, VEUVE JOSEPH COUL- LARD	STE. PHILOMENE.—This Claim is similar to the last.....	39	0	0	27	2	6
2126..	THE CREDITORS OF F. X. PRIEUR	STE. MARTINE.—This Claim is for Loss of Merchandize pillaged by the Volun- teers, Prieur being one of the parties condemned by the Court and ex-						

2127..	ALEXANDER CLARK	cluded by the Act	30	0	0	21	17	6
		(The Evidence being incomplete, the Award will be given hereafter.)	66520	19	10	33252	0	1
		ST. TIMOTHEE.—This Claim is for Potatoes destroyed during the Rebellion.....	£					

Claims amounting to Sixty-six thousand five hundred and twenty pounds, nineteen shillings and ten pence, and Awards to Thirty-three thousand two hundred and fifty-two pounds, and one penny.

(Signed,) P. H. MOORE,
" JACQUES VIGER,
" JOHN SIMPSON,
" W. C. HANSON,
" OVIDE LEBLANC. } Commissioners.

COMMISSIONERS' OFFICE,
Beauharnois, 20th October, 1851.

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
2128..	JOSEPH ROWE	Amount brought from last continuation of Report, dated 20th October, 1851.	66520	19	10	33252	0	1
2129..	LOUISE LEBCEUF, DAME FRANÇOIS D'AOUST...	RUSSELTOWN.—This Claim is for Property destroyed by the Rebels	100	0	0	18	5	0
2130..	JEAN BAPTISTE DELORME	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	14	15	2	5	8	11
2131..	CHRISTOPHE READ	ST. BRONO.—This Claim is for Effects pillaged by the Troops.....	41	0	0	25	12	0
		ALBANY, U. S.—This Claim is for Property burnt by the Volunteers	110	15	0	89	10	6

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

16 Victoriae.

Appendix (V.V.)

A. 1852.

16 Victoriae.

Appendix (V.V.)

A. 1852.

No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
2132..	JOSEPH BRAZEAU	ST. MARTINE.—This Claim is for Property and Effects burnt or pillaged by the Volunteers	1884	8	4	633	14	8
		Mr. Moore dissenting, because the Claimant acknowledged having been at Baker's Camp with the Rebels, after which he escaped to the United States, and there remained for two years.						
2133..	WILLIAM THOMPSON	RUSSELTOWN.—This Claim is for Effects pillaged by the Rebels	27	10	10	7	0	0
2134..	MEDARD BARTEAU	ST. TIMOTHEE.—This Claim is for Effects pillaged by the Volunteers	21	8	9	11	10	0
2135..	JEAN BAPTE LAMIRAUDE	LAPRAIRIE.—This Claim is similar to the last	22	0	0	21	0	0
2136..	JEAN BAPTE COTE'	ST. CLEMENT.—This Claim is similar to the last	11	5	0	8	0	0
2137..	JOHN McDONALD	GODMANCHESTER.—This Claim is for Wood, &c., pillaged or destroyed by the Rebels	209	0	0	105	11	9
2138..	MARIE ANNE FERRIER, VEUVE CHAS. MANUEL	BEAUIARNOIS.—This Claim is for Effects pillaged by the Volunteers	15	0	0	9	15	0
2139..	THE HEIRS OF THE LATE PIERRE BETOURNE'	STE. MARTINE.—This Claim is for Property burnt by the Volunteers	174	11	8	78	19	8
2140..	BENJAMIN DEMONTIGNY	SOULANGES.—This Claim is for Horses pillaged by the Volunteers, but is not proved	44	0	0			
2141..	BENOIT FOUCHER	STE. MARTINE.—This Claim is similar to the last	7	17	0	5	0	8
2142..	FRANÇOIS THIBAUT	STE. MARTINE.—This Claim is similar to the last	15	18	0	11	18	0
2143..	JOSEPH JERVAIS	ST. CLEMENT.—This Claim is similar to the last	10	10	0	8	0	0
2144..	MARCEL MENNIER	STE. MARTINE.—This Claim is similar to the last	15	8	4	10	18	4
2145..	JOSEPH DULUDE	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	22	5	0	17	5	0

2146..	PIERRE ROSE	STE. MARTINE.—This Claim is similar to the last	10	0	0	7	10	0
2147..	PIERRE BEAULAC	ST. OURS.—This Claim is for Effects pillaged by the Rebels	220	0	8	187	8	0
2148..	LOUIS GUEROUT	ST. DENIS.—This Claim is for a Mill, &c., burnt by the Rebels	1200	15	8	800	0	0
2149..	WILLIAM WHEELER	RUSSELTOWN.—This Claim is for Property burnt by the Rebels	100	0	0	100	0	0
2150..	JOSEPH LABERGE, FILS DE GABRIEL	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	21	8	4	10	1	2
2151..	LOUIS VALLEE, FILS DE HYACINTHE	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	6	5	0	5	0	0
2152..	PAUL GAGNIER	STE. MARTINE.—This Claim is similar to the last	14	2	10	4	2	0
2153..	LOUIS PERRAULT	MONTREAL.—This Claim is for the destruction of a Press, &c., during the Rebellion	498	0	0	300	0	0
2154..	IGNACE TESSIER	ST. CLEMENT.—This Claim is for Property burnt by the Volunteers	111	3	10	87	12	1
2155..	SERAPHIM VINCENT	LONGUEUIL.—This Claim is similar to the last	37	10	0	22	0	0
2156..	B. H. LEMOINE AND J. T. BARRETT, ASSIGNEES TO THE ESTATE OF DROLET AND DUROCHER	ST. CHARLES.—This Claim is for the destruction of Property by the Troops and Volunteers	1522	11	7	1003	18	8
2157..	LOUIS GEDEON NEVEN	STE. MARTINE.—This Claim is for Property burnt or pillaged by the Volunteers	148	7	0	95	2	0
2158..	DAVID MAHER	STE. MARTINE.—This Claim is similar to the last	56	15	0	52	15	0
2159..	ANDRE' HEBERT	CHIBOITE.—This Claim is similar to the last	37	14	0	27	2	2
2160..	LOUIS SARAUULT	ST. CLEMENT.—This Claim is similar to the last	108	0	10	30	11	0
2161..	PASCHAL BRUNETTE	ST. TIMOTHEE.—This Claim is similar to the last	6	3	0	8	18	0
2162..	GEORGE WHEATLEY	BEAUHARNOIS.—This Claim is similar to the last	18	0	0	16	8	0

REPORT of JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

No. of Claim.	NAMES of CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
2163..	CHARLES LABERGE dit QUENOCHON	STE. MARTINE.—This Claim is for Effects pillaged by the Volunteers	8	10	0	5	0	0
2164..	JOSEPH FORTIN	STE. MARTINE.—This Claim is similar to the last	13	17	10	10	0	0
2165..	WIDOW DAVID DUNCAN..	ST. CLEMENT.—This Claim is for Effects pillaged by the Rebels	25	15	6	13	19	0
2166..	ESTATE OF THE LATE ROBERT SIMPSON	HEMINGFORD.—This Claim is for Barns burnt by the Rebels	50	0	0	35	0	0
2167..	PIERRE DAIGNEAU	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	28	0	0	5	10	0
2168..	LOUIS FORTE'	MONTREAL.—This Claim is similar to the last	51	0	2	24	3	5
2169..	LOUIS LACASSE	ST. DENIS.—This Claim is similar to the last	23	4	5	18	0	0
2170..	ISABELLA, WIDOW R. LID- DELL	MONTREAL.—This Claim is for Effects pillaged by the Rebels	23	10	8	21	0	8
2171..	L. H. HOLTON	MONTREAL.—This Claim is for Provisions, &c., pillaged or destroyed by the Re- bels	452	5	5	318	19	7
2172..	GENTIEVIE GIROUX, VEUVE JOSEPH HAUT- SON	CHATEAUGUAY.—This Claim is for Effects pillaged by the Volunteers and In- dians	87	2	0	28	7	0
1084..	NAROSSE TRUDELLE....	ST. REMI.—Case resumed from Report dated 4th August:— This Claim is for Effects pillaged by the Volunteers, but is not proved	26	10	0			
2046..	JEAN BAPTISTE EMARD..	STE. MARTINE.—Case resumed from Report dated 13th October:— This Claim is similar to the last, but is not proved	10	5	0			
			73795	9	0	37494	7	7

Claims amounting to Seventy-three thousand seven hundred and ninety-three pounds, nine shillings, and Awards to Thirty-seven thousand four hundred and ninety-four pounds, seven shillings and seven pence.

(Signed,) P. H. MOORE,
 “ JACQUES VIGER,
 “ W. C. HANSON, } Commissioners.
 “ OVIDE LEBLANC. }

COMMISSIONERS' OFFICE,
 Beauharnois, 31st October, 1851.

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1365..	CONSTANT BOUSQUET ..	Amount brought from last Report, dated 31st October, 1851.....	73795	9	0	37404	7	7
		NAPIERVILLE.—Case resumed from Report dated 18th August, 1851 :— This Claim is for Property burnt or pillaged by the Troops and Volunteers..... The amount of actual loss suffered has been assessed at the sum of £202 9s. 5d. (But it being proved in Evidence that Claimant pillaged, and took Prisoners, and otherwise aided and abetted in the Rebellion, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.) Dissenting, Messrs. Hanson and LeBlanc, for reasons explained in full in a paper attached to the Judgments, marked No. 1365.	520	18	0			
1408..	ANTOINE MERRIZY	NAPIERVILLE.—Case resumed from Report dated 18th August, 1851 :— This Claim is similar to the last..... The amount of actual loss suffered has been assessed at the sum of £619 5s. 10d. (But it having been proved on evidence, in pages 1369, 1475, 1555, 2227, and 2289, that Claimant was the Contractor or Commissariat Officer at the Camp at Napierville, and aided and abetted in the Rebellion, and further that a Reward of £100 was offered by Sir John Colborne for Claimant's apprehension, who, in particular, ordered Claimant's, among other Leaders' property, to be burnt, it, in the opinion of the Commissioners, deprives Claimant of the right to Indemnity under the Act.) Mr. Hanson dissenting.—the Judgment not being in accordance to the Evidence. See Paper, No. —. And Mr. LeBlanc also dissenting. See paper attached, No. 1408.	912	13	2			

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
1514..	LOUIS DUPUIS	LACOLLE.—Case resumed from Report dated 25th August, 1851 :— This Claim is for Property burnt or pillaged by the Troops and Volunteers The amount of actual loss suffered has been assessed at the sum of £298 10s. 8d. (But it being proved on evidence that Claimant pillaged, and took Prisoners, and otherwise aided in the Rebellion, it, in the opinion of the Commissioners, deprives him of the right to Indemnity under the Act.) Messrs. Hanson and LeBlanc dissenting, for reasons explained in full in Papers attached to the Judgments, marked No. 1514.	464	15	0			
2103..	JAMES JOSEPH WHITE- CHURCH, by His ATTOR- NEY, WILLIAM HENRY AUSTIN	Case resumed from Report dated 20th October, 1851 :— This Claim is for loss on Furniture sold in consequence of the Rebellion	500	0	0	280	0	0
2126..	THE CREDITORS OF F. X. PREUR	STE. MARTINE.—Case resumed from Report dated 20th October, 1851 :— This Claim is for the pillage and destruction of Goods and Effects, the property of F. X. Preur, who is excluded by the Act, being one of the party condemned by Court Martial The amount of actual loss suffered has been assessed at the sum of £308 0s. 0d. (And the Commissioners award the following Creditors the amount of their Claims, viz:— ULRIC BOUDREAU—MONTREAL..... £203 5 1 CHARLES WILSON—MONTREAL..... 24 0 0 WILLIAM DOUGLAS—MONTREAL..... 57 15 3 £285 0 4.....	525	15	0	285	0	4
1629..	MARGUERITE CORNEIL- LER, WIFE OF J. DU- MOUCHEL	STE. MARTINE.—Case resumed from Report dated 1st September, 1851 :— This Claim is for One-half of her Husband's Property, destroyed by the Troops and Volunteers (The amount of actual loss suffered has been assessed, the fixed Property at £504 0s. 0d., and the moveables at £432 8s. 2d., and the Commissioners award the Claimant the sum of £252 0s. 0d., individually à Titre de propres et d'Indemnité, being one-half of the fixed Property, the Commissioners cannot award any part of	670	18	10			
1814..	JOSEPHINE LEBŒUF, WIFE OF JOSEPH GOYETTE.	the moveables, the husband having the full control over them, and no being one of the parties particularly excluded by the Act.)				252	0	0
1047..	JEAN BAPTISTE LEDOUX	ST. CLEMENT.—Case resumed from Report dated 20th September, 1851 :— This Claim is similar to the last. (The amount of actual loss suffered has been assessed, the fixed Property at £250 0s. 0d., and the moveables at £78 8s. 9d., and the Commissioners award the Claimant the sum of £125 0s. 0d., individually à Titre de propres et d'Indemnité, being one-half of the value of the fixed Property. No part of the moveable Property is awarded to the Claimant, her husband being one of the parties particularly excluded by the Act, and having the sole control over the moveable Property)	175	0	0			
1965..	ADELAÏDE D. CARDINAL, WIFE OF F. M. LEPAL- LIEUR	ST. REMI.—Case resumed from Report dated 6th October, 1851 :— This Claim is for Property destroyed by the Troops and Volunteers	174	10	10	92	18	8
2065..	JOSEPHINE PELTIER, WIFE OF FRÈS. PREVOST.....	MONTREAL.—See Report of 6th October, 1851 :— This Claim is for One-half of her Husband's Property burnt or pillaged by the Troops and Volunteers (The amount of actual loss suffered has been assessed, the fixed Property at £500 0s. 0d., and the moveables at £77 10s. 0d., and the Commissioners award the Claimant the sum of £253 0s. 0d., individually à Titre de propres et d'Indemnité, being one-half of the fixed Property. No part of the moveable Property is awarded to the Claimant, her husband being one of the parties particularly excluded by the Act, and having the sole control over the moveable Property)	817	2	5	253	0	0
		BEAUHARNOIS.—Case resumed from Report dated 18th October :— This Case is for the Amount of her Matrimonial Rights in her Husband's Property burnt by the Troops and Volunteers (The amount of actual Property destroyed belonging to her Husband was assessed at the sum of £422 0s. 0d., and the Commissioners, after deducting the amount of obligation held against the fixed Property, see Case No. 2224, for £177 2s. 9d., award the Claimant the amount of her rights, say)	125	0	0	125	0	0
		Mr. LeBlanc concurs in the aforesaid Judgment, but asserts that there is a surplus over and above the amount of the debts remaining on the amount of the damages assessed, the said Claimant has a right to the interest of her debt as due her per Judgment, or of so much of the said interest as the said surplus will allow, because as an accessory, the interest is as fully a debt as the principal, and therefore requires that the said interest should be allowed as aforesaid, he protesting for the denial thereof.						

No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
2173.	ADOLPHUS JACQUES	MONTREAL.	302	0	0	100	0	0
2174.	SOPHIE LEVE, Veuve J. BAPTE. MARCOTTE	MONTREAL.—This Claim is for destruction of Printing Materials, &c., during the Rebellion	20	7	0	15	11	8
2175.	IGNACE BERTRAND	ST. OESAIRE.—This Claim is for Pillage and Lodging Troops	82	5	0	54	10	10
2176.	NOEL BENJAMIN	LACADIE.—This Claim is for Property destroyed by the Troops	34	10	0	13	10	0
2177.	EUSTACHE GRATTAN	STE. MARIE.—This Claim is similar to the last.	10	3	4	4	10	5
2178.	SIMON PARE'	STE. MARIE.—This Claim is similar to the last.	6	2	4	4	14	4
2179.	JOSEPH TELLIER	ST. SCHOLASTIQUE.—This Claim is similar to the last	21	2	0			
2180.	AUGUSTIN LACHAPELLE	NAPIERVILLE.—This Claim is for Effects pillaged by the Volunteers, but is not proved	3	0	0			
2181.	ANDRE' PILON	ST. CHARLES.—This Claim is for a Gun delivered to the Authorities, but is not proved	2	0	0			
2182.	LUKE FAGAN	STE. ANNE.—This Claim is similar to the last, but is not proved	6	15	0			
2183.	FRANÇOIS HEBERT	ST. MARIE.—This Claim is for Lodging Troops, and Pillage, but is not proved	1	5	0			
2184.	DAME BAZILE EMARD	ST. ISIDORE.—This Claim is for a Gun delivered to the Authorities, but is not proved	1	5	0			
2185.	LOUIS MELOCHE	ST. ISIDORE.—This Claim is for a Gun delivered to the Authorities, but is not proved	4	2	0	2	12	0
2186.	ALEXANDER DAIGLE	VAUDREUIL.—This Claim is similar to the last	28	2	0	12	10	0
2187.	DOMINIQUE VALLIERES	LAPRESENTATION.—This Claim is for a Horse taken by the Troops	10	4	8	0	10	0
		ST. CHARLES.—This Claim is for Effects pillaged by the Troops						

2188.	JEAN BAPTE. PRIEUR, Fils	ST. ZOTIQUE.—This Claim is for Effects pillaged by the Troops	9	11	8	0	4	2
2189.	OLAVIER BRISEBOIS	ST. BENOIT.—This Claim is similar to the last.	25	8	2	13	5	1
2190.	ANTOINE DEMERS	ST. BENOIT.—This Claim is similar to the last.	14	12	6	11	12	3
2191.	NOEL NADON	ST. ROSE.—This Claim is for a Gun delivered to the Authorities	1	5	0	1	0	0
2192.	JEAN BAPTE. LEGAULT.	ST. ROSE.—This Claim is similar to the last	2	10	0	2	0	0
2193.	JEAN BAPTE. FAUVEL dit BIGRAS	ST. SCHOLASTIQUE.—This Claim is for Effects pillaged by the Volunteers	17	0	0	12	11	9
2194.	AUGUSTIN LEMAY dit DELORME	ST. ROSE.—This Claim is for Arms delivered to the Authorities	4	0	0	2	5	0
2195.	XAVIER DUMOUCHEL	ST. SCHOLASTIQUE.—This Claim is for Effects pillaged by the Volunteers	6	15	0	4	0	0
2196.	ISABELLE LOIZEAU, Veuve LS. LEMAY	ST. SCHOLASTIQUE.—This Claim is for Grain burnt by the Volunteers.	8	15	0	5	0	0
43.	WILLIAM CHILTON	CLARENCEVILLE.—This Claim is for House Rent and Lodging Troops	111	2	6	44	5	0
2197.	CHAS. ADRIAN PACAUD.	MONTREAL.—This Claim is for Detention of a Steamboat	300	0	0	40	0	0
2198.	ELMIRE MASSON, Veuve HYAC. MALLETT	ST. BENOIT.—This Claim is for Effects pillaged by the Volunteers	21	11	3	12	8	0
2199.	FRANÇOIS GUINDON	RIGAUD.—This Claim is for a Gun delivered to the Authorities.	2	0	0	1	5	0
2200.	PASCHAL BOYER	ST. TIMOTHEE.—This Claim is for a Harness taken by the Troops	1	5	0	1	5	0
2201.	AIME VIGER	TERREBONNE.—This Claim is for a Gun delivered to the Authorities	2	10	0	1	10	0
2202.	CHARLES DAUNAIS	TERREBONNE.—This Claim is similar to the last.	2	0	0	1	5	0
2203.	EMERY LEDUC	RIGAUD.—This Claim is similar to the last	1	5	0	1	0	0
2204.	AIME TAILLON	TERREBONNE.—This Claim is similar to the last	1	5	0	1	0	0
2205.	AUGUSTIN URTUVISE	RIGAUD.—This Claim is similar to the last	1	5	0	1	0	0

REPORT OF JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

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Appendix (V.V.)

A. 1852.

No. of Claim.	NAMES OF CLAIMANTS.	PLACE OF RESIDENCE.	Amount Claimed.			Amount Awarded.		
			£	s.	d.	£	s.	d.
2206..	JOSEPH CHEVALIER	RIGAUD.—This Claim is similar to the last	1	15	0	1	0	0
2207..	MONS. CURE VINET.....	SAULT-AU-RECOLLET.—This Claim is similar to the last.....	1	10	0	1	0	0
2208..	JEROME BARRETTE.....	TERREBONNE.—This Claim is similar to the last.....	4	0	0	2	5	0
2209..	AUGUSTIN SAUCHE	ST. AUGUSTIN.—This Claim is for Effects pillaged by the Volunteers	34	10	0	22	12	6
2210..	FRANÇOIS MACE'	ST. ATHANASE.—This Claim is similar to the last	218	15	6	51	10	6
2211..	JEAN BAPTE. RICHER	RIGAUD.—This Claim is similar to the last	174	17	6	22	10	6
2212..	MARIE BERGEVIN VEUVE FRS. BRAUCHAUD	ST. TIMOTHEE.—This Claim is for two Rafts of Firewood, said to have been stolen whilst laying at the Wharf at Montreal, but is not proved.....	112	15	0			
2213..	ALBERT COUTURE	L'ACADIE.—This Claim is for Effects pillaged by the Volunteers	22	4	6	14	0	3
2214..	PAUL TROTTIER	ST. TIMOTHEE.—This Claim is similar to the last.....	4	14	0	0	15	0
2215..	JEAN BAPTISTE PALIN..	NAPERVILLE.—This Claim is similar to the last.....	10	8	0	5	7	0
2216..	MARIE ANGELIQUE LE- DUC VEUVE CHAS. SENECAL	ST. CLEMENT.—This Claim is for Effects pillaged by the Volunteers	30	10	0	14	5	0
2217..	PIERRE LEMIRE	ST. ISIDORE.—This Claim is for a Gun delivered to the Authorities.....	3	0	0	1	15	0
2218..	JOSEPH DUBE'	ST. HILARE.—This Claim is for Flour delivered to the Troops	1	10	0	1	5	0
2219..	JEAN BAPTE. FONTAINE.	ST. HILARE.—This Claim is for Effects pillaged by the Troops	29	8	3	4	11	10
2220..	PIERRE SAUVE'	VAUDREUIL.—This Claim is for Damage to Scows, &c., but is not proved.....	10	0	0			

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Appendix (V.V.)

A. 1852.

2221..	FRANÇOISE POIRIER, VEUVE EUSTACHE SABOURIN	ST. EUSTACHE.—This Claim is for Effects pillaged by the Volunteers.....	10	10	9	9	2	0
2222..	Rev. Messire BLANCHET..	ST. JACQUES.—This Claim is similar to the last, but not proved	206	15	10			
2223..	JOHN DAVIS	ST. SCHOLASTIQUE.—This Claim is similar to the last.....	52	3	4	27	4	0
2224..	BERNARD RICHE' DR LORETEAU	ST. HERMAS.—This Claim is for Effects pillaged by the Volunteers, but is not proved	6	10	8			
2225..	FRANÇOIS VEZINA	ST. BENOIT.—This Claim is similar to the last.....	10	2	7	6	11	6
2226..	JOSEPHTE PINSONNAULT, VEUVE JACQUES RO- BERT DR JOSINE	ST. EDOUARD.—This Claim is similar to the last	128	5	8	70	3	3
2227..	JOSEPH BEAUDIN	ST. JACQUES LE MINEUR.—This Claim is for Money said to have been stolen, but is not proved.....	79	14	2			
2228..	BENJAMIN ROY.....	MONTREAL.—This Claim is for Effects pillaged by the Volunteers	26	10	0	13	10	0
2229..	N. A. BROUILLET	STE. MARIE.—This Claim is similar to the last.....	4	5	6	2	5	11
2230..	FRANÇOIS VIGEANT	STE. MARIE.—This Claim is similar to the last	9	17	11	3	15	3
42..	DANIEL BUSH	CLARENCEVILLE.—This Claim is for Rent as a Guard House	12	15	0	11	17	6
2231..	PRUDENT HUOT	ST. CESAIRE.—This Claim is for Effects pillaged by the Volunteers	11	8	7	8	12	4
2232..	VEUVE PIERRE PICHE'	ST. THERESE.—This Claim is similar to the last	17	15	5	6	8	6
2233..	DENIS CHAGNON	VERCHERES.—This Claim is similar to the last	4	13	9	4	0	0
2234..	JEAN BAPTE. L'ECUYER..	ST. EDOUARD.—This Claim is similar to the last.....	5	7	4	4	15	6
2235..	MICHEL BROMER DR DU- HAMEL	VAUDREUIL.—This Claim is for a Gun delivered to the Authorities.....	1	0	0	1	0	0
2236..	LUC ROUSSEAU	LAPRAIRIE.—This Claim is similar to the last.....	2	0	0	1	5	0
2237..	JEAN BAPTE. DESFORGES DR ST. MAURICE	CHATEAUGUAY.—This Claim is for Effects pillaged by the Volunteers	30	5	0	21	4	5

REPORT of JUDGMENTS rendered on Claims investigated after the 1st September, 1850.—(Continued.)

No. of Claim.	NAMES of CLAIMANTS.	PLACE of RESIDENCE.	Amount Claimed.			Amount Awarded.			
			£	s.	d.	£	s.	d.	
2238.	PIERRE VIENT	ST. GREGOIRE.—This Claim is similar to the last, but is not proved.	6	8	9				
2239.	JEAN B. AUGRIGNON, PENE	ST. BENOIT.—This Claim is similar to the last.	2	17	2	2	10	0	
41.	SENECA ROBINSON	PHILIPSBURGH.—This Claim is for Effects pillaged by the Rebels	31	17	10	21	14	7	
2240.	CALISH THAUVEITE	RIGAUD.—This Claim is for a Gun delivered to the Authorities, but is not proved.	1	5	0				
2241.	AUGUSTIN VINCENT	ST. DENIS.—This Claim is for Effects pillaged by the Volunteers	12	13	6	10	3	10	
2242.	THE HEIRS OF L. F. D'ES-CHAMBAULT	ST. DENIS.—This Claim is for Property destroyed or pillaged by the Troops and Volunteers	30	5	0	47	10	0	
2243.	HIRAM PIERCE	MONTREAL.—This Claim is for Rations and Forage said to be furnished to the Troops (The Balance partly not coming within the provisions of the Act, and the remainder not being proved).—Awarded	159	11	6				
2244.	N. P. M. KURCZIN	MONTREAL.—This Claim is for Obligations and Judgments held against the fixed Property of F. X. Prevost, who is one of the parties excluded by the Act. (The amount of F. X. Prevost's loss on fixed Property destroyed during the Rebellion has been proved and assessed at the sum of £422 0s. 0d., as per Claim No. 2065, and the Commission award the Claimant the amount of his Obligation and Judgment, amounting to) Mr. LeBlanc making the same objection as regards the interest in the Case No. 2065.	510	0	0	177	2	9	
			£	81905	6	8	39914	9	0

Claims amounting to Eighty-one thousand nine hundred and five pounds, six shillings and eight pence, and Awards to Thirty-nine thousand nine hundred and fourteen pounds, and nine shillings.

(Signed,) P. H. MOORE,
JACQUES VIGER, } Commissioners.
" " JOHN SIMPSON.

COMMISSIONERS' OFFICE,
Montreal, 15th January, 1852.

Correspondence between the Provincial Secretary and the Commissioners
under the Act 12 Vic. cap. 58.

SECRETARY'S OFFICE, 13th June, 1849.

Sir,—I have the honor, by command of the Governor General, to inform you that His Excellency is desirous to avail himself of the services of yourself, and of Messrs. Jacques Viger, John Simpson, and Joseph U. Beaudry, as Commissioners of Inquiry under the Act, 12th Vic. cap. 58, to provide for the indemnification of parties in Lower Canada, whose property was destroyed during the Rebellion in the years 1837 and 1838, and he trusts that it will meet your convenience to enter upon the duty with those gentlemen.

I am therefore to request that you will inform me on this point at your earliest convenience.

The remuneration of each Commissioner will be at the rate of one pound per diem, while actually engaged in the inquiry, or in travelling in pursuance of it.

I have, &c.

(Signed,) J. LESLIE, Secretary.

Honorable JOSEPH DIONNE St. Pierre les Becquets.

Honorable P. H. MOORE, Phillipsburgh.

JACQUES VIGER, Esquire.

JOHN SIMPSON, Esquire.

JOSEPH U. BEAUDRY, Esquire.

SECRETARY'S OFFICE, 23th June, 1849.

Sir,—I have the honor, by command of the Governor General, to inform you, that His Excellency is desirous to avail himself of the services of yourself, the Honorable P. H. Moore, and Messrs. Jacques Viger, John Simpson, and Ovide LeBlanc, as Commissioners of Inquiry under the Act, 12th Vic. cap. 58, to provide for the indemnification of parties in Lower Canada, whose property was destroyed during the Rebellion in the years 1837 and 1838, and he trusts that it will meet your convenience to enter upon the duty with those gentlemen.

I have therefore to request that you will inform me on this point at your earliest convenience.

The remuneration of each Commissioner will be at the rate of one pound per diem, while actually engaged in the inquiry, or in travelling in pursuance of it.

I have, &c.

(Signed,) J. LESLIE, Secretary.

Lieutenant Colonel W. C. HANSON, Three Rivers.

OVIDE LeBLANC, Esquire, Montreal.

SECRETARY'S OFFICE, 28th June, 1849.

Sir,—The Honorable Mr. Dionne having declined forming part of the Commission of Inquiry under the late Act, for the indemnification of Rebellion Losses in Lower Canada, your name will stand the first on the Commission, and as senior Commissioner, I beg leave to transmit you herewith the letter of instructions which I have received the Governor General's commands to write, for the information and guidance of the Commissioners.

When the Commission shall have been perfected, you will receive notification thereof, as

well as of the time and place of meeting, according to the Act under which you will be called upon to act.

I have, &c.

(Signed,) J. LESLIE, Secretary.

Honorable P. H. MOORE, Phillipsburg, L. C.

SECRETARY'S OFFICE, 28th June, 1849.

Gentlemen,—By the Act of 12 Vic. cap. 58, passed during the last Session of the Provincial Parliament, provision has been made for the appointment of a Commission for making inquiry, under Legislative authority, into the just losses sustained by parties in Lower Canada, whose property was destroyed during the Rebellion in the years 1837 and 1838, and you will see by the accompanying commands, that His Excellency the Governor General has been pleased to appoint you to be Commissioners for that purpose.

His Excellency, being of opinion that it may be satisfactory to you, in the discharge of your arduous duties, to be informed of the views in which the Act originated and according to which it ought, in the opinion of His Excellency, to be carried into effect, has commanded me to say, that the Bill having been originally framed upon the precedent of that for the payment of similar losses in Upper Canada, and the proceedings taken by former Provincial Administrations, under the Governments of Lord Metcalfe and Lord Cathcart, was regarded as little liable to misapprehension or misconstruction, and in acceding to the introduction of the Proviso contained in the Preamble, the Government acted not from an impression of the necessity of such an amendment, for the purpose for which it was proposed to be devised, but from an anxiety to meet the wishes of others, and if possible, of thus avoiding all occasion of cavil. Finding such, however, not to be the effect of their acquiescence in that proposition, it became necessary to proceed with the measure as it now stands on the Statute Book.

The Government designed, by the introduction of the message, to eradicate all tendency to disloyalty and disaffection by removing every remaining just cause of complaint in reference to the unfortunate events of 1837 and 1838, and the establishing the Institutions of the country in the hearts and affections of the people. The object of the Act, therefore, was not to countenance Rebellion or to compensate the losses of persons guilty of the heinous crime of treason. Its designs, as conveyed in the language of the Statute, was to secure indemnity for just losses sustained by the inhabitants of Lower Canada during the Rebellion of 1837 and 1838, so far only as they may have arisen from the total or partial, unjust, unnecessary, or wanton destruction of the dwellings, buildings, property, and effects of the said inhabitants, and from the seizure, taking and carrying away of their property and effects, claims which have been already recognized by the deliberated Acts of the preceding Parliament and Government.

His Excellency commands me to say, that in this spirit was the measure under which you are called upon to act introduced and passed through Parliament, and that in this same spirit he doubts not you will discharge the important and delicate duty imposed upon you by the Commission issued under it.

His Excellency commands me further to say, that Mr. Newhouse, of Berthier, has been appointed Secretary to the Commission, and that the remuneration of each of the Commissioners has been fixed by His Excellency in Council, at the rate of twenty shillings per diem, while actually engaged in performing the duties imposed by the Statute, and that of the Secretary has been in like manner fixed at the like rate of twenty shillings per diem while similarly engaged.

I have the honor, Sir,

&c., &c., &c.

(Signed,) J. LESLIE, Secretary.

To the Commissioners under the Act 12 Vic. cap. 58.

PROVINCE OF CANADA.

His Excellency the Right Honorable JAMES, EARL OF ELGIN AND KINCARDINE, Knight of the Most Ancient and Most Noble Order of the Thistle, Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c., &c., &c.

To all to whom these presents shall come—Greeting :

Whereas, in and by an Act of the Legislature of this Province, made and passed in the twelfth year of Her Majesty's Reign, and intituled, "An Act to provide for the indemnification of parties in Lower Canada, whose property was destroyed during the Rebellion in the years one thousand eight hundred and thirty-seven, and one thousand eight hundred and thirty-eight," it is amongst other things enacted, That it shall be lawful for the Governor to appoint five persons to be Commissioners under the said Act, and from time to time to remove them or any of them, and to appoint another or others in the place of any so removed, or dying, or resigning office. Now know ye, that reposing trust and confidence in the loyalty, integrity, and ability of the Honorable Philip H. Moore, Jacques Viger, John Simpson, William Crosbie Hanson, and Ovide LeBlanc, Esquires, I, the said James, Earl of Elgin and Kincardine, Governor General of the said Province, have, under and by virtue of the power and authority in me vested in and by the said Act, nominated and appointed, and by these presents do nominate and appoint the said Honorable Philip H. Moore, Jacques Viger, John Simpson, William Crosbie Hanson, and Ovide LeBlanc, to be Commissioners under the said Act, faithfully and without partiality to inquire into and to ascertain the amount of the losses mentioned in the Preamble to the said Act, as those for which compensation ought to be made, and report the same to me as in the said Act provided. To have and to hold the said appointment, unto them the said Honorable Philip H. Moore, Jacques Viger, John Simpson, William Crosbie Hanson, and Ovide LeBlanc, during pleasure, together with all and every the privileges, rights, powers, and authority to the said office and appointment belonging or in any wise appertaining, subject in all things to the injunctions, limitations, and provisions in the said Act contained.

Given under my Hand and Seal at Arms, at Montreal, this second day of July, in the year of our Lord one thousand eight hundred and forty-nine, and in the thirteenth year of Her Majesty's Reign.

(Signed,) ELGIN AND KINCARDINE.

By command,

(Signed,) J. LESLIE, Secretary.

PROVINCE OF CANADA.

His Excellency the Right Honorable JAMES, EARL OF ELGIN AND KINCARDINE, Knight of the Most Ancient and Most Noble Order of the Thistle, Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c., &c., &c.

To all to whom these presents shall come—Greeting :

Whereas, in and by an Act of the Legislature of this Province, made and passed in the twelfth year of Her Majesty's Reign, and intituled, "An Act to provide for the indemnification of parties in Lower Canada, whose property was destroyed during the Rebellion in the years one thousand eight hundred and thirty-seven, and one thousand eight hundred and thirty-eight," it is, amongst other things in effect, enacted, That it shall be lawful for the Governor to appoint five persons to be Commissioners under the said Act, and also from time to time to appoint a Clerk to the said Commissioners, and the same to remove, and in case of any such removal, or of death, or of resignation of office of the said Clerk, to appoint another in his place.

And whereas, by an Instrument under my Hand and Seal at arms, bearing even dates with these presents, I have, under the authority of the said Act, nominated and appointed

the Honorable Philip H. Moore, Jacques Viger, John Simpson, William Crosbie Hanson, and Ovide LeBlanc, Esquires, to be Commissioners to carry out the provisions of the said Act.

Now know ye, that reposing trust and confidence in the loyalty, integrity and ability of William Newhouse, of Berthier, Esquire, I, the said James, Earl of Elgin and Kincardine, Governor General of this Province, have, under and by virtue of the power and authority in me vested in and by the said Act, nominated and appointed, and by these presents do nominate and appoint the said William Newhouse to be Clerk to the said Commissioners, to have and to hold the said office and appointment of Clerk during pleasure, together with all and every the rights and powers to the said office belonging, or in any wise appertaining, and subject in all things to the provisions in the said Act containing.

Given under my Hand and Seal at Arms, at Montreal, this second day of July, in the Year of our Lord one thousand eight hundred and forty-nine, and in the thirteenth year of Her Majesty's Reign.

(Signed) ELGIN AND KINCARDINE.

By Command,

(Signed,) J. LESLIE, Secretary.

SECRETARY'S OFFICE, 28th June, 1849.

Sir,—With reference to your letter of the 20th instant, accepting the appointment as one of the Commissioners of Inquiry under the Act for the indemnification of parties in Lower Canada, whose property was destroyed during the Rebellion in the years 1837 and 1838, I have it in command from the Governor General, to request you to repair to the seat of Government and report your arrival in town, as soon as possible after the receipt of this letter, it being His Excellency's intention immediately to organize and set the Commission in operation.

I have the honor, &c.,

(Signed,) J. LESLIE, Secretary.

Colonel JOHN SIMPSON, of Canada,
Post Office, New York.

THREE RIVERS, 29th June 1849.

Sir,—I have the honor to acknowledge the receipt of your letter of the 28th instant, informing me His Excellency the Governor General has been pleased to offer for my acceptance, in connection with the "Honorable Mr. Moore, Messrs. Jacques Viger, John Simpson, and Ovide LeBlanc, the situation as one of the Commissioners of Inquiry under the Act 12 Vic. cap. 58, to provide for the indemnification of parties in Lower Canada, whose property was destroyed during the Rebellion in the years 1837 and 1838."

I respectfully thank His Lordship for the confidence he has been pleased to confide in me, and I accept the appointment with pleasure.

I have the honor to be, Sir,
Your most obedient servant,

(Signed,) W. C. HANSON, Lieut. Col.

(Translation.)

MONTREAL, 30th June, 1849.

Sir,—I have the honor to acknowledge the receipt of your letter of the 28th, and to inform you, in answer, that feeling honored by the desire of His Excellency the Governor General to avail himself of my services with those of the gentlemen named therein, as Commissioners under 12 Vic. cap. 58, for the indemnification of the losses of certain persons in Lower

Canada, suffered during the Rebellion of 1837 and 1838, it will meet my convenience to act with those gentlemen in the discharge of the duties in question.

I have the honor to be, Sir,
Your very humble Servant,

(Signed,) OVIDE LEBLANC.

The Honorable J. LESLIE,
Provincial Secretary.

ISLIP, LONG ISLAND, N.Y., July 5th, 1849.

Sir,—By some error (and the 4th July intervening) I have only this morning received your letter of the 28th; I came down here on the advice of Mrs. Simpson's Physicians, and I have a few arrangements to make before I can leave; but were I to start to-morrow, I could not be in Montreal before Tuesday, and it is uncertain as whether I shall be able, but at all events I will be there by Wednesday morning. Had I been so fortunate as to receive your letter sooner I might have managed better. As it is, I hope it is of no consequence.

Believe me, Sir,
Very sincerely yours,

(Signed,) W. SIMPSON.

The Honorable JAMES LESLIE,
&c., &c., &c.

SECRETARY'S OFFICE, 9th July, 1849.

Sir,—I have the honor to inform you that the Commission appointing you and four others, Commissionners under the Act 12 Vic. cap. 58, is ready, and that it is the Governor General's pleasure that you should repair to the Government House, on Tuesday, the 12th instant, for the purpose of organizing the Commission and entering on duty.

I have the honor, &c., &c.,

(Signed,) J. LESLIE, Secretary.

Honorable P. H. MOORE, Philipsburg.
JACQUES VIGER, Esquire, Montreal.
Lieut. Col. W. C. HANSON, Three Rivers.
OVIDE LEBLANC, Esquire, Montreal.

SECRETARY'S OFFICE, 9th July, 1849.

Sir,—I have the honor to inform you, that your Commission as Secretary to the Commissioners, under the Act 12th Vic. cap. 58, is ready, and that it is the Governor General's pleasure that you should repair to the Seat of Government for the purpose of organizing the Commission and entering on duty, on Thursday next, the 12th instant.

I have the honor, &c., &c.,

(Signed,) J. LESLIE, Secretary.

WILLIAM NEWHOUSE, Esquire, Berthier.

THREE RIVERS, 10th July, 1849.

Sir,—I have the honor to acknowledge the receipt of your letter of the 9th instant, informing me His Excellency the Governor General is pleased to command my services in

Montreal, on Thursday, the 12th instant, which I shall with pleasure obey.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed,) W. C. HANSON, Lieut. Col.

The Honorable J. LESLIE,
&c., &c., &c.

SECRETARY'S OFFICE, 12th July, 1849.

Sir,—I have to notify you, that the Commissioners on the Rebellion Losses meet at the Government House, to-morrow, the 13th instant, at 10 o'clock, A. M.

I have the honor, &c., &c.,

(Signed,) J. LESLIE, Secretary.

JACQUES VIGER, Esquire.
OVIDE LEBLANC, Esquire.
Col. W. C. HANSON, Montreal.

MONTREAL, 20th July, 1849.

Sir,—I have the honor to acquaint you, for the information of His Excellency the Governor General, that the Commissioners appointed to give effect to the Provincial Statute 12th Vic. cap. 58, having collected the various documents on record, or relating to the former Commissions on the same subject, are now ready to enter upon the active duties of their office, by the investigation of all claims in the nearest vicinity to the places where the losses so claimed were sustained.

With this view, and referring to the 12th Section, they desire most respectfully to submit, for the approbation of His Lordship, the two following places for the commencement of their sittings, being by their position best suited to the objects of the Act. First, at Clarenceville, in the Parish of St. George, in the County of Rouville, for all claims for losses sustained in the County of Missisquoi, as well as those in the upper portion of the County of Rouville; and next, at Pointe Olivier, in the Parish of St. Mathias, also in the County of Rouville, for all claims in that County, not already preferred at Clarenceville; the sitting at Clarenceville to be held on the 31st July, and at Pointe Olivier on the 15th August.

I have also to draw your attention to the very heavy expenses unavoidably accompanying an inquiry conducted in the migratory manner necessary to the present investigation, and to request that you will be pleased to inform me what sum it may be His Excellency's pleasure to allow for travelling and other expenses, apart from the sum named as a *quantum meruit* for their services under the Act.

I have the honor to be, Sir,

Your most obedient, humble Servant,

(Signed,) P. H. MOORE, Chairman.

To the Honorable The Provincial Secretary,
&c., &c., &c.

SECRETARY'S OFFICE, Montreal, 24th July, 1849.

Sir,—In reply to your letter of the 20th instant, I have the honor to inform you, that the Governor General has been pleased to fix the remuneration and allowance of the Commissioners, under the 12th Vic. cap. 58, and their Clerk, at the rate of one pound currency, per diem, to each of them during their stay in Montreal on duty, and at the rate of two pounds currency, per diem, during the period of their actual absence from Montreal on duty. And, in accordance with the desire expressed by the Commissioners, I am com-

manded by His Excellency to direct and notify them through you, to commence to hold their sittings, first at the place called Clarenceville, in the Parish of St. George, in the County of Rouville, for all claims for Rebellion Losses sustained in the County of Missisquoi, as well as in the upper part of the County of Rouville; and next at Pointe Olivier, in the Parish of St. Mathias, in the County of Rouville, for all such claims sustained in the said last named County, not preferred at Clarenceville aforesaid. The said sittings to commence at Clarenceville on the 31st day of July instant, and at Pointe Olivier on the 15th day of August next.

I have to instruct them at the same time, to give public notice of their said meetings, by advertisement, published twice in the French and English languages, in two of the newspapers in the City of Montreal, and posted up in the most central place in each of the Parishes and Townships in the Counties of Rouville and Missisquoi.

I have the honor to be, Sir,
Your obedient Servant,

(Signed,) E. PARENT, Assistant Secretary.

The Honorable P. H. MOORE, Chairman,
Commissioners on Rebellion Losses, Montreal.

POINTE OLIVIER, COUNTY ROUVILLE, 31st August, 1849.

Sir,—I have the honor to acquaint you, for the information of His Excellency the Governor General, that the Commissioners appointed to give effect to the Provincial Statute 12th Vic. cap. 58, expect to finish their labours at their present place of sitting in Pointe Olivier, on the 14th day of September, and referring to the 12th Section of the Act, they desire most respectfully to submit, for the approbation of His Lordship, that their next sitting may be held in the Lower Village of Chambly, on the 15th September, for the reception of all claims for losses sustained in the County of Chambly.

I have the honor to be, Sir,
Your most obedient Servant,

(Signed,) P. H. MOORE, Chairman.

The Honorable JAMES LESLIE,
Provincial Secretary, Montreal.

SECRETARY'S OFFICE, Montreal, 5th September, 1849.

Sir,—I have the honor, by command of the Governor General, to acknowledge the receipt of your letter of 31st ult., and to inform you in reply, that His Excellency is pleased to direct that the Commissioners, of whom you are Chairman, shall hold their next session at the place and time recommended by you, viz: at the Lower Village of Chambly, on the 15th of this month, and that you give public notice of such meeting by advertisement, published twice in the French and English languages, in two of the newspapers in this City, and which notice you will cause to be posted up in the most central place in each of the Parishes and Townships in the County of Chambly.

I have the honor to be, Sir,
Your obedient Servant,

(Signed,) J. LESLIE, Secretary.

Honorable P. H. MOORE, Chairman of
Commission on Rebellion Losses, &c., &c., &c.
Pointe Olivier, County Rouville.

CHAMBLY, 2nd October, 1848.

Sir,—I have the honor to acquaint you, for the information of His Excellency the Governor General, that the Commissioners appointed to give effect to the Provincial Statute 12 Vic. cap. 58, expect to finish their labours at their present place of sitting in Chambly, on Saturday the 13th instant, and referring to the 12th Section of the Act, they desire most respectfully to submit for the approbation of His Lordship, that their next sitting may be held in the Village of St. Hyacinthe, on Tuesday, the 16th instant, for the reception of all claims for losses sustained in the County of St. Hyacinthe.

I have the honor to be, Sir,
Your most obedient Servant,

(Signed,) J. VIGER, Chairman.

The Honorable J. LESLIE,
Provincial Secretary, Montreal.

SECRETARY'S OFFICE, Montreal, 4th October, 1849.

Sir,—I have the honor to acknowledge the receipt of your letter of the 2nd instant, and in reply, to inform you that His Excellency the Governor General, in Council, is pleased to direct that the Commissioners appointed under the Act 12 Vic., cap. 58, (of whom you are the chairman,) shall hold their next session, for the purposes of the said Act, in the Village of St. Hyacinthe, on Tuesday, the 16th October instant, for the reception of all claims for Rebellion losses sustained in the County of St. Hyacinthe.

I am at the same time to convey to you His Excellency's instructions, that you should give public notice of such meeting by advertisement, to be published twice in the French and English languages, in two of the newspapers in the City of Montreal, and that you cause the said notice to be posted up in the most central place in each of the parishes and Townships in the said county of St. Hyacinthe.

I have the honor to be, Sir,
Your obedient Servant,

(Signed,) J. LESLIE, Secretary.

JACQUES VIGER, Esquire, Chambly.

ST. HYACINTHE, 24th October, 1849.

Sir,—I have the honor to acquaint you, for the information of His Excellency the Governor General, that the Commissioners appointed to give effect to the Provincial Statute, 12 Vic. cap. 58, expect to finish their labors at their present place of sitting, in St. Hyacinthe, on Tuesday, the 13th instant, and referring to the 12th Section of the Act, they desire most respectfully to submit for the approbation of His Lordship, that their next session may be held in the Village of St. Denis, in the County of Richelieu, on Thursday, the 15th instant, for the reception of all claims for losses sustained in the County of Richelieu, and also for losses sustained in the southern portion of the County of Verchères.

I have the honor to be, Sir,
Your most obedient Servant,

(Signed,) P. H. MOORE, Chairman.

The Honorable JAMES LESLIE,
Provincial Secretary, Montreal.

SECRETARY'S OFFICE, Montreal, 26th October, 1849.

Sir,—I have the honor to acknowledge the receipt of your letter of the 24th instant, and in reply to inform you, that His Excellency the Governor General, in Council, is pleased to direct that the Commissioners appointed under the Act 12 Vic., cap. 58, (of whom you

are the Chairman), shall hold their next session for the purpose of the said Act, in the Village of St. Denis, on Thursday, the 15th proximo, for the reception of all claims for Rebellion losses sustained in the County of Richelieu, and also for losses sustained in the southern portions of the County of Verchères.

I am at the same time to convey to you His Excellency's instructions, that you should give public notice of such meeting by advertisement, to be published twice in the French and English languages, in two of the newspapers in the City of Montreal, and that you cause the said notice to be posted up in the most central place in each of the Parishes and Townships in the said County of Richelieu, and the southern portion of the county of Verchères.

I have the honor to be, Sir,

Your obedient Servant,

(Signed,)

J. LESLIE, Secretary.

The Honorable P. H. MOORE,
Chairman, Commission Rebellion Losses,
St. Hyacinthe.

ST. DENIS, 6th December, 1849.

Sir,—I have the honor to inform you, for the information of His Excellency the Governor General, that the Commissioners appointed to give effect to the Provincial Statute 12th Vic. cap. 58, expect to finish their labors at their present place of sitting in St. Denis, on Wednesday, the 2nd proximo, and referring to the 12th Section of the Act, they desire most respectfully to submit, for the approbation of His Lordship, that their next session may be held at the village of Verchères, in the County of Verchères, on Friday, the 4th *idem*, for the reception of all claims for losses sustained in the County of Verchères.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed,)

P. H. MOORE, Chairman.

Honorable JAMES LESLIE,
Provincial Secretary, Toronto.

ST. DENIS, 11th December, 1849.

Sir,—Since addressing you on the 6th instant, recommending for His Excellency the Governor General's information, that the Commissioners appointed to give effect to the Provincial Statute 12 Vic., cap. 58, might be allowed to hold their next session at the Village of Verchères, in the County of Verchères, I have now further to submit for the approbation of His Lordship, that the Village of Varennes may be substituted for that of Verchères, the Commissioners having since been informed that the latter Village does not afford accommodation for the sitting of the Board.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed,

J. VIGER, Chairman.

Honorable JAMES LESLIE,
Provincial Secretary, Toronto.

SECRETARY'S OFFICE, Toronto, 17th December, 1849.

Sir,—By command of the Governor General, I have the honor to acknowledge the receipt of your letter of the 11th instant, and in reply, to inform you that His Excellency, in Council, is pleased to direct that the Commissioners under the Act 12th Vic., cap. 58, (of whom you are the Chairman,) shall hold their next session for the purposes of the said

Act, in the Village of Varennes, in the County of Verchères, on Friday the 4th January proximo, for the reception of all claims for Rebellion losses sustained in the said County.

I am at the same time to convey to you His Excellency's instructions, that you should give public notice of such meeting by advertisement, to be published twice in the French and English languages in two of the newspapers in the City of Montreal, and that you cause the said notice to be posted up in the most central place in each of the Parishes and Townships in the said County of Verchères.

I have the honor to be, Sir,

Your obedient Servant,

(Signed,)

J. LESLIE, Secretary.

JACQUES VIGER, Esquire,
Chairman, Commission
Rebellion Losses, St. Denis.

VARENNES, 24th January, 1850.

Sir,—I have the honor to inform you, for the information of His Excellency the Governor General, that the Commissioners appointed to give effect to the Provincial Statute, 12 Vic, cap. 58, expect to finish their labours at their present place of sitting in Varennes, on Tuesday, the 12th proximo, and referring to the 12th Section of the Act, they desire most respectfully, to submit for the approbation of his Lordship, that the period of the reception of claims, under the above Section of the Act, will expire on the 1st May next, and I have been requested to submit the following proposition to His Excellency the Governor General, in order that whilst the Commission continuing its inquiries on claims already presented to former Commissioners, such claims as have not been presented or received, may not be excluded from future inquiry by default, viz :—

That the Commissioners may be permitted to hold their Sessions in the following Counties as underneath, viz :—

At Napierville, from the 14th February, to the 27th February.

At Laprairie, from the 1st March to the 13th March, for the County of Huntingdon.

At Beauharnois, from the 15th March to the 28th March, for the County of Beauharnois

At Rigaud, from the 30th March to the 3rd April, for the County of Vaudreuil.

At St. Martin, from the 5th April to the 16th March, for the Counties of Montreal and Terrebonne.

At St. Eustache, from the 18th April, for the County of two Mountains, for the reception of all claims for losses sustained in the above Counties, and for taking evidence thereon, as far as the time will permit.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed,)

P. H. MOORE, Chairman.

The Honorable JAMES LESLIE,
Provincial Secretary, Toronto.

SECRETARY'S OFFICE. Toronto, 2nd February, 1850.

Sir,—The Governor General having had under his consideration in Council your letter of the 24th ultimo, I have received His Excellency's commands to inform you in reply, as Chairman of the Commission appointed under the Act 12 Vic. cap 58, that he is pleased to approve and sanction the propositions therein submitted by the Commissioners with regard to their future proceedings under the said Act.

I am at the same time to convey to you His Excellency's instructions, that you should give public notice of the several meetings by advertisements, to be published twice in the French and English languages in two of the newspapers in the City of Montreal, and that

such notice be posted up in the most central place in each of the Parishes and Townships of the Counties mentioned in your letter.

I have the honor to be, Sir,
Your obedient Servant,

(Signed,) J. LESLIE, Secretary.

Honorable P. H. MOORE, Chairman.
Commission Rebellion Losses, Varennes.

ST. EUSTACHE, 20th July, 1850.

Sir.—I have the honor to inform you for the information of His Excellency the Governor General, that the Commissioners appointed to give effect to the Provincial Statute 12 Vic. cap. 58, expect to finish their labors at their present place of sitting in St. Eustache, on Thursday, the 15th August, and referring to the 12th Section of the Act, they desire most respectfully to submit for the approbation of His Lordship, that their next Session may be held at the Village of Vaudreuil, in the County of Vaudreuil, and after completing their labours there, to proceed to Laprairie, and thence to Napierville, in the County of Huntingdon, and afterwards to the Village of Beauharnois, in the County of Beauharnois, which will complete the examination of all claims under the Statute.

I have the honor to be, Sir,
Your most obedient Servant,

(Signed.) P. H. MOORE, Chairman.

The Honorable JAMES LESLIE,
Provincial Secretary, Toronto.

SECRETARY'S OFFICE, Toronto, 24th July, 1850.

Sir,—With reference to your letter of the 20th instant, requesting that times and places be fixed for the Sessions of the Lower Canada Rebellion Losses Commissioners after their present Session at St. Eustache, I have the honor, by command of the Governor General, to state that, in order to enable the Governor in Council more satisfactorily to comply with the request in question, the Commissioners should suggest themselves, the periods of time which ought to be allowed to them for their Sessions in the several places mentioned in your letter respectively.

I have the honor to be, Sir,
Your obedient Servant,

(Signed) J. LESLIE, Secretary.

Honorable P. H. MOORE, Chairman,
Commission Rebellion Losses, St. Eustache.

ST. EUSTACHE, 26th July, 1850.

Sir,—I have the honor to acknowledge receipt of your letter of the 24th instant, and in reply beg to state for the information of His Excellency the Governor General, that it is impossible for the Commissioners to name the exact date and time that will be required for the investigation of claims at the different places mentioned in my letter of the 20th instant.

I beg therefore simply to submit, for the approbation of His Lordship, that the Commissioners may be permitted to hold their next session at the Village of Vaudreuil, in the County of Vaudreuil, on Saturday, the 17th August, for the purpose of investigating all claims for losses sustained in that County.

I have the honor to be, Sir,
Your most obedient Servant,

(Signed.) P. H. MOORE, Chairman.

Honorable JAMES LESLIE,
Provincial Secretary, Toronto.

SECRETARY'S OFFICE, Toronto, 2nd August, 1850.

Sir,—With reference to your letter of the 26th ultimo, I have the honor to inform you that His Excellency the Governor General, in Council, is pleased to direct that the Commissioners appointed under the Act 12 Vic., cap. 58, shall hold their next session in the Village of Vaudreuil, on Saturday, the 17th August instant, for the reception of all claims for Rebellion losses sustained in the County of Vaudreuil.

I am at the same time to instruct you to give public notice of such meeting by advertisement, to be published twice in the French and English languages, in two of the newspapers in the City of Montreal, and that the said notice be posted up in the most central place in each of the Parishes and Townships in the said county of Vaudreuil.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed,)

J. LESLIE, Secretary.

Honorable P. H. MOORE, St. Eustache.

ST. EUSTACHE, 15th August, 1850.

Sir,—We have given notice that we shall be at Vaudreuil on Saturday, for the examination of all claims in that County, but not knowing whether the Statute under which we act, was contained in the Act for the renewal of expiring laws, we are doubtful whether we ought to fix causes for hearing beyond the 1st September; certainly not, if it is the intention of the Government that our functions shall terminate on that day.

Will you oblige me by letting me know the determination of Government on this subject. I do not ask this out of idle curiosity, but only that we may not expose parties to expense and disappointment, in attending with their witnesses, without a prospect of being heard. We shall, of course, make a Report, with as many judgments as the time will permit us to render by the 1st September, but considering the array of claimants exhibited in our Report for the House of Assembly, we shall be compelled to leave the greater portion unheard and unjudged.

I am, &c.,

(Signed,)

JNO. SIMPSON.

Honorable JAMES LESLIE,
Provincial Secretary, Toronto.

ST. EUSTACHE, 16th August, 1850.

Sir,—I don't know whether my note of last night conveyed the sense I intended. I meant to say, with respect to Judgments, that we would render as many as we could by the 1st September, if desired by the Government. Excuse me for again troubling you.

I am, &c.,

(Signed,)

JNO. SIMPSON.

Honorable JAMES LESLIE,
Provincial Secretary, Toronto.

SECRETARY'S OFFICE, Toronto, 20th August, 1850.

Sir,—In reply to a letter received from Mr. Simpson, one of your colleagues, referring to the period fixed by law for making your Report, I beg to inform you that no action was taken by the Legislature, in its last Session, with a view to extend the operation of the Statute under which you act.

I have therefore to suggest, that inasmuch as the words of the Statute which have reference to your Report, are merely directory, the short period preceding the 1st of Septem-

ber should be devoted by the Commissioners exclusively to the investigation of claims, leaving their Report to be completed after that date, if it cannot be made up before.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed,) E. PARENT, Assistant Secretary.

Honorable P. H. MOORE, Chairman,
Commission Rebellion Losses, Vaudreuil.

VAUDREUIL, 21st August, 1850.

Sir,—I have the honor to inform you, for the information of His Excellency the Governor General, that the Commissioners appointed to give effect to the Provincial Statute, 12 Vic. cap. 58, expect to finish their labors at their present place of sitting in Vaudreuil, on Saturday, the 31st instant, and referring to the 12th Section of the Act, they desire most respectfully to submit for the approbation of His Lordship, that their next Session may be held at the Village of Laprairie, in the County of Huntingdon, on Tuesday, the 2nd proximo, for the purpose of investigating all claims for losses sustained in that part of the County of Huntingdon.

I have the honor to be, Sir,

Your most obedient servant,

(Signed,) P. H. MOORE, Chairman.

The Honorable JAMES LESLIE,
Provincial Secretary, Toronto.

SECRETARY'S OFFICE, Toronto, 23rd August, 1850.

Sir,—With reference to your letter of the 21st instant, I have merely to refer you to my letter of the 20th instant, to you, informing you that the Act under which you were acting was not continued during the last Session, and that consequently the powers of the Commissioners expire on the 31st instant.

I have the honor to be, Sir,

Your obedient Servant,

(Signed,) J. LESLIE, Secretary.

Honorable P. H. MOORE, Chairman,
Commission Rebellion Losses, Vaudreuil.

VAUDREUIL, 1st September, 1850.

Sir,—The accompanying Report of the Commissioners, appointed under the Act 12 Vic. cap. 56, will explain the general results of their labors.

The time fixed by law for the duties devolving on the Commission, has been found altogether insufficient for its performance and accomplishment.

Notwithstanding the efforts of the Commission and their desire to meet the views of the Government, by bringing their labors to a close within the time specified by the Act, my opinion is, that it would require eight or nine months of constant application still to complete and perfect the duties assigned them.

The applicants for indemnity of the 371 claims, still to be heard in the several Counties, where the Commissioners have held and closed their sittings as mentioned in the Report, it is to be presumed but few of them will persist in having them investigated, as they are generally of such a nature as not to justify their doing so, and undoubtedly several of the claimants in the Counties of Huntingdon and Beauharnois, that are still to be heard, will likewise abandon their accounts filed for losses, which will explain that more than half of the labors of the Commission has been performed.

I desire to state for your further information, that the aggregate sum mentioned in the report as claimed under the Act, after investigation, would be greatly reduced; some of the claims, on examination, have been found not admissible under the law, and others, I may say the most of them, are much over estimated.

I am, Sir, yours, &c.

(Signed) P. H. MOORE.

The Honorable JAMES LESLIE,
Provincial Secretary, Toronto.

To His Excellency the Right Honorable JAMES, EARL OF ELGIN AND KINCARDINE, Knight of the Most Ancient and Most Noble Order of the Thistle, Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c., &c., &c.

The Commissioners appointed under the Act of the Provincial Parliament, 12 Vic. cap. 58, beg leave most respectfully to submit the following Report:—

May it please Your Excellency :

The Commissioners received their appointment under the Great Seal of the Province, empowering them faithfully and without partiality, to inquire into, and to ascertain the amount of the losses mentioned in the preamble to the said Act, as those for which compensation ought to be made, and to report the same as in the said Act provided; accompanied by the Honorable the Provincial Secretary's letter of Instructions, acquainting them with the views in which the Act of the 12 Vic. cap. 58 originated, and according to which it ought, in the opinion of Your Excellency, to be carried into effect.

After procuring all the papers and records connected with the Commission, and having determined upon the mode of conducting it, they reported to the Honorable the Provincial Secretary, that they were ready to enter upon the active duties of their office, by the receipt and examination of the claims of all those who were entitled to indemnity under the Act.

By Your Excellency's command, the Commissioners were directed to hold their first sitting at Clarenceville, in the County of Rouville, for the County of Missisquoi and the upper part of the County of Rouville, on the 31st July, 1849—next at Pointe Olivier, for all claims in the County of Rouville, not preferred at Clarenceville, on the 15th August; at Chambly, in the County of Chambly, on the 15th September; at St. Hyacinthe, in the County of St. Hyacinthe, on the 16th October; at St. Denis, in the County of Richelieu, on the 17th November; and at Varennes, in the County of Verchères, on the 4th January, 1850.

The adoption of a different course now became necessary; the Commissioners could no longer continue to examine the claims of the several Counties in which their sittings might be held.

The 12th Section of the Act limited the reception of claims to the 1st May, 1850; it therefore became manifest that if they confined their attention to the reception and examination of all the claims of each County they should commence their sittings in, they would exclude the majority of claimants, by the lapse of time; to avoid this result, by Your Lordship's commands, the Commissioners divided the time between the 14th February and the 1st May at Napierville, Laprairie, Beauharnois, Vaudreuil, St. Martin, and St. Eustache, for the reception of claims in the six Counties of Huntingdon, Beauharnois, Vaudreuil, Montreal, Terrebonne, and Two Mountains, where 2190 claims were presented.

The Commissioners continued the examination of claims at St. Eustache until they concluded there on the 15th August; and on the 17th of the same month they commenced their sittings at Vaudreuil, where they have investigated the claims of every one presented for examination.

The number of claims received in all is 2650, amounting to £205,896 13s. 10d. The number investigated 970, claiming £101,515 13s. 4d., leaving the number of 1680 uninvestigated, amounting to £104,381 0s. 6d.; 1309 of the latter are in the Counties of Beauharnois and Huntingdon, and 371 remain unheard in the several Counties passed through.

Notwithstanding the desire of the Commissioners to enable Your Excellency to redeem the pledge to those claiming under the Act (many at considerable expense and all with loss of time) they early foresaw, that with the strict scrutiny absolutely necessary to prevent imposition in the charges for pillage not suffered, for property damaged, but not destroyed, with the over-valuation for property really damaged, pillaged or destroyed, that it would be impossible to do so, within the period allowed them, without sacrificing claims for actual and *bonâ fide* losses too aggravated, or pretended ones.

The Commissioners of Indemnity, in virtue of an Ordinance of the Special Council, 1st Vic., cap. 7, commenced their inquiry on the 23rd July, 1838, and continued till the 9th May, 1840, in which time they rendered 417 Judgments. With such a precedent so applicable to similar duties, the Commissioners unfeignedly regret that a like period had not been awarded to them which they confidently believe would be sufficient to close their inquiry.

They beg to be permitted to observe, however, that although the Statute came into force on the 25th April, and that sixteen months was the real time granted by the Legislature, yet their action under it only commenced on the 31st of July, losing thus three months out of the sixteen, and that the months of February, March and April, were consumed in the different Counties in the reception of claims, but in the investigation of very few of them; leaving the Commissioners ten months only for their effective labours, in the examination and adjudication of 2650 claims, every item, even to the simplest article of *ménage* elaborately detailed, each separately valued, and all to be proved under the oath of a claimant, "corroborated in all important particulars, by indifferent and unsuspected witnesses" in conformity with the 13th Section of the Act, an additional number being frequently necessary to establish the actual possession of property claimed as lost, or the real value of the loss itself.

The time for the investigation and adjudication of claims having now expired, the Commissioners respectfully await Your Excellency's commands.

All which is respectfully submitted.

(Signed,)

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P. H. MOORE,
Js. VIGER,
JOHN SIMPSON,
W. C. HANSON,
OVIDE LEBLANC.

Vaudreuil, 1st September, 1850.

SECRETARY'S OFFICE, Toronto, 30th September, 1850.

Gentlemen,—His Excellency the Governor General has had under consideration your Report of 1st September last, in which after giving a general outline of the manner in which you have proceeded, you conclude by saying; that the time for investigation and adjudication of claims being expired, you await His Excellency's commands. And I am commanded by His Excellency to say, that your not having concluded the investigation and adjudication of the claims submitted to you, is a source of much regret to His Excellency, not only from the disappointment it must necessarily occasion to the individuals, beneficially interested in them, but from the difficulty of determining upon the course best adapted under these circumstances, to give effect to the wishes of the Legislature for an early and final adjustment and disposal of their claims.

Upon the whole, however, after the best consideration which His Excellency has been able to give the subject, it appears to him that the course most likely to meet with the approval of Parliament will be that, of your proceeding with the investigation and adjudication of such claims as were duly presented within the time limited by the Act of Parliament for that purpose, till the whole are disposed of, as if the time fixed for this latter purpose had not expired, leaving it to Parliament to confirm your proceedings if they shall think fit to do so.

It will, of course, however, be necessary that in doing this you should bear in mind that you are no longer clothed with the compulsory powers conferred upon you by the Legislature, and in proceeding with the investigation, you must govern yourselves accordingly.

His Excellency trusts also, that every exertion will be made to complete the proceedings of the Commission at as early a day as possible.

I have the honor to be, Gentlemen,

Your obedient Servant,

(Signed,) J. LESLIE, Secretary.

To the Commissioners

under the Act 12th Vic. cap. 58.

SECRETARY'S OFFICE, Toronto, 27th January, 1851.

Gentlemen,—I have the honor, by command of the Governor General, to request that you will Report to me, for His Excellency's information, the progress which you have made in your labours since resuming them, under the instructions conveyed to you by my letter of 30th September last, also that you will inform me at what time you are likely to terminate the same.

I have, &c.

(Signed,) J. LESLIE, Secretary.

To the Commissioners

under the Act 12th Vic. cap. 58.

NAPIERVILLE, 5th February, 1851.

Sir,—I have the honor to acknowledge the receipt, this day, of your letter of the 27th ult. in which you desire the Commissioners to report to you, for the information of His Excellency the Governor General, the progress made since the resumption of their duties under the authority of your letter of the 30th September last, as well as the period likely to terminate them.

Your letter of the 30th September was not received until the 6th October, and after the necessary notice was published for the County of Huntingdon, the Commissioners commenced their inquiries at Laprairie, on the 16th October, continued there until the 26th November, and from thence to this place.

Since the 16th October the Commissioners have investigated 495 claims, making in all 1465 claims heard to this date.

The Commissioners expect to close their sittings here on the 28th instant, and thence move to Beauharnois, to conclude the examination of claims, after which they will proceed to their adjudication and make their final Report.

In conclusion, the Commissioners beg leave most respectfully to state their anxious desire to meet the wishes of His Excellency, in bringing their labors to a close as soon as possible, and are prosecuting their investigation with all the facility in their power, consistent with the faithful performance of their duties, and trust they will be enabled to complete their labors and make their final Report during the month of August next.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed,) P. H. MOORE.

The Honorable JAMES LESLIE,

Provincial Secretary, Toronto.

SECRETARY'S OFFICE, Toronto, 12th April, 1851.

Sir,—Having taken into serious consideration the length of time which the Commission of Indemnity have been sitting, and impressed with a necessity of bringing its labors to a close with the least possible delay, His Excellency the Governor General, has commanded me to inform you, that the Commissioners are required :—

1st. To proceed immediately, on receipt of the Commission, to the decision of all claims investigated, which have not yet been adjudicated upon.

2nd. To forward to this office, by Mail, every Monday following the receipt of this letter, a Report of the cases decided upon during the preceding week, distinguishing the claims investigated before the 1st September last, from those inquired into since that date. The first Report to include all cases decided up to its date, and to be accompanied by a separate statement, showing the number of claims investigated and the number to be investigated, and specifying the amount claimed in each class respectively.

3rd. To continue simultaneously the investigation of the claims not yet proved. The evidence necessary for your inquiry may be taken by the Secretary and the assistants, which you are hereafter authorized to provide him with, under the superintendence of one or more of the Commissioners as occasion may require.

4th. To employ, at a moderate rate of remuneration, additional writers for the purpose of recording the decisions pronounced, assisting the Secretary in taking evidence, and making out or copying the Reports.

I am further commanded to say that His Excellency trusts the Commissioners will not fail to make their final Report within a very short period of time.

I have the honor to be, Sir,
Your obedient Servant,

(Signed,) J. LESLIE, Secretary.

To the Honorable P. H. MOORE,
Rebellion Losses Commissioner,
Beauharnois.

BEAUHARNOIS, 28th April, 1851.

Sir,—The convicted and exiled to Bermuda being specially excluded from all benefit under the Indemnity Act, 12 Vic., cap. 58, doubts have arisen in the minds of some of the Commissioners, as to the legal interpretation of it, viz: whether this exclusion be the absolute nullification of all claims on the part of these two classes, direct, collateral, or by descent, or a denial of benefit only, leaving to "their *bonâ fide* creditors, or assigns, or *ayants droit*" their rights to claim, or recover under them.

I beg therefore, most respectfully, to submit these doubts for the information of His Lordship the Governor General, in order that we may have the counsel of the Crown Law Officers, as to the right of *bonâ fide* creditors to claim for privileged or unprivileged debts, as well as wives and widows for their rights.

I have the honor to be, Sir,
Your most obedient Servant,

(Signed,) P. H. MOORE, Chairman.

Honorable JAMES LESLIE,
Provincial Secretary.

SECRETARY'S OFFICE, Toronto, 8th May, 1851.

Sir,—Referring to your letter of the 28th ultimo, I have the honor, by command of the Governor General, to enclose to you, for the information of the Commissioners under the Act 12 Vic., cap. 58, the accompanying copy of the Report of the Solicitor General for Lower Canada, on the subject to which it relates.

I have the honor to be, Sir,
Your most obedient Servant,

(Signed,) J. LESLIE, Secretary.

Honorable P. H. MOORE,
Beauharnois.

CROWN LAW OFFICE,

Toronto, 7th May, 1851.

With reference to the letter addressed to the Provincial Secretary, by the Commissioners appointed for the purpose of inquiring into and ascertaining the amount of the losses for which compensation ought to be made under the 12 Vic. cap. 58, the undersigned begs respectfully to report as follows:—

In providing means to indemnify such of the inhabitants of Lower Canada, as had sustained loss during the Rebellion of 1837 and 1838, from the “total or partial, unjust, unnecessary or wanton destruction” of their buildings, and from the “seizure, taking or carrying away” of their property and effects, the Legislature thought proper to exclude from the beneficial operation of the Act, passed for that purpose (12 Vic. cap. 58,) two particular classes of persons, designated in the Proviso, which is found embodied in the 1st Section of that Statute, as follows:—“Provided that none of the persons who have been convicted of “High Treason alleged to have been committed in that part of this Province, formerly the “Province of Lower Canada, since the 1st day of November, 1837, or who having been “charged with high treason or other offences of a treasonable nature, and having been com- “mitted to the custody of the Sheriff, in the gaol of Montreal, submitted themselves to the “will and pleasure of Her Majesty, and were thereupon transported to Her Majesty’s Is- “lands of Bermuda, shall be entitled to any indemnity for losses sustained during or after “the said Rebellion, or in consequence thereof.”

The only persons excluded by this Proviso, were those who had been condemned to death, upon conviction of high treason, before the Court Martial, which sat at Montreal in the years 1838–9, and those who were, as mentioned in the above cited Proviso, transported to Bermuda.

These two classes of persons should be considered separately, in order to determine the various questions which may arise out of claims preferred before the Commissioners, by third parties claiming under or through them, either directly or indirectly.

With regard to the first class, namely: those against whom sentences were pronounced by the Courts Martial, it must be remembered that by the Ordinance, 2 Vic., (2) cap. 7, it was enacted, that “all such sentences shall have the effect of an attainder or attainders of “the person or persons upon and against whom such sentences or judgments shall be made, “given and passed, to all intents and purposes whatsoever in the law; and that the lands “tenements, hereditaments, credits, rights, goods, chattels and all other things personal and “real of all and every such person or persons so sentenced or adjudged, shall be and re- “main forfeited to the Queen’s Majesty, Her heirs and successors for ever, without preju- “dice, however, to the rights of the *bonâ fide* creditors of such persons so sentenced or “adjudged to suffer the said pain of death, for all dues, charges and incumbrances existing “prior to the commission of the offence for which such sentence or indictment (meaning “judgment) shall have been made, given or passed.”

This enactment clearly reserved a recourse to the creditors upon the property of the condemned, but left the rights of their wives and children to be regulated by the law of attainder as existing in the code of ancient France, to which alone recourse can be had in Lower Canada, for the solution of questions involving rights of property, not determined by Provincial enactments, whether such questions arise between private individuals, or between the Sovereign or any of Her subjects.

The matrimonial community existing between such of the persons condemned, who were married under the communal system, being dissolved by the attainder and civil death of the husband, the share of the latter in the community, (together with his own estate, *ses propres*) was alone confiscated. For although in very early times the forfeiture arising out of the treason and felony of the husband, extended over all the property belonging to the matrimonial community, the rule laid down in the *Coûtume d’Auxerre* in the following words, “*l’homme marié confisque pour son crime son héritage propre, et la moitié des meub- “bles et conquêtes seulement; l’autre moitié des dits meubles et conquêtes demeurant à la “femme avec son héritage propre, et douaire,*” had become the general law of France, even so far back as Dumoulin’s time.

But by reason of special pardons granted to all those persons before the indemnity Bill was passed, as well as by the operation of the general Act of Amnesty, (12 Vic., cap. 13)

they were restored to the enjoyment of all their civil rights, and re-invested in all their estates except such as had been seized and sold to third parties under lawful authority.

In the absence of all positive information, we may presume that none of the persons belonging to the class now under special consideration, have preferred claims before the Commissioners, and that the questions proposed by those gentlemen have arisen out of claims preferred, either by the creditors of the condemned, by the widows or by the children of those amongst them who have died since sentence was pronounced upon them.

As to the claims preferred by creditors, a distinction should be drawn between those who held mortgages upon property destroyed or so injured as to be rendered unavailable for the satisfaction of the debt charged upon it, and the chirographary creditors. The former, as mortgage creditors, claiming by preference upon the reality, are entitled to indemnity in all cases to the extent to which their mortgage security may have been impaired by the destruction or injury of the property of their debtor, and for any balance which may remain due, they will fall into the same category as chirographary creditors. The latter should be indemnified only in cases where it appears that in consequence of the losses sustained by the debtor, the creditor has been deprived of means through which he could otherwise have obtained payment, and that the creditor has lost all legal recourse, or that the debtor has no means left wherewith to satisfy his debt. It is clear that the intention of the Legislature would be violated in so far as it had in view the indemnification of all innocent persons, if creditors deprived of their recourse, or of the means upon which they depended for payment by the destruction of their debtor's property, were denied the benefits of the Act, while on the other hand, the excluding clause might be avoided by the admission of all creditors indiscriminately.

The widows of those amongst the condemned who have died since their attainder, are like all other mortgage creditors, entitled to be indemnified to the extent to which their dower and such other matrimonial rights, as do not form part of the common property, *biens communs*, have been impaired by the destruction or injury of the property upon which those rights were secured. But they are not entitled to claim indemnity for any diminution which their community, *communauté de biens* may have sustained. For so long as the community subsisted, the husband was sole master of it, and had full power to dispose of it, even to waste it. The loss which any such community sustained during the Rebellion, must have occurred before its dissolution, which took place upon sentence being pronounced against the husband, and therefore the share accruing to the wife or to the children as her representatives, consisted merely of the half of such portion of the common property as was still in existence at that time.

And with regard to the children, those alone who claim through a deceased mother, as heirs to her dower and other matrimonial rights, can be entitled to indemnity, such indemnity being limited to the same extent as it would have been had the same rights been claimed by the mother, they can pretend to no species of indemnity under this Act, as their father's heirs.

It is deemed unnecessary to make any observation upon such claims as may have been presented by the wives or the children of any of those persons under the erroneous impression, that the attainder and civil death which followed the Court Martial sentences, had for ever dissolved the matrimonial community between the condemned and their wives. Enough has been already said to shew that long before the Act of Indemnity was passed, all those persons had been restored to the exercise of all their civil rights, and that as a necessary consequence they became re-invested with all the property which at the time of their attainder may have been taken, either by their children, as their heirs, or by their wives, for their share in the community, or for such other matrimonial rights as the latter may have been entitled to.

Having thus defined the extent to which the creditors, wives, and children of the persons against whom Court Martial sentences were pronounced, may be allowed to benefit by the Act under consideration, it will suffice to add, that for all the practical purposes of the Commission, the creditors, widows and children of the Bermudian exiles occupy precisely the same position as those of the former class, the undersigned, before expressing an opinion equally applicable to both classes, having deemed it expedient to draw a line of distinction between them, solely for the purpose of removing the difficulties which the attain-

der and subsequent pardon of the condemned were likely to give rise to in the decision of claims connected with them.

Finally, it appears to the undersigned, that the rule which the Commissioners should observe in deciding upon all such claims as this, that all *bonâ fide* creditors (including in cases such as above mentioned, the wives and children) of the parties excluded by the above recited proviso are entitled to be indemnified, but only to that extent to which the securities they might have otherwise relied on, have been impaired by the loss or destruction of the property of their debtors during the Rebellions of 1837-8.

(Signed,) LEWIS T. DRUMMOND,
Solicitor General, L. C.

COMMISSIONERS' OFFICE,
Beauharnois, 27th May, 1851.

Sir,—I am directed by the Commissioners to inform you, for the information of His Excellency the Governor General, that deeming it important to their inquiry to ascertain the object for which Her Majesty's troops were sent to St. Denis, on the 23rd November, 1837, as well as the circumstances which induced their return to that place on the 2nd December, they called before them P. E. LeClerc, Esquire, who accompanied them in the first instance, to afford them such information as might be in his power in relation to that advance and return. Mr. LeClerc was asked the following questions:—"In what capacity he accompanied the forces to St. Denis?" and replied, "In the capacity of Superintendent of Police, as well as Police Magistrate."

Q. Can you give the Commission any information as to the names of the principal leaders or actors of mark in the Rebellion?

A. Possibly I may be able, by referring to official documents which I have, or believe I have in my possession at home.

Q. Will you give the Commission the benefit of this information?

A. Yes, if His Excellency the Governor General see fit to order, or to authorize me to do so. I mean such papers as may be in my possession in my capacity of Superintendent of Police and Police Magistrate.

Such information being, in the opinion of the Commission, necessary for the proper adjudication of some claims, and the expiration of the Act taking from them the power, under the 13th Section, to compel the attendance of witnesses with papers, documents, &c., I am directed to request that His Excellency will be pleased to authorize Mr. LeClerc freely and without reserve, to give such information as may be deemed requisite relative to the conduct of persons claiming indemnity, in order that those only who are justly entitled, may receive it.

I have the honor to be, Sir,
Your most obedient, Servant,

(Signed,) W. NEWHOUSE, Clerk.

The Honorable JAMES LESLIE,
Provincial Secretary Toronto.

SECRETARY'S OFFICE, Toronto, 23rd June, 1851.

Sir,—I have the honor to acknowledge the receipt of your communication of the 27th ultimo, informing me that you have been directed by the Commissioners to request that His Excellency the Governor General would be pleased to authorize P. E. LeClerc, Esquire, to give the Commissioners such information as they might deem requisite in relation to the conduct of persons claiming indemnity, and to communicate to them certain official documents which came into that gentleman's possession while acting as superintendent of Police and Police Magistrate.

In reply, I am commanded to inform the Commissioners through you, that His Excellency does not consider himself empowered to convey to Mr. LeClerc, any order relative

to any information which that gentleman may have obtained during the exercise of an office, under the Provincial Government, which he has long since ceased to hold. But I am commanded at the same time to add, that His Excellency has no objection to Mr. Le Clerc's communicating any documents or information which the Commissioners might have legally procured by compulsory measures, if still clothed with the powers conferred upon them by the Act under which they were originally appointed.

I have the honor to be, Sir,
Your obedient Servant,

(Signed,) J. LESLIE, Secretary.

WILLIAM NEWHOUSE, Esquire. Secretary,
Rebellion Losses Commission, Beauharnois.

COMMISSIONERS' OFFICE,
Beauharnois, 31st October, 1851.

Sir,—I am instructed by the Commissioners appointed under the Provincial Statute, 12 Vic., cap. 58, to transmit for the information of His Excellency the Governor General, a statement of all claims remaining uninvestigated, that were filed before them, previous to the 1st May, 1850, in conformity with the Statute, shewing 492 claims, amounting to £22,215 7s. 4d., the claimants for this amount have all had days appointed for the investigation of their separate claims, but have failed as yet to appear.

And as the Commissioners are now about closing their adjudication on all claims that have been investigated by them, they beg therefore most respectfully to be informed by His Excellency, what further action he deems expedient they should take on the above mentioned uninvestigated claims, or on any other matters relative to the performance of their duties as Commissioners.

I have the honor to be, Sir,
Your most obedient Servant,

(Signed,) WILLIAM NEWHOUSE, Clerk.

Honorable A. N. MORIN,
Provincial Secretary, Quebec.

SECRETARY'S OFFICE,
Quebec, 20th November, 1851.

Sir,—I have the honor to acknowledge the receipt of your letter of the 31st October last, transmitting a statement of all claims remaining uninvestigated, that were filed before 1st May, 1850, and inquiring what further action His Excellency the Governor General may deem it expedient the Commissioners appointed under the 12th Vic., cap. 58, should take with reference to those claimants who have had days appointed for the investigation of their separate claims, but have failed as yet to appear, and in reply, beg to say, that in view of the necessity of bringing the labors of the Commission to a speedy determination, His Excellency commands me to direct the issuing of circular letters, informing the persons referred to in your communication, that unless they adduce evidence in support of their claims, on or before such day as the Commissioners may think proper to appoint in the course of the ensuing month of December, they shall be debarred from all further opportunity of so doing.

His Excellency further directs that public notice to the like effect, be given in at least one English and one French newspaper published in the District of Montreal.

Adverting to the concluding sentence of your letter, I am commanded to say, that His Excellency refers the Commissioners to the Act under which they were originally appointed, and to the instructions given to them subsequently for their guidance as to any further

action which they may consider themselves bound to adopt in the performance of their duties.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed,)

A. N. MORIN, Secretary.

WILLIAM NEWHOUSE, Esquire,

Clerk to the Rebellion Losses Commissioners,
Beauharnois.

Letters from Ovide LeBlanc, Esquire, to the Provincial Secretary, dated
1st June, 1851, and 19th January, 1852.

(Translation.)

BEAUHARNOIS, 18th June, 1851.

Sir,—In spite of urgent private business and other interrupting causes, I have prepared a long written document in order, as I had the honor to promise you, to explain my reasons for not signing the Report, which was forwarded to you by the Rebellion Losses Commissioners on the 23rd May; but, on reflection, I have concluded not to transmit to you this almost voluminous document which, properly speaking, is a complete refutation of the Report in question, in all its essential bearings, and not a simple refutation of that document, sufficient to make known the reasons promised. I have arrived at this determination, because, being under the impression that a refutation would be necessary, I found on maturer consideration, that the Report carries sufficient refutation within itself, if the principle of the present law of indemnity be at all understood, and the specious and fallacious arguments which are adduced to prove that this law is not what it really is, but what it was intended to be, that is to say another Ordinance of 1st Vic., cap. 7, be at all taken into consideration. Without entering into these arguments, I would, however, observe that they are based on false or suppositious facts, and militate against real ones. The proof of my assertion, if proof by individual facts and arguments be necessary, would carry me far from my point; but I shall, nevertheless, prove their truth by the results. The Report, to show that more proscriptions were necessary than the letter of the law demanded, on account of disaffection, and not merely on account of losses maliciously, unjustly, and uselessly caused, states, amongst other things, that the Commission of 1845 and 1846, in consideration of these proscriptions, reduced the two hundred and odd thousand pounds, the amount of the damages then claimed, to £90,000, doubtless supposing that these proscriptions would reduce the damages of the parties not proscribed, to somewhat less than the half of the two hundred and odd thousand pounds. The proscriptions, however, made under the Act, do not only reduce the damages to somewhat less than half, but absolutely to little more than two-thirds, as appears by the returns which have been made to you. The excess of this reduction plainly demonstrates, that more parties were excluded than those comprising the majority of the present Commission (who were members of the Commission of 1845) had foreseen. So far was this excessive number of exclusions from being contemplated by the Commission of 1845, that we see on the contrary, by their Report, that the only distinction made with reference to exclusion, was that of the parties condemned from the parties who were not condemned as expressed by the letter dated 12th February, 1846, addressed by the Honorable Mr. Daly to that Commission, under Lord Metcalfe's administration. In order further to demonstrate the fact that the Commission of 1845 were well aware that no great number of exclusions was intended on account of disaffection, it is stated in their Report that their instructions were of a more general and less restricted character than the tenor of the Ordinance above mentioned. I conceive that I have now proved that the authors of the Report which has been forwarded to you, have argued upon supposed facts in the face of actual facts, with the intention, I fear, of making the principle of the Indemnity Act appear the same as that of the Ordinance, in order, it would appear,

to find authority to exclude as many parties as possible. What tends more to confirm me in my opinion that they have designedly made use of arguments, based upon false premises, to entitle themselves to the right of making more exclusions than were permitted by law, is the care that they have taken to cite in support of their pretensions, only the very small part which, in ordinary language only would appear conformable thereto, but certainly not in legal phraseology, as I had the honor to demonstrate with regard to similar language last year in a letter which was, I believe, communicated to several members of the administration; whilst they have altogether omitted the great deal, if I may so express myself, which is contrary to these pretensions and favorable to the intention of the Act, an intention which, moreover, is so clearly apparent in the terms of this Act. As specimens of quotations of words favorable, and omissions of things unfavorable to the purposes of its authors, the Report declares, that the Commissioners of 1845 were appointed "to institute inquiry into the losses sustained by Her Majesty's loyal subjects," and entirely omits to mention the letter of the 12th February, 1846, which so completely modifies the meaning of the words above recited. I could cite many other examples in support of the assertion I have made above, but for the sake of brevity, I will abstain from so doing.

To condemn parties on *ex parte* testimony is a proceeding too repugnant to the spirit of justice not to merit reproof. I have, therefore, not only disapproved of the Report on account of the pretensions asserted in this respect, and of the unfavorable decisions rendered on testimony of this nature, but I moreover opposed these pretensions when the proposition was first mooted to summon witnesses to be heard *ex parte*, an opposition for which I have given substantial grounds, and of which I have the honor to transmit to you a copy—an opposition, moreover, which I have renewed whenever a desire was expressed to examine any of the witnesses who appeared in obedience to the summons above mentioned. I say nothing with respect to the modifications of these pretensions made (in consequence of the opposition made in relation thereto,) when it was proposed that parties implicated should be summoned when necessary or practicable, because these modifications do not signify much when one is to be the judge of that necessity, or practicability, supposing there could have been cases in which there were no necessity.

In so far as the Report pretends to give the opinions of the minority (and more especially my opinions, when I alone constitute that minority,) in opposition to those of the majority, I would merely state that they are not given very correctly, without entering into the various inadequate or erroneous statements. The opinions expressed with regard to myself are generally so well understood, I think, by several members of the Administration, through the letter which I mentioned before, that it is unnecessary here to correct the Report in this respect. I bring my remarks on this document to a conclusion by observing, that the majority of the Commissioners, acting in accordance with the principles therein enunciated, and on some occasions without any fixed principle whatsoever, will necessarily commit acts of injustice, which, when fully known and felt, will result in general feelings of discontent.

In stating that the Commission acted on various occasions without any fixed principle, I do not think I am mistaken: I conceive that the truth of my assertion will be acknowledged by all who read (amongst other papers) my protest, which has been transmitted to you, against the decision given in the case of J. B. Mailet (No. 346) and a like protest with respect to the indemnity allowed to the Fabrique of St. Eustache, which I think will be transmitted to you at an early date.

Returning to the acts of injustice, I fear they will be found so much the more glaring as they will result, as far as principles are concerned, in some instances from too close an observance, in others from a disregard of the principles of the majority, which are those of the Ordinance above cited. Whilst these principles were adhered to, questions relative to their conduct during the Rebellion were put to 800 or 900, perhaps 1000 claimants, and to their witnesses generally; although, in nearly every case, it had been clearly proved that the pillage and destruction were in no way the results of their conduct. When the Commissioners ceased to adhere to the principles in question, about I should say 1000 or 1100 claimants proved their losses, and the malice, injustice, and uselessness thereof, without undergoing the same examination; in consequence, allow me to remark, of my unceasing opposition to that proceeding, and also because the claimants in many cases would no longer submit to the outrageous and illegal inquisition exercised by the Commissioners. After this cessation of the trials, I ventured to hope that they would not dare to take advantage

of those to which 800 or 1000 claimants had been subjected, in order to the exclusion of those among them who might have compromised themselves, on seeing that they could not exclude any one of the 1000 or 1100 claimants whose conduct had not been called in question, and who were therefore, in the eyes of the Commissioners, not implicated, although many of these last also would have been compromised had they been subjected to an examination. I have, however, to state, that greatly to my astonishment and regret I was deceived in my expectations. On observing this proceeding of the Commissioners, I represented to them the odium and the injustice resulting therefrom, both by speaking to them on the subject, and by my protest (which has been transmitted to you) recorded against the exclusion of Jean Baptiste Tétreau, claim No. 72. Indeed, I am of opinion that it was from the fact of the Commissioners having felt the weight of these strictures that they determined to summon witnesses, as I have hereinbefore had the honor to mention, to give evidence against the claimants in general, but more particularly against those who had undergone no examination, in order to establish a sort of equilibrium or equality, and thereby absolve themselves from all blame, which these defective proceedings might cast upon them. If the Commission cannot, as they should not, hear *ex parte* evidence with respect to claimants whom they have not subjected to examination, it may easily be understood what a great measure of injustice will be committed between the two great classes of claimants, viz: those who were subjected to examination with respect to their conduct, and those who were not.

Other acts of injustice there will be, on a large scale, as I shall be able to prove. Although the majority of the members, of whom mention has been made, did not, when they formed part of the Commission of 1845, strike out a single uncondemned claimant because he had been rejected for disloyalty by the Commissioners under the Ordinance aforesaid, having conformed in that respect to the letter of February, 1846; although the same individuals, forming a majority of the present Commissioners, have not refused to receive proofs of the losses of all those claimants who were rejected by the first Commissioners and not by the present law; yet that same majority, after having decided favorably on the claims of eight persons excluded by the first Commission, have discovered that it was also their duty to exclude those who had been excluded by the first Commissioners; basing this proceeding upon the construction now given to the instructions not now in force with reference to the present Commission, and which that majority neglected to follow out on the Commission of 1845, if at that time these instructions had indeed reference to the parties excluded by the former Commission on account of disaffection, which in the opinion of that Commission they had not, as is shewn by their acknowledgment of the more general and less restricted character of these very instructions and by their refraining to exclude the uncondemned parties who had been excluded by the former Commission.

In consequence of this new discovery, permit me to make use of the expression, the amount of indemnification accorded to these eight persons was disallowed, as you will observe by my dissent in reference thereto (Eugene Talham and others) which has been transmitted to you; and indemnification has been refused to every claimant in the same position, a refusal which will probably be continued on the same grounds. The majority in question find it impossible to comprehend that by rejecting the claims of all those who were excluded by the first Commission, they will commit a flagrant act of injustice towards them, not only from the fact of their not being authorized to reject them, but also because among the claimants now before the present Commission there are many who would doubtless have been excluded by the first Commission if they had presented themselves for indemnification; whereas, these same claimants will be admitted by the present Commission, as were the eight persons whose indemnification was disallowed as above stated.

Beside these acts of injustice which will in great measure proceed from the two causes of which I have just spoken, many others will result from causes less fertile indeed, but which will not, however, be the less considered acts of injustice, the causes of which for the sake of brevity I will not now enlarge upon.

The preceding statement, while it shows the manner in which the Indemnity Act has been carried into execution, shows also the lamentable effects of such administration of the law, effects not likely to correspond with that "removal of every remaining just cause of complaint in reference to the unfortunate events of 1837 and 1838," which that Act had in view, as His Excellency the Governor General declares in his instructions to the present Commissioners. It will, on the contrary, as soon as generally known, tend, I regret to say, to ag-

gravate those causes of complaint, and operate in consequence, at least for the most part, the failure of the good intentions of the Government and of the Legislature in passing the measure for indemnification. Failing this end, the discontent in consequence may be conceived. It were some consolation if it bore only on its authors—that were indeed bare justice, but unfortunately it will take a higher direction. Actuated purely by motives of courtesy, I will not proceed at present to explain my opinion on the subject. There are many others on which I should like to have made observations, but which I will pass over, considering the extreme length of my letter. In conclusion, permit me the honor of informing you, that I disapproved of, as being in the highest degree improper, the letter addressed by the Commissioners in reply to yours, acknowledging the Report.

I have the honor to be, very respectfully, Sir,

Your very humble Servant,

(Signed,) OVIDE LEBLANC.

The Honorable JAMES LESLIE,

Provincial Secretary, Toronto.

MONTREAL, 19th January, 1852.

Sir,—Professional business and other matters have hitherto prevented my giving the Report signed by Messieurs Moore, Viger and Simpson, as finally completed, more consideration than was requisite to enable me to decide, that I could not concur therein. I shall have the honor of stating to you my reasons for withholding my concurrence, so soon as I shall have acquired a more perfect knowledge of the contents of that document.

I have the honor to be, Sir,

Your very humble Servant,

(Signed,) OVIDE LEBLANC, Commissioner.

The Honorable A. N. MORIN,

Provincial Secretary, Quebec.

EXTRACTS from Journal E. of the Commissioners under the Act 12th Vic., cap. 58, Folios 2327 and 2329--2330 and 2338.

MONTREAL, January 12th, 1852.

Monday, 10 o'clock, A.M.

The Commissioners were all present in Court.

Mr. Commissioner Hanson submitted the following Resolutions, seconded by Mr LeBlanc:

“Whereas the Honorable Provincial Secretary’s letter, dated Quebec, 20th November last, addressed to the Commissioners in answer to one they addressed him, dated Beauhar- nois, 31st October last, refers this Commission in his concluding sentence of the said letter, to the Act under which they were originally appointed, and to the instructions given to them, with respect to the question put in the latter part of the said Commissioners’ letter; and whereas a difference of opinion has existed among the Commissioners on the true meaning and spirit of the aforesaid Act, it is necessary, in the doubt created by the afore- said difference of opinion, to ascertain by proper legal advice the said true meaning and spirit of the aforesaid Act: W. C. Hanson, a Member of this Commission, moves that this said Commission do immediately take such proper and legal advice on the aforesaid true meaning and spirit of the aforesaid Act, in order that the said Act be properly and justly executed by the rectification of any errors, if any are found, after such legal advice, to have been committed for the want of a correct knowledge of the said meaning and spirit of the aforesaid Act.” Which on being put to the vote was not carried.

Yeas, Messrs. Hanson and LeBlanc.

Nays, Messrs. Moore, Viger and Simpson.

The majority of the Commission reject the above motion, first, because if the Commission had any doubts as to the legal interpretation of the Act, it was their duty, after receiving the instructions from the Government, to have applied for legal information before acting or entering upon their duties; secondly, because after adjudicating upon all the claims, if a different construction is now to be put upon the Act and the judgments reversed, the Commission will have to go over their labors again, and for general reasons assigned in their final Report, which will explain that the majority of the Commission have not changed their views as to the true intent and meaning of the Act.

Mr. LeBlanc in reply to the majority's negative answer to Mr. Hanson's motion, says, that considering the difference of opinion which existed between the Commissioners on the true meaning of the Law or Act of Indemnity, he proposed verbally before, and when the Commission began to adjudicate on claims, that legal advice should be taken on such true meaning of the law, a proposition which was not then acceded to. That if pursuant to legal advice it shall become necessary to alter such decisions as were dissented from, such alteration would not require going over the labors of the Commission, but merely to award according to the assessment already made, the indemnity refused to particular claimants, if it should be found by such legal advice that indemnity was so refused contrary to law, and the making of which award could be made in a very short time.

(Signed) W. NEWHOUSE, Clerk.

MONTREAL, January 14th, 1852.

Tuesday, 10 o'clock, A. M.

The Commissioners were all present in Court.

Mr. LeBlanc moves that,

1st. Whereas Joseph Charpentier, claim No. 311; Joseph Quai dit Dragon, No. 313; Denis Bousquet, No. 367; heirs of François Chicou Duvert, No. 369; Louis Brodeur, No. 370; Joseph Germain, No. 378; Louis Mogé, No. 380; Eustache Talham, No. 1851; Louis Petit dit Beauchamps, No. 276; Apolline Bourque, widow Antn. Daigle, No. 289; Joseph E. Mignault, No. 293; Joseph Courtemanche, No. 97; François Modeste Lemire, No. 302; Antoine Leduc, fils, No. 304; Jean Bte. Tétro dit Ducharme, No. 309; and other claimants, have been refused by the Commission the benefit of indemnity, because they had been denied that benefit by the Commission under the Ordinance 1st Vic., cap. 7th, notwithstanding they had all proved their losses and the wantonness thereof, and even the eight claimants lastly named had been awarded by this Commission an indemnity for their losses, which award was after rescinded:

And whereas, Léon Fabrice de Kirouac, No. 238; Joseph Oclair, No. 148; Damase Masson, No. 516; W. H. Scott, No. 528; the Fabrique of St. Eustache, No. 529; Joseph Beautron dit Major, No. 671; Jacob Barcelo, No. 692; John Dunn, No. 643; Pierre Lauzon, No. 700; and other claimants, have been allowed by this Commission the aforesaid benefit, although the same had been denied them by the Commission under the aforesaid Ordinance:

Subject and whereas, dealing differently with claimants placed in the same position, and thereby subject to the same rule of action, is contrary to justice and law:

And whereas, it is the imperative duty of this Commission to do equal justice to all claimants:

Mr. LeBlanc moves, that all persons who were refused by this Commission an indemnity for their losses, because they had been refused that benefit by the Commission under the aforesaid Ordinance, be now respectively awarded that indemnity to the amount their respective losses were assessed at by this Commission, the said Commission assessing the loss of the said Fabrique of St. Eustache, the same not being assessed yet, and for the awarding of which indemnity, Mr. LeBlanc over and above the aforesaid reason of equal justice, invokes further the reasons given in his dissent respecting the exclusion of the said eight claimants last mentioned in the first consideration, (*considérant*.) of this motion.

2nd. Whereas, the representatives of Eustache Masson, claim No. 515; Damase Masson, 516; Dominique Mounet, 1016; Joseph Lecuyer, père, 1796, and other claimants, upon *ex parte* evidence, incidently given in the evidence of other claimants' losses, or otherwise, have been charged, by a majority of this Commission, with having participated in the Rebellion, notwithstanding they had already proved the wantonness of their losses; and being thus charged, have been called to rebut such evidence, and, having rebutted the same, have secured an award for the indemnity of their said losses:

And whereas, Jean Bte. Tétro, claim 72; Judith Lechène, widow François Trépanier, 54; Sophie Regnier, widow Lucien Gagnon, 514; Jean Bte. Bélanger, 539; Isaïe Foisy, 540; Rev. Etienne Chartier, 628; Joseph Robillard, 686; and other claimants, similarly accused by this Commission, upon *ex parte* evidence, given as aforesaid, with having participated in the Rebellion, have not, however, been called to rebut such evidence, and were not, therefore, afforded any chance of justifying themselves, but, on the contrary, without any hearing, nor even any identification that they were the persons alluded to in the aforesaid *ex parte* evidence, and notwithstanding, they had previously duly established their losses, and the wantonness thereof, have been found guilty of participation in the Rebellion, on the strength of the said *ex parte* evidence; and according to the interpretation in many cases of the Act of Indemnity, by a majority of the Commission, have been by that majority excluded from the aforesaid benefit of indemnification:

And whereas, no one, by law, ought to be condemned and still less punished, whether by the denial of a right or otherwise, without a hearing or at least the chance of a hearing:

And whereas, the claimants condemned and punished unheard as aforesaid, have not been informed of the charges preferred against them, or, rather against persons bearing their names, and have had, therefore, no opportunity of defending and justifying themselves, nor, consequently no chance, by a proper and successful defence or justification, of securing their right to an indemnity as the claimants herein firstly named had:

And whereas, dealing differently with claimants placed in the same position, and thereby subject to the same rule of action, is contrary to law and justice:

Mr. LeBlanc, with a view to equal justice being done to all parties, moves that the claimants condemned and punished unheard as aforesaid, after they had duly proved their losses, as appears per the assessment thereof by this Commission, and wantonness thereof, be now immediately called by this Commission to be heard and defend themselves on the charges against them, or persons bearing their names and supposed to be them, if this Commission be actually vested with the power of so doing, notwithstanding the Act of Amnesty and the want of Jurisdiction in the Act of Indemnity to that effect, and if this Commission have no such power, then immediately to award the said condemned claimants unheard, an indemnity for their losses, according to the assessment thereof, as the said losses were proved to be wanton, unjust and unnecessary.

3rd. Whereas, J. J. Girouard, claim No. 621; and Jacob Barcelo, No. 692, have not been tried by this Commission for the participation in the said Rebellion, alleged against them by *ex parte* evidence, but have respectively been awarded by a majority of this Commission, an indemnity for the wanton losses by them incurred in or on account of the suppression of the Rebellion:

And whereas, on the contrary, Constant Bousquet, 1365; Antoine Merizzy, 1408; Louis Dupuis, 1514; and other claimants, have been tried pursuant to similar evidence, found guilty of participation in the Rebellion and excluded from the benefit of indemnification, the whole, notwithstanding they had previously proved their losses and the wantonness thereof according to law, and that the said losses had even been assessed by this Commission:

And whereas dealing differently with claimants placed in the same position, and thereby subject to the same rule of action, is contrary to justice and law:

And whereas, it is the imperative duty of this Commission to do equal justice to all claimants:

Mr. LeBlanc moves, that the same majority who have awarded an indemnity to Messrs. Girouard and Barcelo, do also, in justice and consistency, award an indemnity as per assessment to all claimants who, having been tried and found guilty as aforesaid, have been excluded from the aforesaid benefit, notwithstanding they had previously proved their losses and the wantonness thereof.

4th. Whereas Uriah Laphin, claim No. 16; representatives Timothée Franchère, 62; representatives Eustache Masson, 515; Damase Masson, 516; Jolin Boston, 1152; and other claimants whose losses were not deemed sufficiently proved, have been informed thereof, and requested to perfect the proof of their said losses, and being so informed and requested, did perfect such proof, and were consequently awarded the sums at which their losses have been assessed according to such better proof:

And whereas Jean Bte Maillet, No. 346; heirs Jean Bte. Masse, 356; Joseph Dansereau, 407; and other claimants whose losses also were not deemed by a majority of this Commission, as sufficiently proved, have not been informed of the insufficiency of the proof of their said losses, nor requested to complete or perfect the same, if in their power so to do, but, on the contrary, have been excluded from the benefit of indemnification for their said losses, on the score of the insufficiency of the said proof:

And whereas it is the imperative duty of this Commission to do equal justice to all claimants:

Mr. LeBlanc moves, That this Commission do immediately take such measures, in regard of these excluded claimants, as will put them on an equal footing with the claimants herein first alluded to.

5th. Whereas Isaac Oligny, claim No. 1067; Joseph Audette, 1185; Hubert Demers, 1186; Pierre Robert, 1204; Pierre Granger, 1490; and many other claimants have been allowed by this Commission an indemnity for the wanton losses they had suffered by reason of the Rebellion, because they declared, without proving it however, that their participation in the Rebellion had been through fear or against their will:

And whereas Anselme Tétrault, 272; André Courtemache, 327; François Pie Jalbert, 334; Joseph Bousquet, 344; François Vandandaigne dit Gadbois, 351; François Xavier Laforce, 355; Edouard Remillard, 512; Jacques Métivier, 1346; Ambroise Guay, 1433; Dominique Piédalue, 1537; and many other claimants, have been excluded by this Commission from the benefit of indemnification, because of their participation in the Rebellion, notwithstanding they had also declared that such participation was through fear or against their will as aforesaid:

And whereas, dealing differently with claimants in the same position, and thereby subject to the same rule of action, is contrary to justice and law:

And whereas, it is the imperative duty of this Commission to do equal justice to all claimants according to the principle of the Act of indemnity:

Mr. LeBlanc moves, That all claimants who declared on oath having participated in the Rebellion through fear, and who notwithstanding have been excluded from the benefit of indemnification for their wanton losses, be now granted that benefit, to the amount of the sums at which their said losses were assessed by this Commission, and be put thereby on the same footing of other claimants who were awarded upon a similar declaration of participation through fear.

6th. Whereas there is no evidence or no sufficient evidence that Joseph Picotte, claim No. 169; Joseph Bissonnette, 171; François Menard, 331; François H. Lenoir dit Rolland, 339; have participated in the Rebellion, as erroneously stated in the judgments of exclusion against them:

Mr. LeBlanc moves, That the benefit of indemnification, denied them by the aforesaid judgments, be now allowed them respectively to the amount that their losses were assessed at.

7th. Whereas Gédéon Cormier, No. 366; Michel Charron dit Cabana, 399; Jacques Fontaine, junr., 406; Joseph Dansereau, 407; Louis Fiset, 451; Etienne Casavant, 459; Catherine Hainaut, widow Amable Marion, 466; Joseph Charbonneau, widow Pierre V. Gervais, 471; Antoine Gervais, 476; Olivier Hubert, 477; Laurent Hubert, 478; Jean Moreau dit Dezordy, 482; Jean Bte. Daunais, 484; Pierre Chicoine, 494; François Lacroix, 497; Joseph Dansereau, the Fabrique of St. Cyprien, 513; that of St. Eustache, 529; Alexis Robillard, 679; and other claimants have been, by this Commission, excluded from the benefit of indemnification upon motives or reasons alleged in the judgments of exclusion against them, which are not borne out, or truly borne out, by the evidence adduced on the claim of each of the said claimants:

And whereas the said claimants have proved their respective losses, and the wantonness thereof, and are therefore entitled to the benefit of indemnification secured to all claimants who have lost wantonly, unjustly or unnecessarily :

Mr. LeBlanc moves, That the claimants so excluded upon motives or reasons not resulting or not fully resulting from the evidence, be now awarded severally the sums of money at which their respective losses were assessed by the Commission.

8th. Whereas Joseph Gaspard Côté, claim No. 236 ; Toussaint Goyer dit Belisle, 676 ; François Delâge dit Lavigueur, 684 ; François Pattenau, 1236 ; Joseph Etier dit Dragon, 1239 ; Édouard Noël, 1283 ; Alexandre Pinonnault, 1340 ; Antoine Bélanger, 1554 ; and Joseph Richards, 1594 ; and many other claimants, have been allowed by this Commission an indemnity for the wanton losses they incurred on account of the suppression of the Rebellion, notwithstanding they were implicated in the said Rebellion :

And whereas, Abraham Paradis, 153 ; Joseph Fournier dit Préfontaine, 300 ; François Menard, 331 ; David Guertin, 358 ; Antoine Groux, 664 ; Hilaire Desjardins, Père, 666 ; Jean Baptiste Desjardins, 667 ; Thérèse Filiatrault, formerly widow Louis Vermet, at present wife of André Sauvé, 678 ; Alexis Robillard, 679 ; François Danis, 680 ; Abraham Aubry, 698 ; André Barbeau, 1066 ; François D. Vautrain, 1431 ; and a great many other claimants, have been denied an indemnity for their wanton losses, because they had participated in the Rebellion, (a participation not well proved and very doubtful for many of them,) although their losses were not the immediate consequence of such participation, and were therefore wanton as aforesaid :

And whereas, dealing differently with claimants placed in the same position, and thereby subject to the same rule of action, is contrary to justice and law :

And whereas, it is the imperative duty of the Commission to do equal justice to all claimants :

Mr. LeBlanc moves, That all persons who were refused indemnity for the mere cause of participation in the Rebellion, and not because their losses were the immediate and necessary consequence of their participation in the Rebellion, be now respectively awarded the sums at which their losses were assessed by this Commission.

9th. Whereas, about twelve hundred claimants have proved their losses and the wantonness thereof, and, according to law, have been awarded an indemnity for the same without in any manner being interrogated or tried as to the part they had taken in the Rebellion, as appears per the Journals of this Commission :

And whereas about one thousand or more claimants, after having likewise established their claims and the wantonness thereof, have, nevertheless, been interrogated or tried as to the part they had taken in the Rebellion, as appears also per the aforesaid Journals :

And whereas many of the claimants so interrogated or tried have been found guilty of participation in the Rebellion, and have been excluded from the benefit of indemnity ; while none of the claimants, who were not so interrogated or tried, have been so excluded, because, not being so interrogated or tried, they have not been found guilty of such participation, although many of them no doubt would, had they been so interrogated or tried ; and according to the interpretation, in a great many cases, of the law of indemnity by a majority of this Commission, would also have been excluded from the aforesaid benefit :

And whereas such a different course, on the part of this Commission, between these two great classes of the claimants, is unjust and unproductive of good results, particularly of that of removing, with respect to many claimants, the just subjects of complaint, and spoken of in the instruction to this Commission :

Mr. LeBlanc, with a view to have equal justice done to all claimants, and thereby to remove all such just subjects of complaint, moves that all the claimants who, having proved their losses and the wantonness thereof, have been excluded from the benefit aforesaid, by reason of their participation in the Rebellion, and not because their losses were the necessary and immediate consequence of such participation, be now respectively awarded by this Commission, the sums of money at which their said losses were assessed. None of the motions were carried.

Yeas.

Mr. LeBlanc,
Mr. Hanson,

Nays.

Mr. Moore,
Mr. Viger,
Mr. Simpson.

Mr. Simpson moves to resolve,

That it would be a waste of time further to protract the close of the Commission, by reviving a discussion on Judgments long since decided, and principles long since determined, communicated in their Report of the 6th July, 1850. The maintenance of which, constitutes the principal ground of their next more ample Report of the 20th May, 1851, as well as their last on the termination now of their labors.

They confidently trust that they need only refer to the evidence on their Journals in explanation of their conduct, as well as in refutation of the imputations in the more than hundred cases comprised in the nine motions now proposed; as an excusable and sufficient reason for an indisposition to apply more serious or patient attention to Mr. LeBlanc's multifarious citations of this day.—Carried.

Yeas, Messrs. Moore, Viger, and Simpson.

(Signed,)

W. NEWHOUSE, Clerk.

OVIDE LEBLANC'S Dissents from his brother Commissioners, 12th Vic.
cap. 58.

No. 72.

Claim No. 72, preferred by Jean Baptiste Tétreau, of the Parish of Ste. Marie, in the County of Rouville.

This claim is for a sum of of £82 8s. 2d., currency, but was proved only for £26 6s. 8d. currency.

The said Jean Baptiste Tétreau, being excluded from indemnification by the Commission of Indemnity named under the Act 12 Vic. cap. 58, for having participated in the Rebellion of the years one thousand eight hundred and thirty-seven and one thousand eight hundred and thirty-eight, as is more fully expressed in the judgment of exclusion rendered by the said Commission against the said Jean Baptiste Tétreau. Mr. LeBlanc, a member of the said Commission, dissents from his brother Commissioners in the aforesaid judgment, for the following reasons:—

1st. Because the aforesaid Commission is not vested, by the aforesaid Act, or any other Act of Parliament, with the jurisdictional and judicial power of trying and convicting claimants for their supposed participation in the aforesaid Rebellion, and of punishing them if convicted, by exclusion from indemnification, when the losses, for which compensation is sought, have not been the necessary or immediate consequence of such participation, and are not therefore losses for which no indemnification is provided.

2nd. Because, even in allowing, for argument sake, that the Commissioners were empowered to try and convict claimants, and deprive them of the indemnity, for any participation in the Rebellion, the said Jean Baptiste Tétreau, has not been duly convicted of such participation, inasmuch as only one witness deposed against him, in his absence, unknown to him even to this day, and when therefore, he had no opportunity of cross-examining the said witness or rebutting his testimony, or, what is more, of denying the pretended judicial powers of the Commissioners, so as to compel them clearly and distinctly to show such powers, if existing.

3rd. Because the reference or allusion made to the conduct or acts of one Jean Baptiste Tétreau, of Ste. Marie, during the Rebellion, in the proceedings on the inquiry of other claims, and assumed by a majority of the Commission, to apply to the said Jean Baptiste Tétreau, the claimant in this case, is no evidence whatever against the said claimant, in the present case, as he is not identified to be the same person referred to in the testimony adduced in other claims, and as besides the said testimony was taken *ex parte* against the said present claimant, unknown to him even to this date, and when therefore he was not afforded, nor has been since afforded the chance of using his undoubted right to cross-examine the witnesses or parties who so referred or alluded to one Jean Baptiste Tétreau, so assumed

by the Commission, to be the claimant in this case, or to rebut their testimony, or to do all such other things as would have been legal and requisite.

4th. Because, supposing, under the aforesaid allowance of judicial powers, the evidence to have been complete, and the guilt of the said Jean Baptiste Tétreau, as a disloyal man, thereby established, he, the said Jean Baptiste Tétreau, cannot be punished for such guilt by exclusion from indemnification, as the loss by him suffered has not been proved to be the result of his guilt, and, as for the said guilt, not a necessary or immediate cause of his said loss, he is pardoned by the general amnesty granted by the 12 Vic. cap. 13, an Act, of which the said Commissioners, if clothed with Judicial powers, as they assume, are bound *ex officio*, to take cognizance, and which it is their duty to respect.

5th. Because the Act of indemnity secures compensation to all those who have lost wantonly, unnecessarily or unjustly, in or by reason of the suppression of the Rebellion, or on account of the said Rebellion, and who are not excluded by the said Act, without distinguishing whether such losers, not excluded by the Act, are or are not rebels, a distinction which the Commissioners have no right to make, since the law did not make it.

6th. Because, in the absence of all proof that the damage caused the said Jean Baptiste Tétreau, was so caused by him in consequence of his doings in the Rebellion, it cannot be presumed that said damage was caused for such reasons, as the soldiers and volunteers pillaged the inhabitants indifferently, without distinguishing the loyal from the disloyal, as is well known to the Commissioners, by very numerous proofs on record in their books, and by the great number of sums they are now awarding to persons who did not participate in the Rebellion, and who, notwithstanding, have been pillaged or otherwise injured.

7th. Because, in general, there is no presumption of authorized or justifiable pillage, burning, or other barbarian acts, since the Government and the military authorities, moved by a high sense of justice and a noble feeling of humanity, had not recourse to such lawless means to suppress the Rebellion, as is clearly established by the facts so often proved before the Commission, that pillage, burning, &c., were prohibited; that soldiers were punished whenever complaint was lodged, and proved against them; that officers, both of the regulars and volunteers, aided to obtain for the persons pillaged, the restitution or recovery of their property; and because, considering such conduct of the authorities worthy of the civilization of the age, it would be, to say the least, most unbecoming for the Commissioners to sanction wrongs prohibited before their commission, and punished or redressed after.

8th. Because, the Commissioners in refusing compensation, and thereby virtually sanctioning wrongs which were not the necessary or immediate consequence of the acts of the claimants in the Rebellion, can do so only with a view, either to punish them for having participated in the said Rebellion, or to confirm what they deem was a punishment therefor; as if pillage, burning, or other unnecessary or wanton acts of injury or violence, however disproportioned with the offences, were the legal punishment for such participation, when in fact; they are not by law.

9th. Because indemnification being provided by law for all claimants who have lost unjustly, unnecessarily or wantonly, as aforesaid, such claimants, among whom the said Jean Baptiste Tétreau, is, have an acquired right to the same, of which the Commissioners cannot deprive them, and the less so, that they are sworn not to grant the said claimants less than their damage.

10th. Because, the Commissioners having justly been content, in regard to many hundreds of claimants, with the evidence which resulted from their declaration of the facts relative to their losses, and which showed the injustice, non-necessity or wantonness of the same, without extending their inquiry into the conduct of these claimants during the Rebellion, although many of them might have participated therein, would commit a grievous and revolting injustice to the other claimants, and to the said Jean Baptiste Tétreau among them, in whose conduct during the said Rebellion they inquired, over and above the evidence elicited by their declaration of the facts establishing the wantonness or injustice of their losses; if they were to punish those claimants by exclusion from the indemnity so secured to them by reason of the said wantonness, injustice, or non-necessity of their said losses; and would by such injustice and marked difference in their conduct towards the whole of the claimants, give occasion for great discontent and much complaint.

(Signed,)

OVIDE LEBLANC,

Commissioner.

No. 153.

Claim No. 153, preferred by Abraham Paradis, of L'Acadie, for £197 14s. 2d., and assessed at £131 16s. 2d.

The claimant being excluded from indemnification, on account of the part he has taken in the Rebellion, I dissent from the judgment of exclusion, on the following grounds:—

1st. Because, although the claimant stood sentry once at the camp of Napierville, yet he never took up arms against the troops.

2nd. Because the burning of his buildings situated several leagues from Napierville, did not take place in consequence of his having thus stood sentry, a fact which the troops were ignorant of; but, in all probability, on account of his being absent from home when the troops passed there, it having been proved in several instances, that, in L'Acadie, they burnt the buildings of all absent persons whether guilty or guiltless.

3rd. Because, the burning of property by reason of absence, without knowing the cause thereof, (which might be for business, or other legitimate purposes,) is no Act to be sanctioned by the Commission, by refusing indemnification in cases wherein it is due.

4th. Because the said burning of claimant's property ought to be the less sanctionable, as the claimant, after having been made a prisoner by the troops on their way to Napierville, and sent to prison, was discharged the day after, a circumstance showing, at least, how little implicated he was considered, and how, therefore, the burning of his property was wanton, unnecessary, and unjust.

5th. Because of all the general reasons, as are applicable to his case, set forth in my dissent from the judgment of exclusion on claim 72, preferred by Jean Baptiste Tétreau.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 169.

Claim No. 169, preferred by Joseph Picotte, formerly of L'Acadie, now of St. Rémi, for £87 16s. 3d. and assessed at £58 11s. 0d.

This claimant being excluded from indemnification in consequence of the part he is alleged by the Commission to have taken in the Rebellion, I dissent from the judgment of exclusion on the following grounds:—

1st. Because the pretended participation of the claimant in the Rebellion is not proved, inasmuch as there is no evidence to show that, when he went to Napierville, he also went to the Camp, then established there. On the contrary, the Commission has the declaration of the claimant, under oath, that he never took up arms, meddled in the Rebellion, nor was made a prisoner, (like so many others,) which last circumstance shows that he was not even suspected of any participation in the Rebellion.

2nd. Because, the said pretended participation is only presumed from the fact that the claimant having gone to Napierville when there was a camp there, he must also have gone to the said Camp; a presumption not at all allowable in law nor in reason, particularly after the facts above stated.

3rd. Because, allowing that the claimant's presence at Napierville, when there was a camp there, might be legally construed as an act of participation in the Rebellion, it has been shown that the burning of his property, situated in a different place, was caused only on account of his absence from home, when the troops passed there and burnt the said property, as they did burn the buildings of many other persons in the same place for the like cause of absence; and was not burnt for having gone at Napierville.

4th. Because, the absence of the claimant from home, when the said troops passed at L'Acadie, cannot be taken as evidence that he was at the Napierville camp, since it is recorded, in the Books of the Commission, that he had left Napierville (not the camp) two days previous to the burning of his house.

5th. Because, there is no evidence that there were orders to burn, pillage, or commit other ravages to strike terror among the rebels or insurgents, as, when judged necessary, is allowed by the laws of nations in relation to war, rebellion, or insurrection; which orders might have authorized this Commission to sanction, by the refusal of the indemnity to persons implicated in the Rebellion, acts contrary to the laws of nature, but, by exception to the latter laws, allowed by the laws of nations as a means to restore peace and order. On the contrary, proof to the reverse has been adduced in many instances before this Commission, eliciting that the authorities of the country, by the principles of the civilization of the age, were not disposed to recur, without an absolute and dire necessity, to means of barbarity and vandalism.

6th. Because, allowing that such orders had been given, the same would not preclude offending persons, as the present claimant, from claiming and obtaining indemnity.

7th. Because, of all the general reasons set forth in my dissent from the Judgment of exclusion on Claim No. 72, preferred by Jean Baptiste Tétreau, inasmuch as the said general reasons are applicable to the case of the present claimant.

(Signed,)

OVIDE LEBLANC,

Commissioner.

No. 171.

Claim No. 171, preferred by Jean Baptiste Bissonnette, of L'Acadie, for £1145 9s. 6d., and assessed at £593 10s.

The claimant being excluded from the benefit of the Act of Indemnity for the part he has taken in the Rebellion, I dissent from the judgment of exclusion on the following grounds:

1st. Because, by the testimony adduced in this case, it does not appear that the claimant's buildings and their contents were burnt for any part he had taken in the Rebellion, but because he was absent from his house when the troops passed at L'Acadie, and burnt the said buildings and contents, as they did burn the buildings of all other absent persons, whether guilty or not of participation in the Rebellion.

2nd. Because, allowing that the said claimant would have been burnt for the alleged part in the Rebellion, mentioned in the judgment of exclusion, the said part was not proved; on the contrary, the claimant declared under oath, that although he went to Napierville (it is not said if it was at the camp there established), he never took up arms nor did anything against his allegiance; that he never meddled in the Rebellion, nor had any assembly of patriots at his place; that when he assisted at political meetings, he did nothing to excite the people; but, on the contrary, tried to pacify them; that in the States, he never attended the assemblies of the patriots (refugees), nor went near them, although invited so to do, nor did anything against his allegiance.

3rd. Because, admitting that the said claimant's trip, to Napierville might be legally construed as being a part by him taken in the Rebellion, the burning of his property, situate in a different Parish, was not a necessary consequence of such part, the less so as the troops did not know if the claimant had taken said part.

4th. Because, it has been proved in this case, that a volunteer officer in the Parish of L'Acadie, against whom much has been said before this Commission, declared that he would be glad to burn out all the Canadians; a declaration which may, to some extent, account why so many of the Canadian inhabitants were burnt in that Parish.

5th. Because, of all the general reasons applicable to this case, given in my dissent on the judgment of exclusion from indemnification of Jean Baptiste Tétreau, claim No. 72.

(Signed,)

OVIDE LEBLANC,

Commissioner.

No. 300.

Claim No. 300, preferred by Joseph Fournier dit Préfontaine, of Belœil, for £123 7s. 4d., and assessed at £84 2s. 5d.

The claimant being excluded from indemnification on account of the part he has taken in the Rebellion, I dissent from the judgment of exclusion on the following grounds:—

1st. Because, the claimant was pillaged for delivering up arms which he had not, and which therefore he could not deliver; and not because three or four weeks previous to the said pillage he had joined a party which started to take the Fort of Chambly.

2nd. Because the pillage, made three or four weeks after so starting to take said Fort of Chambly, could not be the necessary consequence of that act, the less so, as the troops, in all probability, did not know whether the claimant was one of that party, if even they knew that such a party had been formed and had so started.

3rd. Because, the *ex parte* testimony given incidentally by one François Tétro, in proving his own claim, that one Joseph Fournier dit Préfontaine was a chief in the Rebellion, cannot affect the present claimant (in supposing that pillage is a legal punishment for being a chief and that the same can be inflicted without being convicted) as the said claimant is by no means identified to be the individual referred to by the said François Tétro; and as, if the individual, he had no chance to cross-examine the said Tétro, or rebut his testimony or even recuse him if recusable.

4th. Because, of all the general reasons set forth in my dissent from the judgment of exclusion on claim No. 72, preferred by Jean Baptiste Tétreau, inasmuch as the said general reasons are applicable to the case of the present claimant.

(Signed,)

OVIDE LEBLANC,

Commissioner.

No. 311.

Claim No. 311, preferred by Joseph Charpentier, of St. Denis, for £68 5s., and assessed at £40 7s. 3d.

The Claimant being excluded from indemnification on account of his having been rejected by the Commission, under the Ordinance 1st Vic. cap. 7, for having been at the battle of Saint Denis, and fired on the troops, I dissent from the judgment of exclusion, for all the reasons given in my dissent on the disallowance of the Indemnity granted by this Commission:—

To Eugène Talham,.....	..Claim No. 151
“ Louis Petit dit Beauchemin.....	“ “ 276
“ Appoline Bourque, widow Antoine Daigle,...	“ “ 289
“ Joseph E. Migneault,....	“ “ 293
“ Joseph Courtemanche,.....	“ “ 297
“ François Modeste Lemire,.....	“ “ 302
“ Antoine Leduc, fils,.....	“ “ 304
“ Jeau Baptiste Tétro dit Ducharme,	“ “ 309

because they, the above named persons, were found, after examination, proof and allowance of their claims, to have been refused indemnification by the Commission under the Ordinance.

(Signed,)

OVIDE LEBLANC,

Commissioner.

No. 313.

Claim No. 313, preferred by Joseph Quai, dit Dragon, of St. Denis, for £461 18s. 7d., and assessed at £276 4s. 7d.

The claimant being excluded from indemnification on account of his having been rejected by the Commission under the Ordinance 1st Vic. cap. 7, for the reasons assigned in the judgment of that Commission; I dissent from the judgment of exclusion, for all the reasons given in my dissent on the disallowance of the Indemnity granted by this Commission:—

To Eugène Talham,.....	Claim No. 151
“ Louis Petit dit Beauchemin,.....	“ “ 276
“ Appoline Bourque, widow Antoine Daigle,...	“ “ 289
“ Joseph E. Migneault,.....	“ “ 293
“ Joseph Courtemanche,.....	“ “ 297
“ Francis Modeste Lemire,.....	“ “ 302
“ Antoine Leduc, fils,.....	“ “ 304
“ Jean Baptiste Tétro dit Ducharme,	“ “ 309

because they, the above named persons, were found after the examination and allowance of their claims, to have been refused indemnification by the Commission under the aforesaid Ordinance.

(Signed) OVIDE LEBLANC,
Commissioner.

No. 327.

Claim No. 327, preferred by André Courtemanche, of Saint Denis, for £12 8s., and assessed at £7 10s. 3d.

The claimant being excluded from indemnification, because he admitted having been in arms at the battle of Saint Denis, I dissent from the judgment of exclusion, for the following reasons:—

1st. Because, the said claimant went to that battle against his will, he having been ordered and threatened by a chief with a sword in hand, to go to the camp, where he went unarmed, and did not fire on the troops.

2nd. Because the said Commission has awarded an indemnity to Joseph E. Migneault, Notary, of St. Denis, (Claim No. 293.) on his declaration that he went to the said battle against his will and unarmed, without asserting, in support of his unwillingness, that he had been threatened with violence, as was the claimant, and because such difference of treatment, in similar cases, between people in general, and more particularly between two persons of different ranks and connections, shows great partiality, and is only calculated to create distrust and discontent.

3rd. Because allowing that the claimant had been *bonâ fide* in arms at the aforesaid battle, the pillage of the property of the claimant did not take place immediately after in the heat arising from resistance, but only ten days or more after, when the place was in perfect tranquillity, and the inhabitants had fled therefrom.

4th. Because it had been proved to the Commission, that the Commanders of the troops, when they came to St. Denis, for the second time, declared to the deputation which had gone to meet them in order to give information of the peaceable disposition of the inhabitants and implore protection, that only two persons (Nelson and Jalbert) would be injured, showing thereby that there were no intention nor orders for burning, pillaging or committing other outrages in respect of the inhabitants at large.

5th. Because, in consequence of the said Commanders' declaration, it is evident that all injury caused by the troops to persons, other than the said Nelson and Jalbert, was wonton, unnecessary and unjust.

6th. Because the said injury being wonton, unnecessary and unjust as aforesaid, the said

claimant is entitled and has an acquired right to indemnification under and by virtue of the Act of Indemnity.

7th. Because, the said claimant having such an acquired right to indemnification, cannot be deprived of the same except as a punishment for having been at the aforesaid battle, although unwillingly and unarmed as aforesaid; a punishment which the Commissioners have no power, by the Act of Indemnity or any other Act, to inflict, and the less so, as the claimant is now absolved from all guilt if guilty, and secured against all suit or penalty in respect of the Rebellion, by the Act of Amnesty of the 12th Vic. cap. 13

8th. Because, many hundred claimants having, like the present claimant, proved according to law the wontonness, injustice or nonnecessity of their losses, without being interrogated as to their participation in the Rebellion, although a great number of them, perhaps, were guilty thereof, and being thereby secured in their right to indemnification, the Commissioners cannot now, without the grossest injustice and most revolting partiality deprive the present claimant nor any other claimant, who, in their rustic ignorance of the law as to the want of judicial powers in the Commissioners, committed themselves by answering inquisitorial and illegal questions, of their right to indemnification on the ground of participation in the Rebellion, when such participation unknown in most cases to the troops, was not the cause of their losses.

(Signed,) OVIDE LEBLANC,
Commissioner.

NOTE.—The indemnity to this individual has been since disallowed, not because the judgment was erroneous in its cause, but merely pursuant to a judgment of the Commission under the ordinance 1st Vic. cap. 7.

No. 331.

Claim No. 331, preferred by François Menard, of St. Denis, for £18 3s. 3d., and assessed at £10 9s. 3d.

The claimant being excluded from indemnification in consequence of the part he is alleged to have taken in the Rebellion, I dissent from the judgment of exclusion for the following reasons:—

1st. Because, in fact the claimant may be said to have taken no part in the Rebellion, he having left his house when the troops were in sight, to go as he was advised, to the house of Madame St. Germain, for a place of safety, believing that the cannon balls would not pass through the walls. In going to said house he did so unarmed, and there did not fire on the troops, although he was set (he did not set himself) to draw whiskey and water, which it must be presumed he could not well help doing in his critical position. He has been proved never to have meddled in any manner in the troubles of the period, and to have been displeased with the proceedings of the rebels.

2nd. Because, of all the other reasons set forth under the Nos. 3, 4, 5, 6, 7, and 8, of my dissent on the exclusion from indemnification of André Courtemanche, claim 327.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 334.

Claim No. 334, preferred by François Pie Jalbert, of St. Denis, for £157 11s., and assessed at £105 18s. 3d.

The claimant being excluded from indemnification in consequence of the part he is alleged to have taken in the Rebellion. I dissent from the judgment of exclusion for the following reasons, to be premised by certain observations:—

Although the said claimant is one of the two individuals whose property the troops intended to burn at St. Denis, when they came there for the second time, as has been proved before this Commission in the proceedings of several claims, and among others, in those of the claim of Louis Pagé, No. 296, doubtless in the belief that he was a notorious rebel, and one of the chiefs in the insurrection; yet, after due consideration of his case, as it has been established before the Commission, I am humbly of opinion that the said claimant was, by error, unjustly suspected or deemed to be what was then thought of him, and therefore that he ought not to be deprived of his right to indemnity for the following reasons:—

1st. Because no evidence has been adduced that the claimant had brought on him his loss by any prominent part he had taken in the Rebellion, either as a chief or otherwise, so as to justify his having been marked to be ruined by the troops.

2nd. Because, far from having taken a prominent part in the Rebellion, or having been a chief therein, he, like many others, went to the battle only by force, and when there, did not fire on the troops.

3rd. Because inasmuch as the claimant's case is similar to that of Mr. Jos. E. Migneault, of St. Denis, (claim No. 293) he, like him, ought to be indemnified for his loss.*

4th. Because the claimant being an innocent man, cannot be denied his right to indemnification, except it be by yielding to the public clamour and prejudice against him, which, would be on the part of this Commission, an unjustifiable dereliction of duty; but on the contrary, he must be allowed that right by the Commission so that he may be, if necessary, supported therein with all the might of the Government.

5th. Because of all the other reasons given in the articles 3rd, 4th, 5th, 6th, 7th, and 8th, of my dissent on the exclusion, from indemnification of André Courtemanche, claim No. 327.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 339.

Claim No. 339, preferred by François Xavier Lenoir dit Rolland, of St. Denis, for £50 9s. 10d., and assessed at £27 8s. 9d.

The claimant being excluded from indemnification on account of the part he is alleged, by the Commission, to have taken in the Rebellion, I dissent from the judgment of exclusion because there is no proof on record, in the books or journals of the Commission, that the said claimant has taken any part in the said Rebellion.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 344.

Claim No. 344, preferred by Joseph Bousquet, of St. Denis, for £17 18s. 4d., and assessed at £12 4s. 6d.

The claimant being excluded from indemnification for the part he has taken in the Rebellion. I dissent from the judgment of exclusion for the following reasons:—

1st. Because, as such part consisted of having been at the battle of St. Denis, the said part was so taken through fear, as the claimant declared under oath before the Commission, and not from disloyalty.

2nd. Because, far from acting through disloyalty, he disapproved of the proceedings of the rebels, and told those who were exciting the people that they would be punished.

*This award has since been disallowed, in consequence of a judgment of the 1st Commission of Indemnity, and not because of any error in the judgment of this Commission under 12 Vic., cap. 58.

3rd. Because of all the other reasons given in the articles 3rd, 4th, 5th, 6th, 7th, and 8th, of my dissent on the judgment of exclusion from indemnification of André Courtemanche, claim No. 327.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 351.

Claim No. 351, preferred by François Vandandaigne dit Gadbois, of St. Denis, for £48 19s. 5d., and assessed at £32 16s. 2d.

The claimant being excluded from indemnification in consequence of the part he has taken in the Rebellion, I dissent from the judgment of exclusion for the following reasons:—

1st. Because, inasmuch as such part consisted of having been at the battle of St. Denis, the said part was so taken through fear, as the claimant declared under oath before the Commission, and was not therefore taken from disloyalty.

2nd. Because the troops, in pillaging the claimant's property, did so without any intention of punishing the claimant for having gone to the aforesaid battle, as they were ignorant of that fact, they having pillaged all persons indifferently whether guilty or not guilty.

3rd. Because, of all the other reasons given in the 3rd, 4th, 5th, 6th, 7th, and 8th, articles of my dissent on the exclusion from indemnification of André Courtemanche, claim No. 327.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 355.

Claim No. 355, preferred by François Xavier Leforce, of St. Denis, for £12 15s. 0d., and assessed at £6 18s. 8d.

The claimant is excluded from indemnification on account of the part he has taken in the Rebellion, I dissent from the judgment of exclusion on the following grounds:—

1st. Because, as such part consisted of having been at the battle of St. Denis, the said part was so taken through fear, as the said claimant declared under oath before the Commission, and not from disloyalty.

2nd. Because, of all the other reasons given in the articles 3rd, 4th, 5th, 6th, 7th, and 8th of my dissent from the judgment of exclusion from indemnification of André Courtemanche, claim No. 327.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 356.

(Translation.)

Claim No. 356, preferred by the heirs of the late Jean Baptiste Masse, in his life time, of St. Denis, for £62 4s. 2d., for damages suffered by the said Jean Baptiste Masse from Her Majesty's Troops, at their second visit to St. Denis.

The claimants having been excluded from the indemnification claimed by them as heirs of the late Jean Baptiste Masse, for the aforesaid damages; 1st. Because they have not proved them as required by law and to the satisfaction of the Commission, and 2nd, because the

Commission of Indemnity appointed under the ordinance of the Special Council of the late Province of Lower Canada, 1st Vic., cap. 7, refused to indemnify the said late Jean Baptiste Masse, in consequence of his confession that he had taken part in the Rebellion, and was armed on the day of the battle of St. Denis, I dissent from the judgment of exclusion on the following grounds:—

1st. Because, inasmuch as the said heirs were excluded in pursuance of the judgment of the said Commission under the above mentioned Ordinance, such exclusion is illegal and void, for all the reasons given in my dissent on the cancelling of the indemnification granted by the present Commission to Eugène Talham, Louis Petit dit Beauchemin, widow Antoine Daigle, Joseph E. Mignault, Joseph Courtemanche, François Modeste Lemire, Antoine Leduc, the younger, and Jean Baptiste Tétro dit Ducharme in respect of their several claims.

2nd. Because, inasmuch, also, as the said parties are excluded for want of proof, I consider, in my humble opinion, that the evidence given by the two witnesses who have been heard in respect of this claim, is as good as any given by the same number of witnesses, in respect of a great number of other claims, and held to be sufficient as confirming the proofs personally afforded by the claimants themselves.

3rd. Because, if the Commission, with a view to conform more strictly to the Statute which governs them, and to have more perfect proof in support of the said claim, require more witnesses in support of the proof which the representative of the heirs of the late Jean Baptiste Masse has not made personally, by reason of his ignorance of the damages caused, they ought to have called for more witnesses as they did in other cases which they held to be not sufficiently proved; a requisition the more incumbent on them, that the insufficiency of proof was not mentioned to the representative of the said heirs when he offered it.

4th. Because it was contradictory, and even unjust on the part of the present Commission, to receive the proof adduced in support of the aforesaid claim, inasmuch as they intended to reject it on the strength of the aforesaid judgment; or to reject the said claim under authority of that judgment, after having received the evidence in support thereof; which evidence if complete, would have placed the Commission in the dilemma of either refusing or granting the indemnification.

5th. Because, even granting that the said late Pierre Masse was guilty according to the term of the aforesaid judgment, the damages inflicted on him were nevertheless unjust, useless or wonton, for the reasons assigned in paragraphs 4, 5, 6, 7, and 8 of my dissent from the judgment excluding André Courtemanche, claim No. 327.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 358.

Claim No. 358, preferred by David Guertin, formerly of St. Denis, at present of St. Césaire, for £8 10s., and assessed at £5 4s. 7d.

The claimant being excluded from indemnification for the part he has taken in the battle of St. Denis, in November, 1837, I dissent from the judgment of exclusion on the following grounds:—

1st. Because, the pillage of claimant's effects, having taken place in November, 1838, could not be the necessary consequence of the said claimant having been at the aforesaid battle a year previous.

2nd. Because, having done nothing in the year 1838, the aforesaid pillage was, with respect to the claimant, wanton, unnecessary and unjust.

3rd. Because, of all the other reasons given, as applying more forcibly to the present claimant, in the 3rd, 4th, 5th, 6th, 7th and 8th articles of my dissent from the judgment of exclusion from indemnification of André Courtemanche, claim No. 327.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 366.

Claim preferred by Gédéon Cormier, of St. Antoine, for £7 4s. 10d.,
and assessed at £6 9s. 9d.

The claimant having been excluded from the benefit of the Act of Indemnity for having confessed that he was voluntarily in arms against the Government, a short time previous to the pillage, I dissent from the judgment of exclusion on the following grounds:—

1st. Because, inasmuch as the claimant was pillaged not a short time but as long as three weeks after his having voluntarily marched armed on Sorel; the pillage was not the necessary consequence of his act, particularly as the troops did not know this act of the claimant, and as they pillaged people indifferently whether they had taken arms or not, as has been proved to the Commission in many instances.

2nd. Because, the Claimant did not persevere in his illegal act, but on the contrary, desisted therefrom, by deserting at St. Ours, the party with which he had started.

3rd. Because, when he was pillaged, all being quiet in the Parish, there was no occasion to injure the inhabitants.

4th. Because the military authorities did not allow the pillage, but on the contrary, punished it whenever they could, as has been proved in many cases to this Commission.

5th. Because, the said military authorities, not having allowed immoral acts, as it became their high sense of honor and justice, it is not for a commission, having the noble attributes to redress wrongs, to sanction such acts.

6th. Because of all the general reasons, as are applicable to this case, set forth in my dissent from the judgment of exclusion on the claim No. 72, preferred by Jean Baptiste Tétréau.

(Signed) OVIDE LEBLANC,
Commissioner.

No. 367.

Claim No. 367, preferred by Denis Bousquet, of St. Denis, for £10 5s. 9d.
nothing assessed.

The claimant being excluded from indemnification, on account of his having been rejected by the Commission under the Ordinance, 1 Vic. cap. 7, for the reasons assigned in the judgment of that Commission, I dissent from the judgment of exclusion for all the reasons given in my dissent on the disallowance of the indemnity granted by this Commission:—

To Eugène Talham.....	Claim No. 151
“ Ls. Petit dit Beauchemin.....	“ “ 276
“ Appoline Bourque, veuve Antoine Daigle...	“ “ 289
“ Joseph E. Mignault,.....	“ “ 293
“ Joseph Courtemanche.....	“ “ 297
“ Frs. Modeste Lemire.....	“ “ 302
“ Antoine Leduc, fils.....	“ “ 304
“ Jean Bte. Tétro dit Ducharme.....	“ “ 309

because they, the above named persons, were found, after examination, proof and allowance of their claims, to have been refused indemnification by the Commission under the Ordinance.

(Signed) OVIDE LEBLANC,
Commissioner.

No. 346.

Claim No. 346, preferred by Jean Baptiste Maillet, of Saint Denis,
for £259 9s. 7d.

The claimant being excluded from indemnification for the alleged reason that his loss is not proved to the satisfaction of the Commission, and according to the Act, I dissent from the judgment of exclusion for the following reasons:—

1st. Because, after the claimant and his witnesses were heard at St. Denis, it was entered in the books of the Commission that the loss stood at £204 9s. 7d., which was meant that it was proved to such an amount.

2nd. Because, if the proof is now found incomplete, although, in my opinion, it is at least a good general proof, the claimant ought to be informed of it, and afforded, like other claimants, the chance of completing the same.

3rd. Because, if the Commission is unwilling to give the claimant, as it has given to others, the opportunity of perfecting his evidence, it ought at least to deal with him as it has dealt with many other claimants, the particulars of whose losses were not even so well proved as those of the claimant's loss, by awarding him such proportion of the said loss as they could have no doubt to have been sustained by him.

4th. Because in not granting the claimant an occasion to finish his proof or allowing to him such equitable proportion of his loss, as the evidence adduced would justify, great injustice would be done to him, particularly as he was not apprised of the real or supposed insufficiency of his evidence when he adduced it at St. Denis, and as, in consequence, he was led to believe he had perfected the same.

5th. Because, the injustice last mentioned would be still greater, as this Commission has awarded indemnity in several cases, not only on general proof, but even on mere presumptions, although presumptions are less according to the Act, and ought therefore, to have been less satisfactory to the Commissioners.

6th. Because the Act of Indemnity, being as it were an Act of pacification, ought to be executed towards all, in that spirit of liberality and equal justice which would make it produce its intended effect, by preventing both the perpetuation of old causes of discontent and trouble, and the formation of new like causes.

(Signed,) OVIDE LEBLANC,
Commissioner.

(Translation.)

Indemnification was awarded by the Commission to the following parties,
namely:—

	£	s.	d.
To Eugène Talham, Claim No. 15.....	11	5	0
“ Louis Petit dit Beauchemin, Claim No. 276.....	7	4	6
“ Appoline Bourque, widow of Antoine Daigle, Claim No. 289	130	15	0
“ Joseph E. Migneault, Claim No. 293.....	36	10	7
“ Joseph Courtemanche, Claim No. 297.....	15	3	3
“ François Modeste Lemire, Claim No. 302.....	35	4	9
“ Antoine Leduc, junr, Claim No. 304.....	34	9	11
“ Jean Baptiste Tétro dit Ducharme, Claim No. 309.....	56	18	9

The Commission having since withdrawn their award of an indemnity to the above mentioned parties, because an indemnity was refused to these parties by the Commission under the Ordinance of the late Special Council of 1 Vic. cap. 7, and in pursuance of instructions given to the Commission appointed in 1845, enjoining that Commission to abstain from the consideration of claims upon which the Commission appointed under the aforesaid Ordinance had reported. I dissent from the said present Commission, to this matter, for these reasons:—

1st. Because the decisions of the Commission under the Ordinance aforesaid cannot have

the authority of *choses jugées* for the present Commission, inasmuch as the principle on which the former Commission acted and decided is different from that on which the present Commission should act and decide: for the intention of the Ordinance above cited was the indemnification of the loyal subjects of Her Majesty, for the losses caused by the rebels, while the statute under which the last Commission Acts has in view the indemnification of Her Majesty's subjects, without distinction of loyal or disloyal, as well as other persons resident in Lower Canada, who have suffered wonton, unnecessary or unjust damages from violence of persons in the service of Her Majesty, or who acted or pretended to act on Her Majesty's behalf in the suppression of the Rebellion, or in the prevention of fresh troubles; and also subjects or persons whose houses and dependencies were occupied by the naval or military forces of Her Majesty, Imperial or Provincial, without other exceptions than those specified in the Preamble to the Act. Although the distinction here mentioned results very clearly from terms expressive of the intention of each of these two laws, I shall nevertheless, varying from the ordinary practice in writings, expressing dissent, take the liberty of shewing how justly founded is such distinction.

This distinction of principles in the laws in question proceeds from the ignorance of the true causes of the Rebellion, which prevailed when the first of these laws was enacted, and from the knowledge of those causes when the second was passed; the first having been made before and the second after the investigation of such causes, by Her Majesty's High Commissioner, the Earl of Durham. This investigation brought to light the truth that the acts of collision which had occurred in 1837 and 1838 were (among other things) results of the general policy of the Imperial Government, and of the particular conduct of the Provincial Government with reference to Lower Canada, and also of defects in the constitution of the latter Province.

Accordingly, as the acknowledgment of a wrong having been committed, and with a view to avoid new acts of collision, the Imperial Parliament thought fit as a means in its opinion, and in accordance with its new policy, to unite Lower with Upper Canada, under one constitution and one government, to establish the principle of responsibility as an element of that government, from which it has resulted that men enjoying the confidence of the public, although in some instances considered to be no strangers to the acts of collision which had occurred, were called to power, and to fill important offices; and in short to evince greater aptitude in yielding to the rights and listening to the just demands of the colonists.

After these significant truths, the immediate result of the investigation of the High Commissioner, and after this remark too, which we find in writers of note, on the Law of Nations "that there never was, perhaps, a Rebellion without a cause," which did not proceed, they imply, more or less, from the governing power, how shall we deny the share which the High Commissioner imputes to the Imperial and Provincial authorities, and to the faults of the ancient act of constitution in producing the Rebellion in Lower Canada? and how, admitting such share, shall we refuse to recognize, not the fact only, but the necessity and the justice of a distinction between the principles of the laws above mentioned, a distinction which is plainly enunciated, moreover, in the laws themselves, by the adjective "unnatural" applied to the word "Rebellion" in the Ordinance, which offensive epithet is omitted in the Act.

2nd. Because, the instructions given to the Commission of 1845, are by no means binding on the present Commission, especially being adverse to the principle of the second law; and because they have ceased, together with the Commission, whose rule of conduct they were.

3rd. Because, if departing from their instructions, in the supposition that they were agreeable to the principles of the first law, (which was not the case, as will be seen hereafter) the Commission of 1845 did not abstain from the consideration of claims on which the first Commission had reported, and if, in consequence they included these claims in their own Report, to provoke legislative action upon them, as well as upon the claims which were not in the same category, the defect of the said Commission of 1845 is now covered by this legislative action on all claims comprised in their Report, without any other exceptions than those of the condemned and the exiled, as will be stated hereafter. That this defect is the more covered by the principle embodied in the action of the Legislature in its second law, inasmuch as this principle is conformable to that sustained in the answer, made the 12th February, 1846, by the administration of the time, to the said Commission of 1845, on one of their questions, and which answer is to this effect: the sentences of the Courts of Justice were to be the rule of the Commission to distinguish among the claimants those who had taken part in the Rebellion from those who had not done so, a rule which the Legislature itself followed

in the second law by excluding the condemned, and also, by extension, those who had been exiled to Bermuda on their avowal of participation in the Rebellion, from the analogy of their case with that of the condemned, so far as regarded their proven culpability.

4th. Because, now that the above mentioned defect, if any there was, is covered, the majority of the present Commission, who have been guided by the decisions of the first Commission, and who formed part of the Commission of 1845, cannot avail themselves of the circumstance of being in the present Commission to repair their neglect of duty, if they were in fault, as above mentioned when they formed part of the said Commission of 1845, more especially now that rights have accrued to the claimants in question, in virtue of the said second law, based in this respect on the Report of the above-mentioned Commission of 1845.

5th. Because, from the above-mentioned rule of distinction laid down in the above-mentioned answer of the 12th February, 1846, it must be concluded that the abstention required by the instructions given to the Commission of 1845, had no relation to the exclusions of the said first Commission with reference to the disloyalty of the claimants, but related solely to those of the claimants who, having been indemnified by the said first Commission, might have again presented themselves to that of 1845 for an additional indemnity for the same damages, and also to those whom the said first Commission might have rejected in default of proof. That this conclusion, that the said Commission of 1845 was not to refrain from considering the claims rejected by the first Commission on account of disloyalty, now appears the more just, inasmuch as the Legislature, which has in a great measure based the second law on the proceedings of the Administration of the time of the said Commission of 1845, has not considered the rejections by the said first Commission on account of disloyalty as convictions of disloyalty, and has not in consequence established in this second law, another category of exclusions under this title of disloyalty, in addition to the categories already established by this law under the same title, and to that required by the said law for losses merited, that is, not wanton, unjust or unnecessary.

6th. Because, the said majority of the said first Commission, who formed part of that of 1845, as above explained, if they do not avow a great neglect of duty relatively to the above mentioned abstention from the cases rejected by the said first Commission on account of disloyalty, when the instructions of the said Commission of 1845 were in force, make it clearly manifest, by this want of abstention in the said Commission of 1845, and also by the same want in the said present Commission, not only during the proof of the claims, but also until the said present Commission had adjudged favorably on eight of the claims, the authors of which had been rejected by the said first Commission on account of disloyalty, that the above mentioned majority did not give to the said instructions of the Commission of 1845 the sense which they now give to them, contrary to the principle of the said second law, that is to say,—to repeat what I have already stated,—that of indemnifying every individual who has lost wantonly, unjustly, or unnecessarily, excepting the persons convicted by a Court or on their own confession as is set forth in the law; which persons, I believe myself justified in saying, appear to have been thus excluded, notwithstanding the necessity and the justice of the principle of this second law as above explained, only as forming the ordinary exceptions in the acts of amnesty and indemnity, and in disapproval of insurrections or rebellion as a means of obtaining a remedy for wrongs. Far from the said majority, when they formed part of the said Commission of 1845, having abstained, through negligence or forgetfulness, from considering the cases rejected by the first Commission on account of disloyalty, it is manifest, on the contrary, from the Report signed by this majority in 1846, that this abstention was intentional, as is shown, 1st, by the avowal in this Report, that the first Commission has a more general and less restricted character than that of the Commission of 1845; and, 2nd, by the fact that all the claims which came before this Commission of 1845, whose authors had been rejected by the preceding Commission on account of disloyalty, received, without exception, the consideration of the said Commission of 1845, and made part of their Report.

7th. Because, on the supposition that the above mentioned majority had failed in their duty under the said Commission of 1845, with respect to the claimants refused by the said first Commission on account of disloyalty, it would be hard and unjust, on the part of the present Commission, to refuse to indemnify these claimants under the authority of the judgments of the said first Commission, especially now that the defect resulting from this neglect of duty is covered; that the instructions which required this duty are no longer in force; and that the said majority have allowed these claimants to establish their damages with more

or less of expense and trouble, without informing them of the bar which they now believe exists against them in consequence of the above mentioned judgments.

8th. Because the said judgments, supposing that the principle of the first law is still in force, should so much the less have the authority of a *chose jugée*, inasmuch as these judgments were for the most part based on *ex parte* evidence, one, consequently which was not proper to establish convictions of culpability in a legal and positive sense.

9th. Because, to form a new category of exclusions, founded on the above mentioned judgments, would be to form one which is not authorised by the said second law; and to assume in consequence legislative authority.

10. Because, even on the supposition that a legislative power did exist in the Commission, it would be more becoming in them, after an amnesty, rather to diminish than to augment the number of proscriptions and penalties.

(Signed,)

OVIDE LEBLANC,
Commissioner.

MR. LEBLANC'S OPPOSITION TO A MOTION FOR CALLING *EX PARTE* WITNESSES.

Mr. LeBlanc opposes Mr. Simpson's motion for calling certain gentlemen as witnesses before this Commission, in order to ascertain whether certain parties claiming indemnity are, by their conduct during the Rebellion, excluded from the benefit under the Act; for the following reasons:—

1st. Because the evidence already adduced in respect of all parties is sufficient to enable the Commission to judge whether the losses incurred by them during and on account of the Rebellion are wanton, unjust and unnecessary, or are not; and because therefore it is more to enquire into the conduct of the said parties to ascertain the above facts.

2nd. Because, inasmuch as such witnesses will be heard *ex parte*, their evidence will be useless, if different from that already adduced, as such parties will not be present to cross-examine these witnesses or rebut their testimony, and cannot therefore be affected thereby.

3rd. Because, if the Commissioners, in order not to judge upon *ex parte* evidence, do afterwards call the parties which may be affected thereby together with the said witnesses anew, to allow the said parties an opportunity to cross-examine the said witnesses or rebut their testimony, and even to recuse or challenge them, they will thereby cause great inconvenience and expense to said parties which may be so forced to come from remote Counties, when the same would have been avoided, (if their enquiry, now found, it appears, to be incomplete,) had it been completed as it ought to have been, in the Counties where such parties reside.

4th. Because, the calling and hearing of witnesses *ex parte* and the parties they may implicate, without a real necessity, will cause much loss of time, and thereby produce the effect of retarding the progress of the business of the Commission, and increasing the expense thereof, to the prejudice of the claimants at large, and to the only benefit of the Commissioners and their officers in particular.

5th. Because the persons called as witnesses have all or nearly all taken a prominent part in the suppression of the Rebellion, and are likely more or less prejudiced against parties who participated in the said Rebellion, although such parties may have lost wantonly, unjustly and unnecessarily.

(True Copy.)

(Signed,)

OVIDE LEBLANC,
Commissioner.

No. 272.

Claim No. 272, preferred by Anselme Tetrault of Saint Marc, for £70 6s., and assessed at £21 17s.

The claimant is excluded from the benefit of indemnification for the part he has taken during the troubles; and I dissent from the judgment of exclusion:—

1st. Because it is not stated in the said judgment, in what matter, thing, affair or business the said claimant took a part during the troubles for being thus deprived of the aforesaid benefit.

2nd. Because, allowing that such benefit or right is denied the said claimant for any of the facts mentioned in the evidence adduced, to wit: for having been at the battle of Saint Charles the year previous to that of the pillage complained of; or for having joined the party of rebels who marched on Sorel about three weeks before the said pillage; or again for having joined the rebels to form a camp at Boucherville Mountain nearly three weeks before the time of the said pillage; such denial is unjust, as the aforesaid pillage was not the necessary consequence no more than it was the legal punishment of the above-mentioned facts.

3rd. Because, granting that the said pillage was intended as a legal punishment, (which it could not be, and which besides is not proved,) for the above acts of the said claimant, the said punishment was undeserved, as the said claimant did not perform the said acts from a sense of disloyalty and voluntarily, but from fear, as those who would not join the rebels were menaced to have their brains blown out.

4th. Because, of all the general reasons given in my dissent from the judgment of exclusion on claim No. 72; the said reasons being applicable in the present case.

(Signed)

OVIDE LEBLANC,

Commissioner.

No. 369.

Claim No. 369, preferred by the heirs of the late François Chicou Duvert, of St. Charles, for £206 8s. 2d., and assessed at £134 4s. 2d.

But disallowed by this Commission, in conformity, as it says in its judgment, with the instructions to abstain from the consideration of all claims reported on by the Commission under the Ordinance 1st Vic. cap. 7.

I dissent from the aforesaid judgment for all the reasons given in my dissent on the disallowance by this Commission of the Indemnity it had granted:—

To Eugène Talham	Claim No. 151
“ Louis Petit dit Beauchemin	“ “ 276
“ Appoline Bourque, widow, Antoine Daigle ...	“ “ 289
“ Joseph E. Migneault.....	“ “ 293
“ Joseph Courtemanche	“ “ 297
“ Frs. Modeste Lemire	“ “ 302
“ Antoine Leduc	“ “ 304
“ J. Bte. Tetro dit Ducharme.....	“ “ 309

Which disallowance was so made in consequence of the above named persons having been found, after the consideration and adjudication of their claims, to have been refused indemnification by the Commission under the aforesaid Ordinance.

(Signed)

OVIDE LEBLANC,

Commissioner.

No. 370.

Claim No. 370, preferred by Louis Brodeur, of St. Charles, for £30 19s. 10d., assessed at £15 7s. 6d.

But disallowed by the Commission, in conformity, as it says in its judgment, with the instructions to abstain from the consideration of all claims reported on by the Commission under the Ordinance 1st Vic. cap. 7, as well as for his acknowledging having been at the battle of St. Charles, serving cartridges to the rebels.

I concur in the above judgment, inasmuch as the Claimant is thereby refused indemnity by reason of his loss being the immediate consequence of his participation in the battle of St. Charles; but I dissent from, or rather protest against, the said judgment, inasmuch as it is based on a judgment of the said Commission under the aforesaid Ordinance, the judgments of which being no authority for the present Commission, as has been shewn in my dissent on the disallowance by the said present Commission of the Indemnity it had allowed to Eugène Talham and seven others, to which dissent it is hereby referred; and I further protest against the contradictory conduct of the Commission, to pretend that it must abstain from the consideration of all claims reported upon by the former Commission, as aforesaid, when it never did nor does abstain from such consideration; and I, moreover, protest against the said Commission judging upon the decisions of the said former Commission, and the result of its own consideration of the claims when they coincide, and deciding upon the decisions alone when such result differ therefrom, because such consideration of claims is entirely useless—in either case in direct violation of the pretended instructions, and a cause of great loss of time both to the Commissioners and the Claimants and witnesses, besides expense to the said Claimants.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 376.

Claim No. 376, preferred by Levy Larue, of Saint Denis, for £13 14s., and assessed at £8 13s. 6d.

The Claimant being excluded from Indemnification, because he acknowledged having been voluntarily at the battle of Saint Denis, armed, I dissent from the Judgment of exclusion for the following reasons:—

1. Because the pillage of the property of the Claimant did not take place immediately after the said battle, in the heat arising from resistance, but as late as ten days or more after, when the place was in perfect tranquillity.

2. Because of all the other reasons given in the 3rd, 4th, 5th, 6th, 7th, and 8th articles of my dissent from the judgment of exclusion from Indemnification of André Courtemanche, Claim No. 327.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 378.

Claim No. 378, preferred by Joseph Germain, of Saint Ours, for £12 16s., assessed at £6 10s.

But disallowed by the Commissioners, in conformity, as it says in its Judgment, with the instruction to abstain from the consideration of all claims reported on by the Commission under the Ordinance 1st Vic. cap. 7; also in consequence of Claimant's acknowledgment to have been at the battle of St. Denis, armed.

I dissent from the Judgment of exclusion, for the following reasons:—

1. Because the pillage of the property of the Claimant did not take place immediately after the said battle, in the heat arising from resistance, but only as late as ten days or more after, in a different Parish, so that the said pillage could not be and cannot be said to have been the consequence of the said Claimant's participation in the battle aforesaid.

2. Because of all the general reasons given in my dissent from the Judgment in Claim No. 72.

3. Because inasmuch as the said Judgment is based upon a decision of the said Commission under the Ordinance aforesaid, of all the reasons given in my dissent in the disallowance by the present Commission, of the Indemnity it had allowed to Eugène Talham and seven other persons, on Claims Nos. 151, 276, 289, 293, 297, 302, 304, and 309, to which it is referred.

I hereby protest, as I have done in my dissent from the Judgment in Claim No. 370, there being the same reasons.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 380.

Claim No. 380, preferred by Louis Mogé, for £62 10s. 8d., for effects pillaged by the Troops in November, 1837 and 1838, at St. Ours.

The claim for losses sustained in 1837, amounting to £56 3s. 5d., was rejected by the Commission under the Ordinance 1st Vic. cap. 7, and is disallowed by this Commission, in conformity, as it says in its Judgment, with the instructions to abstain from the consideration of all claims reported on by the former Commission. The pillage in 1838, is for £6 7s. 3d., on which the Commissioners have awarded £3 6s. 6d., Mr. Simpson dissenting, for reasons recorded with the Judgment.

I dissent from the aforesaid Judgment, inasmuch as it excludes the Claimant from Indemnification on the authority of the exclusion by the said first Commission, because such exclusion is invalid with respect to the present Commission, as has been shewn in my dissent from the disallowance of the Indemnity granted by the said present Commission to Eugène Talham and seven other persons, in Claims Nos. 151, 276, 289, 293, 297, 302, 304, 309, and to which it is hereby referred.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 393.

Claim No. 393, preferred by George St. Germain, of St. Denis, for £97 15s. 8d., and assessed at £57 4s.

The Claimant being excluded from Indemnification because he acknowledged to have been voluntarily at the battle of St. Denis, I dissent from the Judgment of exclusion on all the same grounds mentioned in my dissent from the Judgment on Claim No. 376.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 398.

Claim No. 398, preferred by Jean Baptiste Eusèbe Durocher, of St. Charles, for £416 7s. 8d.

The claimant is excluded from the benefit of indemnification, inasmuch as he had been excluded by the Commissioners under the Ordinance 1st Vic., cap. 7, and has made certain confessions mentioned in the judgment of exclusion, and I dissent from this judgment; because the said claimant was pillaged not only immediately after the battle of St. Charles, at which it appears he was present, but also in the following year, in which he took no part whatever in the Rebellion; and the Commissioners have not proved the pillage committed at these two periods respectively, in order at the least to indemnify the said claimant for the pillage committed during the last year of the aforesaid Rebellion.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 399.

Claim No. 399, preferred by Michel Charron dit Cabana, of Verchères, for £13 7s. 5d., and assessed at £6 8s. 7d.

The claimant is excluded from the benefit of indemnification for having joined the party who marched on Sorel, a short time (as is said in the judgment of exclusion) previous to the pillage complained of, and for having been armed three days; and I dissent from the said judgment:—

1st. Because, the said pillage did not take place only a short time, as stated in the judgment, but, according to the evidence in support of this claim, as long as some weeks or a month after the march on Sorel; and could not, therefore, be the necessary consequence, no more than it was the legal punishment of having joined the aforesaid party.

2nd. Because, allowing that this Commission is vested with judicial powers to punish claimants for any participation in the Rebellion, by not indemnifying them for their losses, the present claimant did not join the aforesaid party from disloyalty but through fear, he having been threatened with the burning of his property if he did not join the party.

3rd. Because of all the general reasons given in my dissent from the judgment of exclusion, on claim No. 72.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 406.

Claim No. 406, preferred by Jacques Fontaine, Junior, of Verchères, for £3 15s. 9d., and assessed at £2 8s.

The claimant is excluded from the benefit of indemnification for having joined the party who marched on Sorel, a short time (as is said in the judgment of exclusion) previous to the pillage of the effects of the claimant by the troops; and I dissent from said judgment:—

1st. Because, the said pillage did not take place only a short time, as stated in the judgment, but, according to the evidence, as long as some weeks after the march on Sorel; and could not therefore be the necessary consequence, no more than it was the legal punishment, of having joined the aforesaid party.

2nd. Because, allowing that this Commission is vested with judicial powers to try and punish claimants for their participation in the Rebellion, by refusing to indemnify them for their losses, the present claimant did not join the aforesaid party from disloyalty but through fear, he having been threatened by the leaders if he did not join their party.

3rd. Because of all the general reasons given in my dissent from the judgment of exclusion, on claim No. 72.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 407.

Claim No. 407, preferred by Joseph Dansereau, son of Michel, of Verchères, for £44 7s. 6d., and assessed at £

This claim is for effects pillaged by the troops, and is rejected on account, as is said in the judgment of the Commission, of not being proved according to law or to the satisfaction of the Commissioners; and also because the claimant acknowledged having joined the party who marched on Sorel a short time previous to the pillage. I dissent from the judgment of rejection:—

1st. Because, allowing that the said claim is not sufficiently proved, the said claimant ought to have been told thereof, and afforded the opportunity of adducing further evidence, if he had any, as other claimants in similar cases, so as to do thereby equal justice to all parties.

2nd. Because the said pillage did not take place only a short time, as mentioned in the aforesaid judgment, but, according to the evidence, as long as about a month after the march on Sorel, and could not therefore be the necessary consequence, no more than it was the legal punishment, of joining the aforesaid party.

3rd. Because, allowing that this Commission is vested with judicial powers to try and punish claimants for any participation in the Rebellion, by not indemnifying them for their losses, the present claimant did not join the aforesaid party from disloyalty but by force, he having been threatened by the leaders with the burning or pillage of his property if he did not join them, and he having deserted the said party at St. Ours; which said party he had joined against his will as aforesaid, without being armed.

4th. Because of all the general reasons given in my dissent from the judgment of exclusion on claim No. 72.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 451.

Claim No. 451, preferred by Louis Fiset, of Contrecoeur, for £2 11s. 9d., and assessed at £2 11s. 9d.

The claimant is excluded from the benefit of indemnification for having joined the party who marched on Sorel a short time previous, as stated in the judgment of exclusion, to the pillage complained of; and I dissent from the said judgment—

1st. Because the said pillage did not take place only a short time as above mentioned, but according to the uncontradicted declaration of the claimant, as long as some weeks, that is to say, about a month, as has been proved with respect to the pillage done at the same period, in the parishes of Contrecoeur and Verchères, after the march on Sorel, and was not, therefore, the necessary consequence, no more than it was the legal punishment, of having joined the aforesaid party.

2nd. Because of the other reasons given in my dissent from the judgment of exclusion on claim No. 406, articles 2nd and 3rd.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 459.

Claim No. 459, preferred by Etienne Casavant, of Verchères, for £14 7s. 8d., and assessed at £8 15s. 11d.

The claimant is excluded from the benefit of Indemnification for having joined the party who marched on Sorel, a short time previous to the pillage complained of; and I dissent from the judgment of exclusion—

1st. Because the said pillage did not take place only a short time, as stated in the judgment, but according to the claimant's uncontradicted declaration, and the evidence on all claims for pillage in the aforesaid Parish after the Rebellion, as long as some weeks after the march on Sorel, and could not be therefore the necessary consequence no more than it was the legal punishment of having joined the aforesaid party.

2nd. Because the said claimant having been obliged to join the party aforesaid, as he declares, and of the reasons given in my dissent from the judgment of exclusion on claim No. 406, articles 2nd and 3rd.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 466.

Claim No. 466, preferred by Catherine Hainault, of Contrecœur, widow of the late Amable Marion, for £30 10s. 3d., and assessed at £14 1s. 8d.

The claimant is excluded from the benefit of Indemnification, in consequence of the witnesses giving evidence, that her late husband went with the party who marched on Sorel, a short time previous to the pillage complained of, and was a leader of that party; and I dissent from the judgment of exclusion—

1st. Because the said pillage did not take place only a short time, as stated in the said judgment, but, according to the evidence adduced as long as three or four weeks after the march on Sorel; and was not, therefore, the necessary consequence, no more than it was the legal punishment of having gone with the aforesaid party, even of having been one of the leaders thereof, which latter fact was not proved by the witnesses, as expressed by the aforesaid judgment, but only by one of the witnesses.

2nd. Because of all the general reasons given in my dissent from the judgment of exclusion on claim No. 72, the said reasons being applicable to the present case.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 471.

Claim No. 471, preferred by Josephite Charbonneau, widow of Pierre C. Gervais, of Contrecœur, for £3 19s. 10d., and assessed at £2 17s. 10d.

The claimant is excluded from the benefit of Indemnification because the witnesses proved, as is said in the judgment of exclusion, that her husband joined the party who marched on Sorel, a short time previous to the pillage complained of; and I dissent from the said judgment—

1st. Because it is not proved that the said pillage occurred a short time after the claimant had joined the aforesaid party, but merely that it occurred after the said party marched on Sorel, without any qualification of a short or long time; which time, however, has been

proved, in most all the claims for pillage in Contrecoeur and Verchères, to have been "some weeks" or "about a month" previous to the said pillage, and ought, therefore, in the absence of the proof of any definite time, to have established a strong presumption in favor of the claimant's late husband, allowing this Commission to be vested, notwithstanding the Act of Amnesty, with judicial powers to try for any participation in the Rebellion, and punish the same by denying the benefit of Indemnification to all claimants guilty of such participation.

2nd. Because of the reasons given in my dissent from the judgment of exclusion on claim No. 406, articles 2nd and 3rd.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 476.

Claim No. 476, preferred by Antoine Gervais, through Olivier Gervais, of Contrecoeur, for £36 15s. 6d., and assessed at £31 8s. 6d.

The claimant is excluded from the benefit of Indemnification, for having joined the party who marched on Sorel a short time previous to the pillage mentioned in the judgment of exclusion; and I dissent from the said judgment—

1st. Because the said pillage did not take place only a short time, as stated in the aforesaid judgment, but, according to the evidence, as long as about a month after the march on Sorel, and was not, therefore, the necessary consequence, no more more than it was the legal punishment of having joined the aforesaid party.

2nd. Because of the other reasons given in my dissent from the judgment of exclusion on claim No. 406, articles 2nd and 3rd, the said claimant having been obliged to join the said party, which implies that he was forced thereto by threats or violence.

(Signed,) OVIDE LEBLANC.
Commissioner.

No. 477.

Claim No. 477, preferred by Olivier Hubert, of Contrecoeur, for £5 18s. 10d., and assessed at £4 5s. 7d.

The claimant is excluded from the benefit of Indemnification, for having joined the party who marched on Sorel a short time previous to the pillage mentioned in the judgment of exclusion; and I dissent from the said judgment—

1st. Because the said pillage did not take place only a short time, as stated in the aforesaid judgment, but, according to the evidence adduced, as long as about a month after the march on Sorel, and was not therefore the necessary consequence, no more than it was the legal punishment of having joined the aforesaid party.

2nd. Because of the other reasons given in my dissent from the judgment of exclusion on claim No. 406, articles 2nd and 3rd, the said reasons being applicable to the present case.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 478.

Claim No. 478, preferred by Laurent Hubert, of Contrecoeur, for £3 8s. 8d., and assessed at £1 10s.

The claimant is excluded from the benefit of Indemnification, for having joined the party who marched on Sorel a short time previous to the pillage mentioned in the judgment of exclusion; and I dissent from the said judgment—

Because of all the reasons given in my dissent from the judgment of exclusion on claim No. 476, preferred by Antoine Gervais; the said reasons being applicable to the said Laurent Hubert, for the like cause.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 482.

Claim No. 482, preferred by Jean Moreau dit Dezordy, of Contreccœur, for £4 18s., and assessed at £3 15s. 1d.

The claimant is excluded from the benefit of Indemnification, for having joined the party who marched on Sorel a short time previous to the pillage mentioned in the judgment of exclusion; and I dissent from the said judgment—

1st. Because the said pillage did not take place only a short time, as stated in the aforesaid judgment, but, according to the evidence, as long as some weeks after the march on Sorel, and was not, therefore, the necessary consequence, no more than it was the legal punishment of having joined the aforesaid party.

2nd. Because of the other reasons given in my dissent from the judgment of exclusion on claim No. 406, articles 2nd and 3rd; the said claimant having been obliged to join the said party, which implies that he was forced thereto by threats or violence.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 484.

Claim No. 484, preferred by Jean Baptiste Daunais, of Contreccœur, for £1 14s. 2d., and assessed at £1 3s.

The claimant is excluded from the benefit of Indemnification, for having joined the party who marched on Sorel, a short time previous to the pillage mentioned in the judgment of exclusion; and I dissent from the said judgment—

1st. Because the said pillage did not take place only a short time, as stated in the aforesaid judgment, but, according to the claimant's declaration not contradicted by the evidence, as long as some weeks after the march on Sorel; and was not, therefore, the necessary consequence, no more than it was the legal punishment of having joined the aforesaid party.

2nd. Because of the other reasons given in my dissent from the judgment of exclusion on claim No. 406, articles 2nd and 3rd.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 494.

Claim No. 494, preferred by Pierre Chicoiné, of Verchères, for £1 17s. 6d., and assessed at £1 7s. 6d.

The claimant is excluded from the benefit of Indemnification, for having joined the party who marched on Sorel, a short time previous to the delivery of his gun, potatoes, and munition; and I dissent from the judgment of exclusion—

1st. Because the delivery of the aforesaid articles did not take place a short time, as above mentioned, but some time, that is to say, about a month after the march on Sorel, as has been proved on all the claims for pillage by the troops in the aforesaid Parish; and the

Parishes of Contrecœur and St. Antoine ; and was not, therefore, the necessary consequence, no more than it was the legal punishment of the said claimant having joined the aforesaid party.

2nd. Because of other reasons given in my dissent from the judgment of exclusion on claim No. 406, articles 2nd and 3rd ; the said reasons being applicable to the present case.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 497.

Claim No. 497, preferred by François Lacroix, of Contrecœur, for £3 7s. 1d., and assessed at £2 7s. 10d.

The claimant is excluded from the benefit of Indemnification, for having joined the party who marched on Sorel, a short time previous to the pillage mentioned in the judgment of exclusion ; and I dissent from the said judgment—

1st. Because the said pillage did not take place only a short time, as stated in the aforesaid judgment, but, according to the claimant's declaration, not contradicted by the evidence, some time after the said party marched on Sorel, which march has been proved, in almost all the claims for pillage in Contrecœur and Verchères, to have taken place "some weeks" or "about a month" previous to the said pillage.

2nd. Because, in the absence of any proof on this claim with respect to the shortness or length of time between the march and pillage aforesaid, the general evidence given in almost all the said claims in regard of the pillage done in Contrecœur and Verchères, on the length of time elapsed between the said march and pillage, ought to have established, in the minds of the Commissioners, a strong presumption in favor of the said claimant as to such time, and prevented the Commission from qualifying that time as "short" against the said claimant, contrary to all rules of law, which, in penal or rigorous matters, forbid all suppositions and interpretations of ambiguous terms or expressions prejudicial to the parties concerned.

3rd. Because of the other reasons given in my dissent from the judgment of exclusion on claim No. 407, articles 2nd and 3rd ; the said reasons being applicable for like cases.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 498.

Claim No. 498, preferred by Joseph Dansereau, son of Joseph, of Verchères, for £2 10s., and assessed at £1 10s.

The claimant is excluded from the benefit of Indemnification, for having joined the party who marched on Sorel, a short time previous to the delivery of his gun to the authorities ; and I dissent from the judgment of exclusion—

1st. Because the said gun was so delivered, not only a short time, as stated in the aforesaid judgment, but according to the claimant's declaration, not contradicted by the evidence, as long as some weeks after the said party marched on Sorel ; and was thus delivered in obedience to a general order, and not in consequence of the said claimant having joined the party aforesaid, as there is nothing in the evidence adduced in this case to prove he was disarmed for such fact.

2nd. Because of the general reasons given in my dissent from the judgment of exclusion on claim No. 406, articles 2nd and 3rd ; the said reasons being applicable for like cases.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 511.

Claim No. 511, preferred by Judith Lechêne, of Napierville, widow of the late François Trepanier, for £396 18s. 4d., and assessed at £166 19s. 5d.

The claimant is excluded from the benefit of Indemnification, in consequence of its being proved in evidence, as is said in the judgment of exclusion, that claimant's late husband was an active leader, and aided and abetted in the Rebellion; and I dissent from the said judgment—

1st. Because the evidence against one François Trepanier, and supposed by the Commission to refer and apply to the said claimant's late husband, is merely *ex parte*, and given incidently in other parties' claims without any proof that the said François Trepanier, so named in the said *ex parte* and incidental evidence, is identically the individual who was the said claimant's husband.

2nd. Because, supposing that the individual so alluded to in the aforesaid *ex parte* and incidental evidence was the said claimant's late husband, and that this Commission, after having had the proof of the loss complained of and of the wantonness thereof, could by law try the said claimant's late husband for his conduct during the Rebellion, no *curator au cadavre* or other lawful representatives of the said claimant's late husband was appointed to stand the trial by the Commission on the charges contained in the said *ex parte* and incidental evidence, and to rebut such charges, if the same could be rebutted.

3rd. Because, excluding the said claimant on such *ex parte* and incidental evidence, particularly without any identification as aforesaid of the person of her late husband, is condemning the latter without a hearing (through a *curateur* or other legal representative) against all laws, to the risk of injuring his memory, and doing great injustice to his heirs, legatees, or other lawful representatives.

4th. Because, other claimants similarly implicated on *ex parte* and incidental proof having had the benefit from this Commission, to defend themselves on the charges contained in such *ex parte* and incidental proof, a defence which resulted, in almost all cases, in establishing the innocence of the claimants, and securing their right to the indemnity; and also, because two of these claimants having been awarded an indemnity for their losses, by a majority of this Commission, without any trial whatever, notwithstanding the *ex parte* evidence against them, and that a large sum of money was offered and paid for the apprehension of one of them, it is most unjust and unjustifiable to deny the same benefit to the said claimant, in respect of her late husband.

5th. Because, allowing the said claimant's late husband to be guilty of the charges contained in the aforesaid *ex parte* and incidental evidence, the damages caused the said claimant's late husband, were in nowise the necessary consequence of such guilt, no more than it was the legal punishment thereof.

6th. Because of all the general reasons given in my dissent from the judgment of exclusion on claim No. 72; the said reasons being applicable to the present case.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 512.

Claim No. 512, preferred by Edouard Remillard, of Blairfindie, for £40 19s. 8d., and assessed at £20 6s.

The claimant is excluded from the benefit of Indemnification, for having gone at the camp of Napierville, armed, to fight for the independence; and I dissent from the judgment of exclusion—

1st. Because the pillage complained of was not the necessary consequence, no more than it was the legal punishment, of the claimant having gone to the camp aforesaid.

2nd. Because allowing that such pillage was the necessary consequence and the legal punishment of the aforesaid act of going to the camp, the said act was not performed voluntarily but through fear, by the said claimant, as before he left for the camp, he heard a chief offering a gun to a man to shoot another who would not join the rebels.

3rd. Because of all the general reasons given in my dissent from the judgment of exclusion on claim No. 72.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 513.

[*Translation.*]

Claim No. 513, preferred by the *Fabrique* of the Parish of St. Cyprien, for £327 12s. 6d., taken by the rebels in November, 1838.

The aforesaid *Fabrique* is excluded from the benefit of Indemnification by the judgment, of which the following is a copy:—

This money was taken from the chest of the *Fabrique* by the Parishioners of St. Cyprien, then in open rebellion. The leaders, Lucien Gagnon, François Trepannier, and Doctor Côte, went to the late *Curé* to demand the key of the chest; they were directed by him to go to the Churchwarden, who refused to obey the mandate of the rebels, but threatened with violence, he accompanied them to the *Presbytère*, where he found the *Curé* surrounded by rebels, remonstrating with them against the unholy spoliation they were about to commit. The Churchwarden, still unwilling to be a party in the robbery by yielding the key, was told by the *Curé*, that it was useless to endanger the lives of both by refusing, as nearly all the parishioners were present; he expostulated with them, telling them that the money "was a gift to God—that the robbery would be sacrilege;" but all remonstrances proved vain. They took the money, and Doctor Côte, after counting it, gave the *Curé* the following acknowledgment:—

"ST. CYPRIEN, 30th November, 1838.

"Received from Mons. Amiot and Joseph Grégoire the sum of three hundred and twenty-seven pounds twelve shillings and one penny currency, as a loan, which said sum belongs to the *Fabrique* of St. Cyprien, and will be reimbursed by the State of Lower Canada, so soon as circumstances will permit.

(Signed,) "C. H. COTE."

The Commissioners are of opinion, that to replace money so taken, would be to encourage future rebellion by lessening its risks. That the Parish should bear the loss it alone inflicted. The claim is therefore rejected.

Dissentient, Messrs. Viger and LeBlanc.

I dissent from the aforesaid judgment of exclusion, for the following reasons:—

1. Because the moneys in question were not the property of the Parishioners of St. Cyprien, but of the *Fabrique* of that place, which, like all *Fabriques*, has a moral existence and is a legal Corporation, holding possessions which are things consecrated to God for purposes of worship, no subject of traffic, and belonging to no man or society of men, and in no wise to be disposed of or administered unto, but only for the original purposes of their destination, according to the ecclesiastical laws and canons, the regulations of Bishops or customs by them approved, and only by persons appointed under the said laws, canons, regulations or customs, that is to say, by the *Curé* and Churchwardens with reference to the administration, with the consent of the Diocesan with reference to the disposal and alienation.

2. Because, besides that the right of property which *Fabriques* possess is established by the principles stated above, the Commissioners have acknowledged this right in the *Fabrique* of St. Cyprien with reference to the aforesaid moneys, not only by admitting the claim of the said *Fabrique* to be indemnified for the same, and by admitting the proofs adduced by the said *Fabrique* relative to the said claim, but moreover by giving utterance at the head, and in the body of their Judgment of exclusion to the following words, that is to

say: "Money taken from the *Fabrique*," and again, "This money was taken from the chest of the *Fabrique*," words which clearly express the acknowledgment by the Commissioners of the right of property pertaining to the said *Fabrique* in the moneys in question, and so much the more satisfactorily, that the terms "which sum belongs to the *Fabrique* of St. Cyprien" in Dr. Côté's receipt, show the grounds of that acknowledgment, as they prove the fact of the property itself.

3. Because these moneys, being the property of the aforesaid *Fabrique*, and not that of the Parishioners of St. Cyprien, it is unjust to punish the said *Fabrique*, by refusing Indemnification for the crime of the said Parishioners in the Rebellion, admitting that the latter were really guilty, and admitting that the Commissioners have the power of punishing them for such crime. This injustice is the greater, that the Commissioners had before them the proof that the aforesaid *Fabrique* did not voluntarily surrender the aforesaid moneys for the purposes of the Rebellion; but that, on the contrary, they were taken from it by violence and intimidation, as the same appears in the terms of the said judgment, in which the Commissioners declare, that the Churchwarden being required to surrender the key of the chest, "refused to obey the mandate of the rebels," and again, "that the Churchwarden when threatened, accompanied these rebels to the *Presbytère*, and there found the *Curé* remonstrating with them (the rebels) against the unholy spoliation they were about to commit;" moreover, that the Churchwarden, being "still unwilling to be a party to the robbery by yielding the key," surrendered it at last only because the *Curé* said to him "that it was useless to endanger the lives of both (the *Curé's* and his own) by refusing;" and lastly, that the Churchwarden represented to the rebels, "that the money was a gift to God, that the robbery would be sacrilege, but all proved in vain." All these expressions, extracted from the evidence and cited by the Commissioners themselves in their award, as the basis or grounds of their decision, while they establish the resistance which was made to the rebels by the administrators of the property of the *Fabrique* then and there present against the surrender of the aforesaid moneys, make apparent the injustice both of the loss caused to this Corporation, and of the refusal to Indemnify it for such unmerited loss, if the Commissioners aimed at punishing the said Corporation or *Fabrique*, for participating in the Rebellion; and if, on the other hand, they intended to punish the said Parishioners themselves for having participated in the Rebellion; taking that fact as granted, then, and in that case the words of the Commissioners, expressive of their acknowledgment, and their possession of proof, of the right of property vested in the aforesaid *Fabrique* in regard to the aforesaid moneys, as above stated, show the illogical character of the aforesaid award, inasmuch as it punishes the unoffending *Fabrique* for the sin of the Parishioners whom it assumes to be guilty.

4. Because, admitting that the guilt of the said Parishioners ought to lie at the door of the said *Fabrique*, with reference to the said moneys, it is not proved, that the said moneys were taken by, or in presence, or with the consent of the said Parishioners of St. Cyprien, but only that they were taken by three individuals, one of whom, Lucien Gagnon, did not even belong to the place; this fact is so far from being established, that the declaration made by the *Curé* to the Churchwarden, and by the latter given in his evidence, and mentioned in the said Judgment, that nearly all the Parishioners were present at the taking of the said moneys, has been neither proved nor confirmed by any one, not even by the said Churchwarden, who declared, on the contrary, that there were not more than eighty or a hundred persons, not in the *Presbytère*, but at the door of the *Presbytère*, and that he did not recognize through the darkness and has not therefore proved to be Parishioners of St. Cyprien.

5. Because, admitting as above, we are the less at liberty to suppose, if supposition were allowable in such a case, that these eighty or a hundred persons were all the Parishioners of the same place, that it is in evidence, that there were at that time in St. Cyprien about three thousand men from the surrounding Parishes, in Rebellion, and that we may fairly presume that, among so great a number of strangers, there must have been a considerable number, who, like the said Lucien Gagnon, mingled with, and formed part of, the aforesaid eighty or a hundred persons, and who would diminish by so many the number of the so called Parishioners of St. Cyprien.

6. Because, assuming, in the face of all probability, that these eighty or a hundred persons were all inhabitants of the said Parish of St. Cyprien, that number was far from forming, and it has not been proved that it formed, the aggregate of the Parishioners of that lo-

cality, which is well known to be populous: these eighty or a hundred persons, assuming that they did belong to the said place, were so far from comprising nearly all the population in question, that there must have been among them many young and irresponsible persons (*proletaires*) who had no voice in the Parish meetings.

7. Because, even granting that these eighty or a hundred persons composed nearly the entire body of Parishioners, having a deliberative voice in the Parish meetings, such Parishioners had not, however, such voice in the meetings of the *Fabrique*, and particularly they were not administrators in the terms of the Ecclesiastical law, of the goods of the *Fabrique* of St. Cyprien aforesaid, to dispose of them in a valid manner, particularly for purposes so foreign to their destination.

8. Because, granting moreover that the Parishioners having a deliberative voice in the Parish meetings, had also a right to be heard in the meetings of the *Fabrique*, and that they were administrators of its goods, the aforesaid eighty or a hundred Parishioners, (still supposing them to comprise nearly the whole body of the said Parishioners as aforesaid) were not there in their capacity of Parishioners having a voice in the meeting aforesaid, duly and legally convened for the administration or disposition of the moneys aforesaid; and not being so legally convened in the proper capacity, any disposition which they might make of the said moneys (a disposition by no means proved) especially for purposes so different to their destination, would be illegal and null, and could not therefore militate against any right of the said *Fabrique*.

9. Because the aforesaid judgment could not have been rendered unjustly and illogically, as aforesaid, unless from a notion that the moneys aforesaid, belonging to the *Fabrique* of St. Cyprien, notwithstanding the acknowledgment and proof of property in such moneys residing in that Corporation, were really the property of the Parishioners of that place, erroneously reputed by the said Commissioners to be guilty of surrendering the said moneys for the purposes of rebellion; without examining whether such notion were false, as the principles evinced above announced in respect of the goods of the *Fabrique* or the Church, as also the consideration of the manner or means by which *Fabriques* acquire the property which they hold—a manner or means which demonstrates how the principles aforesaid are derived from the nature of things, shewing as it does that such property is either the price, or the object of acquisitions made with the price of services performed by the Churches (under the administration of the *Fabriques*) to Parishioners and others, for burials, masses, &c., and the produce collectively of the rent of the pews in the Church let by the *Fabrique* to the Parishioners, and of collections, offerings, &c.

10. Because, in short, it is beyond a doubt, forming an opinion by what is above stated, that the expression, "That the Parish should bear the loss it alone inflicted," given as the conclusion of the premises in the aforesaid Judgment to authorize the rejection of the claim for Indemnification for the aforesaid moneys, are not at all applicable; 1st, To the Parish aforesaid, because these moneys did not belong to it, and even if they had belonged to it, because its guilt was never proved; and 2nd, To the *Fabrique* aforesaid, sole proprietors of the moneys aforesaid, inasmuch as its innocence is admitted by the aforesaid Judgment, and that so clearly that the said terms, "That the Parish should bear the loss it alone inflicted," fully explain the intention of the Commissioners to punish, not the *Fabrique*, but the Parish of St. Cyprien.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 529.

(Translation.)

Claim No. 529, preferred by the *Fabrique* of St. Eustache, for the sum of £6,793 15s. 8d., estimated value of the Parish Church and of the Convent of St. Eustache, destroyed by fire during the battle which took place on the 14th December, 1837.

The decision of the Commissioners upon this Claim was expressed as follows:—

The Commissioners were divided as to the right of a Parish to claim for a property they abandoned or suffered the Insurgents to occupy as a Fortress against Her Majesty's Troops.

"The sum of £2500 is agreed upon as a compromise to reconcile conflicting opinions, in order, by a legal majority, to secure an award."

Dissentient, Mr. Viger, who voted for £5,624 14s. 1d., being the amount as estimated by the Surveyor of the Commission; and

Mr. LeBlanc, for reasons given in a paper marked . I dissent from the aforesaid decision;

1st. Because, if the Parish of St. Eustache were the Claimant (which it is not, however,) proof would have been given (which has not been done,) that the said Parish had voluntarily given up to the insurgents the buildings in question, or suffered the said insurgents to make use of them as a fortress against Her Majesty's troops, and it would, by so doing, have committed an act, in respect of which it would have been impossible for a legal majority of the Commissioners to compromise, (a compromise in criminal matters not being lawful,) in order to reconcile conflicting opinions as to the right of a Parish to claim in such case.

2dly. Because, in fact, the said Parish of St. Eustache is not the Claimant as above stated, but rather the *Fabrique* of that Parish, as appears by the claim itself, and the proceedings of the Commissioners thereon, and more especially by the expression of the "*Fabrique de Saint Eustache*" in the heading of the award or decision aforesaid, an expression which proves that the Commissioners themselves recognized the *Fabrique* and not the Parish, as claimant, which makes it difficult to explain why the Commissioners have substituted "the Parish" for "the *Fabrique*."

3rdly. Because, the said *Fabrique* (not the Parish) being the claimant, it is unjust and illogical to compromise, (supposing such compromise to be lawful,) for the loss of the *Fabrique* through the fault of the Parish, (supposing such fault also to be proved), inasmuch as *Fabriques* and Parishes are distinct and separate corporations, having separate rights respectively.

4thly. Because, the aforesaid *Fabrique*, having proved the buildings aforesaid to have been taken by the insurgents without the consent of the members of the *Fabrique*, and even notwithstanding the opposition made by those of the said members of the *Fabrique*, who were peculiarly the agents and administrators of the *Fabrique*, have a right to be indemnified for the entire value, whatever it may be, of the said buildings and of their contents, in accordance with the intention of the law (which is, that neither more nor less than the amount of the loss suffered should be allowed) and not for any smaller part thereof, by way of compromise, as above stated.

5thly. Because the said Commissioners have not decided in accordance with the proof adduced, and the valuations made, in order to award the indemnity according to such value, as they have done in other cases.

6thly. For all the other reasons enumerated in my dissent from the Judgment of exclusion rendered against the *Fabrique* of St. Cyprien, (Claim No. 513) in so far as the reasons are applicable to the present case, with reference either to the principles laid down respecting the property of Churches and *Fabriques*, or to the facts in the said present case similar or analogous to those of the said *Fabrique* of St. Cyprien.

(Signed.) OVIDE LEBLANC,
Commissioner.

No. 539.

Claim No. 539, preferred by Jean Baptiste Bélanger, of Saint Eustache, for £881 4s. 4d., and assessed at £443 12s. 2d.

The claimant is excluded from the benefit of indemnification, because he was a leader in the rebel camp and at the battle of St. Eustache, and because the troops were fired upon from his house, as in the judgment of exclusion is said to have been proved in evidence; and I dissent from the said judgment:—

1st. Because, none of the above facts were proved in the evidence adduced on the claimant's claim, and in his presence or his knowledge; but on the contrary, were proved *ex parte*, out of his presence, unknown to him, and without his having been apprized of the same, so that he had no chance afforded him to rebut the charges implied in the facts elicited by the aforesaid evidence.

2nd. Because, such evidence ought not to have been taken, not only on account of its *ex parte* character, but also, because the said claimant had proved his loss, and the wantonness thereof, when he and his witnesses were heard on his claim.

3rd. Because, if, notwithstanding the Act of Amnesty, and the want of jurisdiction by the Act of Indemnity to try and punish claimants for any participation in the Rebellion, the said Commission could nevertheless take and receive *ex parte* evidence as aforesaid, it ought at least, to have informed the said claimant of the taking thereof, and given him an opportunity to be heard on the aforesaid charges, and to rebut the same, as it has done towards other claimants so accused upon *ex parte* evidence, and who, by means of such hearing and rebuttal, have vindicated themselves and secured an indemnity for their losses.

4th. Because, allowing that the offences charged upon the claimant by the aforesaid *ex parte* evidence are true, the damages caused to the said claimant are by no means the necessary consequence, no more than the legal punishment of the said offence.

5th. Because, supposing that the said Commission had the extraordinary power of taking *ex parte* evidence against the said claimant, and of condemning him thereon unheard, it ought to have abstained from such proceedings, or at least to have heard the said claimant, as, from the fact that the said claimant had given himself up as a prisoner, and was let out without trial, because there was nothing against him, as is declared in the claimant's testimony; the innocence of the said claimant was to be presumed not merely *prima facie*, but from his liberation without trial.

6th. Because the taking of the aforesaid *ex parte* evidence, and the consequent exclusion of the claimant from Indemnification without even a hearing, are, under the aforesaid circumstances, acts which, it may be feared, will not fail to be viewed as tyrannical and unjust, and the more so as the claimant had proved the wantonness of his loss as aforesaid.

7th. Because, if the *ex parte* evidence on which the said claimant has been excluded, is that written on the last five or six pages of book-B, of the Journal of the Commission; such evidence is not authentic, and cannot therefore be acted upon in any way, the same not having been taken before the Commission or signed by the Clerk thereof, nor otherwise authenticated.

8th. Because of all the general reasons given in my dissent from the judgment of exclusion on claim No. 72, the said reasons being applicable to the present case.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 540.

Claim No. 540, preferred by Isaie Foisie, of St. Eustache, for £432 5s.
11d., and assessed at £212 13s. 7d.

The claimant is excluded from the benefit of Indemnification for having been at the camp as a leader, and at the battle of St. Eustache, as in the judgment of exclusion is said to have been proved in evidence; and I dissent from the said judgment—

Because of all the reasons given in the first, second, third, fourth, seventh and eighth articles of my dissent from the judgment of exclusion on the claim of Jean Baptiste Bélanger, No. 539; the said reasons being applicable to the present case.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 627.

(Translation.)

Claim No. 627, preferred by the *Fabrique* of St. Benoit, for the sum of £7127 16s., and of which the sum of £2700 only has been allowed.

This claim is for compensation for the loss of the church, the parsonage house, and other property and articles belonging thereto, destroyed at St. Benoit, by the Volunteers, on the 15th December, 1837, the day following the battle of St. Eustache, and considering this claim in all its bearings, the Commission are of opinion, that the sum now allowed is amply sufficient.

Mr. Viger dissenting, votes for the sum of £5806 19s. 3d., the sum fixed upon by the valuator under the first Commission.

Mr. LeBlanc dissents for reasons given in detail in a written document marked No. 24, which are as follows:—

1st. Because the value of the aforesaid buildings has been determined by well informed and skilful persons at and previous to the proving of this claim before this Commission, at a sum not less than £6927 19s. 4d., and had been previously established by the valuator of the Commission under the Ordinance 1 Vic. cap. 7, at the sum of £5,809 19s. 3d., that is to say, that the value has been fixed at sums the least of which is more than double the amount of the one allowed, by £406 19s. 3d., and that having been so established, it is not in the power of the present Commissioners arbitrarily to reduce this value, more especially to so disproportionate an amount, and the less so as the reduction in question has been made by the three Protestant members of the Commission, who know nothing, or, at all events, have no adequate knowledge of the matter, inasmuch as these members are not acquainted, or are very imperfectly acquainted, with the value of the buildings and articles necessary for Catholic worship, and particularly with that of churches, their sculptures, ornaments, silver plate, &c., &c.

2nd. Because, if the three Commissioners above mentioned, in allowing only the above mentioned sum of £2700, have considered the above mentioned claim in any other light than that bearing upon the value of the property and articles destroyed, they have considered it under circumstances which admit of no proof, under circumstances, therefore, which could not be the subject of their considerations.

3rd. Because there are no grounds for refusing a portion of the value proved on account of any supposed participation (no real participation having been proved) on the part of the *Fabrique* in the Rebellion, admitting a right to refuse it on that ground only, inasmuch as it has been clearly established before this Commission, that Sir John Colborne, commanding the expedition at St. Benoit, promised to protect the property in that place, and that consequently it could only have been maliciously, unjustly, or uselessly destroyed, that is to say, in such a manner as to justify indemnification.

4th. Because, whatever were the circumstances taken into consideration by the three Commissioners aforesaid, supposing those circumstances to have been elicited from the proof, they would not entitle the Commissioners to compromise for the claim aforesaid, by allowing less than the loss sustained, as that loss may result from the proof and valuation, inasmuch as the Act does not permit the allowance of either more or less than the amount of the losses sustained.

5th. For all the other reasons stated in my dissents from the judgments of this Commission upon the claims of the *Fabriques* of St. Cyprien and St. Eustache, in so far as the present Commissioners may, in the different lights in which they have looked at the present claim, have supported their decision on grounds similar or analogous to those upon which they have based their awards upon the claims of the said *Fabrique* of St. Cyprien and St. Eustache.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 628.

Claim No. 628, preferred by the Rev. Etienne Chartier, of St. Benoit, for £455 13s. 6d., and assessed at £206 15s. 11d.

The claimant is excluded from the benefit of Indemnification because, says the judgment of exclusion, "the criminal conduct of the Reverend claimant during the disastrous events of 1837, up to the defeat of the rebels on the 14th December, at St. Eustache, is too well established to admit of justification, and the Commissioners deny him Indemnity. I dissent from the said judgment:—

1st. Because there is nothing in the examination of the Reverend claimant, and of the witnesses heard on his claim, to establish the criminal conduct with which the said Reverend claimant is stigmatised by this Commission.

2nd. Because if such criminal conduct of the claimant is established as aforesaid, it must be by *ex parte* evidence, of which the said Reverend claimant is ignorant, the same having never been communicated to him, and he having never been called upon to rebut the evidence establishing the said alleged criminal conduct.

3rd. Because, allowing that the said Reverend claimant's conduct should be as criminal and unjustifiable as it is represented to be by the aforesaid judgment, the said Commission shews, by excluding the said claimant, that it punishes him, not because his loss was the necessary consequence of his participation in the Rebellion, if he did participate therein, but on account merely of his conduct as aforesaid, as if it had jurisdiction for so doing by the Act of Indemnity, and as if there was no Act of Amnesty.

3th. Because of all the general reasons given in my dissent from the judgment of exclusion on claim No. 72; the said reasons applicable to the present case.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 667.

Claim No. 667, preferred by Jean Baptiste Desjardins, junior, of St. Scholastique, for £9 12s. 7d., and assessed at £6 16s. 10d.

The claimant is excluded from the benefit of indemnification for having been armed at the Camp of St. Eustache; and Mr. LeBlanc dissents from the judgment of exclusion:—

1st. Because the pillage complained of was done at the claimant's residence in Sainte Scholastique, about twenty miles from St. Eustache, and two days after the battle of that place, and was not therefore the necessary consequence of his having gone at the aforesaid camp, from which he escaped previous to the said battle.

2nd. Because of all the general reasons in my dissent from the judgment of exclusion on claim No. 72, of Jean Baptiste Tétreau.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 673.

Claim No. 673, preferred by Edouard Beautron dit Major, of St. Scholastique, for £521 4s. 7d., and assessed at £347 9s. 9d.

The claimant is excluded from the benefit of indemnification, because he acknowledged that he was at the camp and battle of St. Eustache, on the 14th December, 1837, and was wounded by Capt. Ormsby during the battle, and it was also proved by witnesses as per Journal, pages 907, 910, 911, and 913, that he was at the camp and battle, and was wound-

ed there, while in the act of firing at Capt. Ormsby; and I dissent from the judgment of exclusion:—

1st. Because the facts above stated are not established in the evidence adduced on claimant's claim, nor in the aforesaid pages of the Journal which bear dates and are signed as proceedings had before the Commission, but are entered in pages bearing in truth the aforesaid numbers, but which are not at all authenticated as proceedings of this Commission, it not being expressed in these last mentioned pages, before what Commissioners in due number, and at what time the aforesaid alleged facts were established, and there being no signature of the clerk or other competent person to attest these facts as having been duly established, as has been done for all proceedings of the Commission.

2nd. Because, allowing that these alleged facts should be established with that legal certainty sufficient to bear a judgment thereon, the destruction of the property of the claimant was in nowise the necessary and immediate consequence of the aforesaid alleged and pretended facts.

3rd. Because, allowing again that these said facts should be true, of all the general reasons given in my dissent from the judgment of exclusion on claim No. 72, the said reasons being applicable to the present case, if the said facts are true.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 678.

Claim No. 678, preferred by Thérèse Filiatrault, formerly widow of Louis Vermet, at present wife of André Sauvé, of Ste. Scholastique, for £77 19s. 4d., and assessed at £24 10s. 10d., for personal property, and at £32 10s. 0d. for real property.

The Claimant is awarded only her share in the real estate, and excluded from the benefit of indemnification with respect to her share in the personal property, because her late husband was killed at the battle of St. Eustache, on the 14th December, 1837, whilst fighting against Her Majesty's Troops; and I dissent from the judgment in regard of the exclusion:—

1st. Because, the damage caused to the said Louis Vermet was not the necessary consequence, no more than it was the legal punishment of his having fought as aforesaid, the said damage having been so caused two days after the said battle, at a distance of about twenty miles from St. Eustache, and by persons who, in all probability, knew nothing of the said fighting, and who in all certainty had no power to punish the same by arson or pillage.

2nd. Because of all the general reasons given in my dissent from the judgment of exclusion on claim No. 72; the said reasons being applicable to the present case.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 679.

Claim No. 679, preferred by Alexis Robillard of Ste. Scholastique, for pillage by the Volunteers.

The claim being of £6 10s. 4d., is assessed at £5 5s. 0d., but the claimant is excluded from the benefit of the indemnification because he acknowledged to have been at the battle of St. Eustache, which he left during the continuance; and I dissent from the judgment of exclusion:—

1st. Because the pillage done at Ste. Scholastique, distant about twenty miles from St. Eustache, and two days after the battle of that place, was not the necessary consequence, no more than the legal punishment of the aforesaid act of the claimant; the less so as the

parties who pillaged him pillaged indiscriminately in the Parish, without distinguishing between the guilty and the guiltless.

2nd. Because the act as stated in the judgment is incorrectly stated, the said claimant having only acknowledged to have been at the camp (not at the battle) and to have left St. Eustache (not the camp or battle) during the said battle.

3rd. Because of all the general reasons given in my dissent from the judgment of exclusion on claim No. 72, preferred by Jean Baptiste Tétreau; the said reasons being applicable to the present case.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 680.

Claim No. 680, preferred by François Danis, of Plattsburgh, United States, for £208, and assessed for £103 15s. Od.

The claimant is excluded from the benefit of indemnification, because he acknowledged that he was Quarter Master at the camp of St. Eustache, and at the battle, and then fled to the United States, where he has resided ever since, and has been admitted as a naturalized subject, and I dissent from the judgment of exclusion—

1st. Because, the loss of the claimant was not the necessary consequence, no more than it was the legal punishment of his having been Quarter Master at the camp aforesaid; the less so as the said loss was caused at about twenty miles from St. Eustache camp; about two days after the battle, and as the troops or volunteers burnt or pillaged indiscriminately all vacant houses, that of the said claimant being then vacant by the absence of its tenant or lessee.

2nd. Because, allowing that this Commission could punish claimants by exclusion from the aforesaid benefit for the act of having been at a battle, the said claimant did not confess, as it is erroneously stated in the aforesaid judgment, having been at the aforesaid battle of St. Eustache.

3rd. Because, allowing again that the said Commission could punish for any participation in the Rebellion, the act of flying to, and residing in the United States or becoming a naturalized citizen thereof, was no such participation nor any positive proof thereof, and was not, either the cause of the burning or pillage of the claimant's property, as, at that time, his flight to the United States was unknown to the troops or volunteers, and as his residence and right of citizenship there had not yet taken place.

4th. Because of all the general reasons given in my dissent from the judgment of exclusion on claim No. 72, in so far as the said reasons are applicable to the present case.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 686.

Claim No. 686, preferred by Joseph Robillard, Senior, of St. Eustache, for £33 2s., and assessed at £19 19s. 10d., for property and effects burnt or pillaged by the troops and volunteers.

The claimant is excluded from the benefit of indemnification because, says the judgment of exclusion, it was proved in evidence in the Journal of Commission, pages 878, 907 and 911, that the claimant was a captain in the camp at St. Eustache; and I dissent from the said judgment of exclusion—

1st. Because, the evidence recorded on said page 878, was given *ex parte* and incidentally in any other claim, unknown to the claimant even to this day, and without his having

been called to admit or rebut the same, as at least he ought in justice to have been, and as other claimants in the same predicament were called.

2nd. Because, there is no evidence against the claimant on page 907; and also, because the said claimant's own testimony recorded on page 911 does not criminate him, or show that he was punished by means of the aforesaid burning or pillage in consequence of his participation in the Rebellion, if he did participate therein, but on the contrary, that an officer and a magistrate did use all their efforts to protect him from the said burning and pillage, showing thereby, to say the least, that there were no orders for committing the above outrages, and that they were therefore wanton and unjust.

3rd. Because, allowing that it should be proved that the said claimant was a captain at the aforesaid camp, the said burning or pillage was neither the necessary consequence nor the legal punishment of such act.

4th. Because of all the general reasons given in my dissent from the judgment of exclusion on claim No. 72, the said reasons being applicable to this case.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 732.

Claim No. 732, preferred by Joseph Dorion, of St. Eustache, for £62 10s., and assessed at £40.

The claimant is excluded from the benefit of indemnification on account of its being proved in evidence in Journal, pages 907 and 911, that he was at the camp of St. Eustache, and on horseback, on the ice, at the head of a party of rebels during the battle, and I dissent from the judgment of exclusion.

Because, the evidence referred to, although written in the Journal of the Commission, does in nowise appear to have been taken before the said Commission, bears no date, and is not in any manner authenticated, so that it is no proceeding of this Commission, on which they can base a judgment.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 774.

Case No. 774, preferred by the Representatives of the late Jean Baptiste Flavien Spénard, of Saint Eustache, for £139 9s. 4d., and assessed at £84 5s. 5d.

The claimants are excluded from the benefit of indemnification, because it was proved by a witness that the late Spénard told him he was at the camp on the day of the battle, and was taken prisoner there; and I dissent from the judgment of exclusion—

1st. Because, allowing that this Commission could exclude the aforesaid claimants for the cause aforesaid, the said cause is not sufficiently proved, the same having been proved only by one witness, upon the mere narration of the late Spénard, a narration which might be expressive of the truth, but also which might be a boast with respect to his going to the camp, as a means, in his mind, to show his valour or courage.

2nd. Because, allowing the aforesaid narration to be true, and that the deceased went to the camp of his own accord and not by compulsion (it being very possible that he would have been there by compulsion) it is not proved that the facts so narrated were the necessary cause of the burning or pillage complained of, and that it was in consequence thereof that the exclusion was taking place; on the contrary, such exclusion appears, from the wording of the judgment, to be for a punishment of mere acts of participation in the Rebellion, established in the aforesaid doubtful manner, as if this Commission had jurisdiction to

that effect, and as if there was no Act of Amnesty passed, and again as if the benefit of the doubt was not for the said claimants.

3rd. Because of all the general reasons given in my dissent from the judgment of exclusion on claim No. 72, inasmuch as the said reasons are applicable to the present case.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 1365.

Claim No. 1365, preferred by Constant Bousquet, of Napierville, for £501 3s. 5d., and assessed at £262 9s. 5d.

The claimant is excluded from the benefit of indemnification on account of its being proved on evidence that he pillaged and took prisoners, and otherwise aided and abetted in the Rebellion; and I dissent from the judgment of exclusion:—

1st. Because the claimant proved his damage or loss and the wantonness thereof, without being interrogated or questioned on his conduct during and in regard of the Rebellion; the Commission having shown thereby, as in a great many other cases where they equally abstained from interrogating the claimants, that they had not the power and jurisdiction to try and exclude claimants for participation in the Rebellion, when the losses or damages complained of were not, as in the present case, the necessary consequence or effect of such participation, but, on the contrary, were, as in the said present case, wanton, unjust or unnecessary.

2nd. Because, the aforesaid exclusion took place only from the fact that the said claimant was incidentally implicated in the evidence given in his absence on the claim of one George Kelly, an evidence which, a long time after the proof of the claimant's loss and the wantonness thereof, gave lieu to the trial of the said claimant and to his present exclusion, which is not because the loss complained of was the necessary effect of the claimant's conduct, but which, as may be inferred from the wording of the said judgment, is to punish him merely for such conduct, as if the same were allowed by the Act of Indemnity and not prohibited by the Act of Amnesty.

3rd. Because, allowing that the said Commission could so try the said claimant, his trial did not, according as he was called, take place merely to rebut, as he did, the charges against him contained in the evidence so given *ex parte*, and incidentally on Kelly's claim; but also by the unexpected hearing of the former and other witnesses against him on the same or more aggravated charges, and for the rebutting of which he was not prepared.

4th. Because, notwithstanding his being unprepared as aforesaid, the said claimant gave sufficient evidence to rebut, or at least to throw the greatest doubt on, the testimony of the witnesses so unexpectedly heard as aforesaid, and to secure to him the benefit of the doubt thrown as aforesaid.

5th. Because, trying and excluding the said claimant as aforesaid was unfair and unjust, as a great many claimants have been awarded without trial, even some who like him were implicated on *ex parte* evidence.

6th. Because of all the general reasons given in my dissent from the judgment of exclusion on claim No. 72, the said reasons being applicable to the present case.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 1408.

(Translation.)

Claim No. 1408, preferred by Antoine Merizzy, of Napierville, for £912 13s. 2d., reduced to £619 5s. 10d., as being the fair amount of loss sustained.

The claimant is excluded from the benefit of Indemnity, because, says the judgment of exclusion, it has been proved at pages 1369, 1475, 1555, 2227 and 2239, of the Journal of the Commission, that the said claimant was a Purveyor or Commissariat Officer at the camp at Napierville, that he had aided and been active during the Rebellion, moreover, that Sir John Colborne had offered a reward of one hundred pounds for the apprehension of the said claimant, and lastly, that Sir John Colborne had given special orders to burn the buildings belonging to the said claimant among other ringleaders, and I dissent from the judgment of the Commissioners.

1st. Because, the claimant long before undergoing the trial which resulted in the award above mentioned, had proved the loss sustained and the malicious, wanton and unnecessary cause of such loss, the whole so entirely to the satisfaction of the Commission, that they put no question to him at all with reference to his conduct during the Rebellion.

2nd. Because, the said Commissioners having satisfactory proof of the malicious, wanton and unnecessary cause of the loss in question, were no longer entitled to investigate the cause by reference to the conduct of the claimant, and still less by *ex parte* evidence incidentally produced with respect to other claims without any intention of incriminating the claimant.

3rd. Because the proof adduced at the said 1369th, 1475th and 1555th pages is wholly *ex parte* and incidental, and in no way identifies the individual Merizzy mentioned in those pages as being the present claimant, and the less so as the christian name of the said Merizzy mentioned in two of the pages is not given at all.

4th. Because the Commissioners, not content with denouncing the said claimant on the charges implied in the aforesaid *ex parte* testimony, which is incidental, and fail in identifying the accused, as the same were communicated to him in writing, on his demand, but have gone so far as to frame new ones against him, by admitting new evidence in proof of facts, if not altogether different, yet at least more developed and more grave than those included in the charges aforesaid, against which alone he had been cited to defend himself.

5th. Because, inasmuch as the said Commissioners have excluded the claimant on account of the reward offered for his apprehension, and of the order given for the burning of his property, if indeed it has been satisfactorily proved that such order was given, (which is doubtful), they have excluded him on a mere presumption of guilt which originated in the said promise and order, and not upon any positive proof in that behalf, granting that the claimant may be excluded on account of a guilty participation, and not because the loss he has suffered was just and necessary.

6th. Because, in denouncing the said claimant on *ex parte* testimony, and after he had proved his loss to be wanton as aforesaid, they treated him with less favor than they had shewn to two other claimants accused upon evidence of the same nature, but of graver crimes, having indemnified them without in anywise inculpating them, although for one of the two a reward had been offered, not of one hundred, but of five hundred pounds.

7th. For all the general reasons given in my dissent from the judgment of exclusion rendered on the claim No. 72, of Jean Baptiste Tétreau; the said reasons being applicable to the present case.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 1431.

Claim No. 1431, preferred by François Xavier Vautrain, of Saint Eustache, for £25 6s. 9d., and assessed first at £12, for the loss of a horse killed by the volunteers, whilst the claimant was driving them to Beauharuois, and second at £8 17s., for effects pillaged whilst he was fighting against the troops at Lacolle.

The claimant is excluded from the benefit of indemnification with respect to the latter sum of £8 17s. for the reasons above mentioned; and I dissent from the judgment of exclusion—

1st. Because, the aforesaid pillage did not take place whilst the said claimant was fighting at Lacolle, as is erroneously declared in the aforesaid judgment; but when he was at his house, where the said pillage was effected several days after the said battle, and in a Parish situate about eighteen miles from Lacolle; so that the said pillage was not the necessary consequence, no more than it was the legal punishment of the fighting of the said claimant, a fighting which he did not even do from disloyalty, but only in consequence of his having been compelled thereto by the threats of a large party.

2nd. Because, of the general reasons assigned in my dissent from the judgment of exclusion on claim No. 72, the said reasons being applicable to the present case.

(Signed,) OVIDE LEBLANC,
Commissioner.

No. 1514.

Claim No. 1514, preferred by Louis Dupuis, of Lacolle, for £464 15s., and assessed at £298 16s. 8d.

The claimant is excluded from the benefit of indemnification, on account of its being proved on the evidence that he pillaged and took prisoners, and otherwise aided and abetted in the Rebellion; and I dissent from the judgment of exclusion—

1st. Because, of all the reasons given in my dissent from the judgment of exclusion against Constant Bousquet, on claim No. 1365; the said reasons being applicable to the present case, on account of a similarity of facts between the two cases.

2nd. Because, the fact that the claimant was released a day after he had been made a prisoner by the troops, shows that he was acquitted of having participated in the Rebellion, and that, therefore, it is no more in the power of this Commission, if they have any, in respect of punishing, to punish on that account. I hereby protest against the arbitrary power exercised by this Commission in causing the said claimant to come from Lacolle to Beauharnois, at considerable expense and inconvenience, to rebut charges which he ought not to have been called to rebut, after he had duly proved his loss and the wantonness thereof.

(Signed,) OVIDE LEBLANC,
Commissioner.

(Translation.)

MONTREAL, 26th March, 1852.

Sir.—An absence of an imperative nature, and of much longer duration than I had anticipated, has compelled me to defer till now tendering to you, for the information of His Excellency the Governor General, my reasons for not concurring with three of my colleagues on the Indemnification Commission in the Report which, as being a majority of the Commissioners, they have transmitted to His Excellency, in relation to the proceedings of this Commission. I shall have the honor to present these reasons to you in detail. I did not concur in the Report, because I did not think proper, with these gentlemen, to abandon

what was, in my opinion, the clear and natural sense of the letter of the law, and by means of deductions drawn, as corollaries, in opposition to the limitations brought to the principle of exclusion of the two classes mentioned in the proviso to the preamble of the Act, to give what was, in my opinion, a forced meaning which it was not intended to convey, a meaning which renders the Indemnification Act, 12 Vic. cap. 58, too similar in its character to the Indemnification Ordinance 1 Vic. cap. 7, although the reasons for which these two laws were passed, were different, and calculated to produce different effects, doubtless as being originated by Legislatures dissimilar in constitution, character and opinion, and more especially from the fact that one of these laws was passed before the investigation made by Her Majesty's High Commissioner into the causes of the late Rebellion, whereas the other was not passed until after that investigation, that is to say, after it was known that the Rebellion was only the necessary result of an order of things brought about by the Imperial and Colonial authorities.

As I have stated that a forced, or rather false meaning has been substituted for the natural and true sense of the Act, it becomes my duty to establish the truth of my assertion, and to this end, I shall give the two versions of the law, as understood by the signers of this document, and as I understood it myself.

These gentlemen are of opinion, that the Commission had a right to constitute, either by means of conviction or confession before them, besides the two classes of persons excluded by the proviso or exception to the preamble of this Act, for the crime of high treason, a third class as guilty of the same crime, and thereby to exclude them also from the benefit of the law.

For my own part I am humbly of opinion that the third class, who should not be partakers of the benefits of the Indemnification, ought to be composed of the claimants whose losses had been the necessary consequence of their participation in the Rebellion, that is to say, of those whose losses had not been unjustly, unnecessarily or wantonly caused, according to the terms of the Act. I base my interpretation of the law upon its literal expression, and also upon what is conveyed in the instructions of His Excellency to the Commission, where it is remarked with respect to the inutility of the condescension of Government when strong opposition was made to the passing of this Act, that "it became necessary to proceed with the measure as it now stands on the Statute Book." Now that measure, as it now stands in the Statute Book, provides for the compensation of wanton, unjust and unnecessary damages.

I also base this interpretation upon the uniformity of the sense in which this measure was understood by all parties, both within and without the precincts of the Legislature, and more especially upon the refusal of the Legislature, after admitting Mr. Boulton's amendment, to accede to any other amendment in order to the exclusion of any other parties on account of criminal conduct, and not on account of wanton, unjust and unnecessary losses inflicted on them. I support my interpretation, moreover, upon the fact of the law containing no provision conferring on the Commission the necessary jurisdiction to examine and convict claimants of the crime of high treason, in order to punish them therefor, by excluding them from indemnification for their losses, if the law had intended thus to punish this crime, foreign as that means of punishment would be to the enactments of our criminal code in this respect. Lastly, I base my interpretation upon the Act of Amnesty passed but a few days before the Indemnification Act, which does not permit the future molestation of any person on account of participation in the Rebellion not formally excluded for that reason by the Act of Indemnity.

I might yet base my interpretation upon many other facts; on the fact, for instance, that the riots of 1849 only took place because the opposition party outside the Parliamentary precincts, comprehended the law in the same light as it had been understood by the opposition party in the Legislature, that is to say, in the same sense as the Ministerial party; upon this further fact, that in England, political men and the press, without distinction of party, united with our political men and our press of all parties in viewing it in the same sense; on this further and very significant fact that the opposition party not having succeeded in their attempt to procure amendments to this Law in England, by parties deputed for that purpose, prayed our Parliament in 1850, for those amendments, but could not succeed in obtaining them.

The signers of this document have thrown aside all these facts, although they were well

aware of them, and having so set them aside, they have not drawn the only deduction which could arise therefrom, but to give a colour to their interpretation, they have cited the fact, that the Act of Indemnity was passed in conformity with an Address of the Legislative Assembly to Lord Metcalfe, dated the 28th February, 1845, appealing to the purport of that Address, and have cited at length the 10th Section of that Act, and its preamble, and having made this quotation and these recitals, these gentlemen have asserted, that after a careful consideration of this preamble, and of the authorities and documents to which it refers, "that" (I shall give their own words,) "the losses mentioned in it were those sustained in the support of the Government in the maintenance of order, or those inflicted by the adherents of either side on innocent parties, but not an indemnification for that retributive punishment, injury for injury, the common penalty of unsuccessful Rebellion. Rebellions are neither supported nor suppressed without violence and loss; they who commence or join them, know the risks they incur, on the one side forfeiture, on the other side, indemnity; a liability and distinction it would be morally and politically unwise as well as unsafe for any Government to remove." Having given their interpretation of the law, which they base upon the authorities above cited, the signers of the Report proceed to state, that if they had had any doubts of the correctness of this interpretation, they would have been set at rest by the instructions dated 25th June, 1849, of which they quote a part which they are of opinion best supports their view:—that His Excellency and his Council agreed with them in this respect;—an agreement which happily does not exist, and which, as it does not exist, will not make the Government responsible with the Commissioners, for the erroneous interpretation and mistaken carrying out of the law. On careful examination of these authorities, and the part of the letter of instructions cited, I have no hesitation in asserting that they will be found not to contain a single word authorizing so forced, I might say, so false an interpretation as that given by these gentlemen; an interpretation which could only be derived from abstract motives founded on hypothetical principles, and from distinctions not founded in law; motives and distinctions which appear to have been created for the purpose of making things what they were wished, rather than understanding them as they are. These authorities are far from bearing out the conclusions on which these gentlemen rest their opinion.

We find, on the contrary, in these authorities, that is, in the proceedings taken under and by previous administrations, and which served as a basis to the Act of Indemnity, we find, I say, that the Government of the day made this answer to the members of the Commission of 1845—and these very gentlemen formed the majority of that Commission—that, in classifying parties who had taken part in the Rebellion and parties who had kept aloof therefrom, they were to be guided by such proofs only as existed in the judicial convictions. This classification was, in fact, adopted in pursuance of this very rule, as may well be seen in the Report of that Commission, signed by all the Commissioners, and therefore signed by those who signed the Report of this last last Commission. This same principle of classification was, moreover, adopted by Parliament in the present Act of Indemnity, for it excludes from its benefits, on the ground of high treason, none but those who had been convicted thereof, or, which is the same thing, who had pleaded guilty to the charge, and therefore it created no jurisdiction to effect further convictions, or record other pleas of guilt, with a view to exclude other parties for the same reasons. Far from it: Parliament has done the only thing that could be done after an Act of Amnesty had been passed; it has shut out from its benefits none but those claimants whose losses ensued as the immediate and direct effect of their own acts in the Rebellion; I mean those claimants whose losses were not, in the terms of the Statute, wantonly, unjustly, or unnecessarily caused.

It also appears by the Report of the Commission of 1845–6, the work of the three signers in question and of their then colleagues, the admission that the Instructions to that Commission (Instructions which also formed part of those proceedings upon which the Act of Indemnity was passed) were of a more general and less restricted character than the Ordinance before referred to, a character which the Indemnification Law ought necessarily to partake of, and a character which ought, in consequence, to cause it to be interpreted in a more liberal and indulgent, and not in a narrow and restricted sense, by means of hypothetical principles, and arguments more specious than logical.

In view of this answer from Government, with respect to the classification of claimants, an answer both legal and thoroughly explanatory of the meaning of the former instructions; in view of the classification made by the ex-Commission in conformity with the rule laid

down in that very reply; in view of the action of the Legislature upon the principle of this classification, in view of the provision of the law for the indemnification of losses unjustly, unnecessarily and wantonly caused, without the exceptional proviso of guilt being subjoined to this provision; in view of the absence from this law of all right or jurisdiction to examine and convict, and finally, in view of the Amnesty granted by Act of Parliament, of which the Commissioners ought to take official cognizance, not solely out of respect to the Queen and Her Parliament, but also as a matter of duty towards these Sovereign Authorities; in view of all these facts, I say, I cannot comprehend how the authors of the Report of which I am now speaking, could have given the Law the interpretation they have given it, nor can I convince myself that I have misunderstood it. True it is, that, after having recited at length the proviso to the preamble, excluding from the contemplated benefits, all persons who had been convicted of the crime of high treason, or who have acknowledged their guilt; these gentlemen remark, "If these two classes excluded by the proviso would have been excluded, though this proviso had not been forced into the Act, it follows as a corollary that other persons equally guilty, who were also charged with high treason or other offences of a treasonable nature, and who are committed to the custody of the Sheriff, may also be refused indemnification." This would, doubtless, be a logical deduction, and I should have considered it my duty to adopt it with these gentlemen, if all the facts previously mentioned did not virtually and even expressly bring limitations or restrictions to the principle providing in this proviso for the exclusion, on account of criminal conduct, of the two classes therein mentioned. I will, on this occasion, only mention one or two of these restrictive facts; the more general and less restricted character of the Act as compared with that of the Ordinance; the obligation to carry out this Act as it stands in the Statute Book; the provision of the law for the indemnification of any person not included in the two excluded classes who has sustained loss wantonly, unjustly, or unnecessarily, without any proviso as to criminal conduct; the want of jurisdiction to establish the fact of guilt, in order to the exclusion of parties on that account; the amnesty which forbids any investigation as to guilty conduct in order to the infliction of punishment on that account, even such punishment (not inflicted by any law) as consisted in exclusion from indemnity for losses wantonly, unjustly, and unnecessarily caused. I shall not insist upon the principle, that in a penal matter, everything must be taken in the narrowest and most restricted sense, without the extension of one case to another; that where the law makes no distinction, man has no right to draw distinction to maintain his views and his own peculiar notions; that the conclusions come to by these gentlemen, do not correspond with their former classification of claimants, nor with their admissions at the period of that classification, although these facts, allied as they are, to the present law, would assist much in its explanation, if its terms were not already so lucid, and had not without these means been so thoroughly understood by all parties.

Conceiving that I have now satisfactorily demonstrated the truth of my assertion, that the law has been understood in a false sense, I shall proceed to state my reasons for not signing the Report. I could not sign it, because, were the assertion correct that the Commission had a right to examine parties in order to their exclusion, in accordance with the conclusion above mentioned, "*other persons equally guilty*," (referring to the individuals composing the two classes excluded by the proviso contained in the preamble,) "*and who were also charged with high treason, or other offences of a treasonable nature, and committed to the custody of the Sheriff*," they have not acted in accordance with that conclusion in excluding only the persons "*equally guilty, &c.*," a proceeding of which it never formed the basis, considering the motives of these investigations against the claimants. On the contrary, they have included within the scope of their pretended jurisdiction, with the secret and unavowed purpose of establishing their guilt, and excluding them thereby, a great number of claimants who had never been accused of high treason nor committed to prison, in pursuance of such deduction, and they have excluded from the benefit of the indemnity many claimants, although nearly all of them had neither been accused of high treason nor imprisoned, and although such of them as had been so accused and imprisoned were not put upon their defence therefor, as I before stated, and as may be seen from the proceedings of the Commission. These proceedings in no instance make it appear that a man was excluded by the Commissioners, because he had previously been accused and imprisoned for the crime of high treason. I did not feel justified in signing this Report, not only because the Commission failed to act in conformity with the deduction in question, even supposing it to be logical,

but from the fact, also, that they have only tried the lesser number of claimants, a part of whom were excluded on account of their participation in the Rebellion, and not on account of damages unjustly, unnecessarily, or wantonly caused, while the greater number have not been subjected to a similar test, no part of whom consequently could be excluded on the same ground of criminal behaviour; whereas if this greater number had also been subjected to the test of a trial, there is very little doubt that there would have been a proportion, equal to that of the lesser number, excluded in like manner for the same reason. This difference, or this inequality of proceedings between two great sections of claimants, appeared to involve too great a measure of injustice towards the party excluded, that I should sanction it by my signature.

An act of injustice analogous to the one last mentioned, and one which I could not sanction by affixing my signature to the Report, consists in excluding from the benefit of indemnity a number of claimants who made voluntary confessions, and in the admission to this benefit of other claimants who refused to make such voluntary confessions, without so much as pleading their innocence, and whom nevertheless the Commissioners did not subject to examination, in order that they might, if guilty, undergo the same award as other guilty parties, as the same degree of criminality might be presumed equally from the absence of any profession of innocence, and from the refusal to answer questions which might criminate them.

The rejection of several persons because they had been rejected by the Commissioners appointed under the Ordinance before referred to, and the admission of others, notwithstanding that they had been also rejected by that former Commission, was also a proceeding too partial in relation to parties in the same position to admit my sanction thereof by concurring in the Report.

I also refused my signature to this Report, because the claimants examined or questioned relative to their conduct in the Rebellion, were, almost without exception, thus examined or questioned, without knowing the intention of the Commission, both inasmuch as it was not declared to them, and also because they could not surmise an intention subversive of the manifest intention of the Act. These claimants, in consequence, very rarely alleged reasons in justification or extenuation of the facts which tended to their crimination, if such they had to allege,—reasons, moreover, which the Commissioners in the course of their examination hardly ever demanded, any more than they made known the object of their examination; reasons, moreover, which, as regards the several proceedings in which they were given, were allowed no weight whatever in several cases, as may be seen by verifying the facts enunciated in the nine motions hereinafter mentioned. Another of my reasons for not concurring in this Report was the refusal of its signers to correct certain errors therein, and to place upon the same footing a number of claimants judged in an adverse sense, although placed in the same categories, and on that account subject to the same principles, as required by me in nine motions written in the concluding pages of the journal of the Commissioners, in which I have exposed these errors and contradictions. It is true that these gentlemen, after having negatived these motions, were desirous of justifying their proceedings by reasons given in a resolution entered after my motions in the journal, pretending that it would be a loss of time, and only tend to prolong the existence of the Commission, to discuss judgments rendered a long time before, and principles which had been admitted for an equally long period of time, as detailed in the Report of the 6th July, 1850, and asserting that the maintenance of these principles was the basis or rather the main object of their more detailed Report of the 20th March, 1851, as also of the Report sent in at the conclusion of their labors. But I do not consider this justification tenable, because the correction of these errors and the disappearance of the contradictions demanded by my motions might have resulted without deliberation, but simply by the mere verification of my allegations, and by a general declaration on the part of the Commission that, having admitted their erroneous and contradictory proceedings in the matters to which it referred, they granted to the claimants in these cases the indemnity to the amount of the damages proved, which they had previously refused; a verification and declaration which might, so to speak, have been made in a few hours, and consequently without prolonging for any considerable period the duration of the Commission, even supposing that its prolongation for a short period ought to be avoided, at the expense of the justice which was due, not only to more than a hundred claimants, as is stated in the said resolution, but, I believe, in fact to several hundred claimants. I fear that these gentlemen have, by this resolution, of which I have just been speaking, expressed a

desire to render Government responsible for erroneous principles with reference to the law of indemnification, and consequently with their erroneous carrying out of this law, by stating that these principles were "communicated" to them (that is to say to the Government) in the various Reports sent in by them, and thereby insinuating that the Government had approved of them, but these three Commissioners do not state that the Government were unable to disapprove of these principles, in so far as they were enunciated in the Report of July, 1850, inasmuch as that Report was prepared not for the Government but for the Legislative Assembly. They do not moreover state, inasmuch as these principles were set forth at greater length in the Report, dated May, 1851, that the Government had specially declared with respect to the decision of the Commissioners, which is stated at length in this Report, that is to say, the principles upon which these decisions had been based, that they had nothing to say either in approbation or disapprobation. The avoird, also, alluding to the answer in justification of the Government to a question put by the Commissioners in a letter, dated the 31st October last.

After having attempted, as it would appear, to render the Government responsible for their interpretation and execution of the law, as I have already twice had occasion to remark, these gentlemen are nevertheless conscious that no such responsibility can attach to the Government; and they even seem, in their final Report, to reproach or blame the Government for not having come to their aid and explained that part of the law which relates to the principle upon which the Commission were to exclude or admit claimants, and this reproach or blame has been an additional reason for my refusing to concur in the final Report. It strikes me that such a reproach or blame comes with bad grace from these gentlemen, who never consulted the Government on the subject, but, on the contrary, constantly refused to seek advice on this head, although they did so on points of comparatively minor importance; they, moreover, in their Report of May last, (to which they allude,) expressed themselves in such an absolute and decided manner, as to their mode of interpreting and carrying out the law, that they ought to have felt that the Government could hardly come forward and proffer its advice; such intervention on the part of the Government, could it have taken place, would, it seems to me, have been for an object very different from that of giving advice.

If, in reality, the intention of the authors of the Report be, as I fear it is, to blame the Government for not having advised them in relation to the principles enounced in their Reports, such intention does not appear to me reasonable, particularly since these gentlemen refused compliance with the declaration made to them on the part of the Government against taking *ex parte* evidence as the basis of their decisions, and, notwithstanding such declaration, persisted in excluding, upon such evidence, claimant No. 72, and in like manner, claimants Nos. 511, 514, 539, 540, 628, 686, and others. Other reasons have also prevented me from signing this document; I shall abstain from detailing them, in order not to extend to a greater length a document which is already so long. I will simply state, that the Report contains several assertions, the authors of which have not been fortunate as far as facts go; that the same fault seems to me to exist in certain modes of reasoning, as far as true principles are concerned; that the powers granted by the 13th Section of the Act, referred to in the Report, were but means for the attainment of the object the Act had in view, viz.: the very restrictive one of establishing that a loss had or had not been wantonly, unjustly, or unnecessarily caused, and, accordingly, whether indemnification ought or ought not to be granted therefor, and such powers consequently could not be exercised, except in so far as to attain that object; and lastly, that the last citation, referring to the classification of claimants, and made with a view of justifying the interpretation put upon the law, and the carrying out of the same, by the majority of the Commission, is incomplete, inasmuch as it is not accompanied by the explanation given of its terms by the Government itself, when requested so to do by the subscribers of the document and by their colleagues, who had been members of the Commission of 1845 and 46; an explanation which modifies and extends to such a degree the meaning of the terms cited, and gives them such a favorable construction, that it is extremely unfortunate that, in "the careful consideration given by these gentlemen to the Preamble of the Act, and to the authorities and documents therein referred to," it should have escaped their memory and eluded their scrutiny. As a conclusion, which may be drawn from all that I have just stated, I believe I am correct in saying, that the object the Government had in view in introducing the indemnity measure, has been frustrated by what I term the improper manner in which such measure has been carried out;—that, in

consequence, the execution of the above measure, in so far as it affects but too great a number of claimants, will not have, in the language of the instructions given to the Commission, the effect "to eradicate all tendency to disloyalty and disaffection, by removing every just cause of complaint in reference to the unfortunate events of 1837 and 1838; and the establishing of the institutions of the Country in the hearts and affections of the people."

These beautiful terms adequately pourtray the mission of peace and conciliation it was given to the Commissioners to fulfil; much is it to be regretted that they should not have understood it, especially after the lesson of conciliation taught them by the Act of Amnesty, but that, on the contrary, they should have deemed themselves bound to continue subjects of discontent, and, by refusing just claims of indemnity, to give their sanction to acts of violence, pillage, incendiarism and vandalism, which natural and public law, as well as law human and divine, and the teaching of civilization, utterly reprobate. Such acts, far from deserving the sanction of the Commissioners, supposing the Commissioners to have had authority in the matter, fell within the very terms of the law, as having been wantonly, unjustly, or unnecessarily perpetrated, by the regular or volunteer troops, in country parts, where they were warranted neither by the existence of a camp, the gathering of the people, much less the fear of attack, or the offer of resistance. They, moreover, were done not only without the orders, but in contravention of the orders of the authorities, and consequently without a shadow of right or jurisdiction. Further, no investigation was previously had to establish whether, by the articles of war, or by any other law, the individuals so ill-treated had justly incurred punishment. Love of pillage and national antipathy, carried to a pitch by unfortunate events, were alone the cause of them. The military and civil authorities repressed them as much as possible, and punished those guilty of them. The whole of what I have above stated has been proved before the Commission in a number of cases. These outrages cannot have been committed without trespassing on the homestead, or rather, in legal terms, without invading that castle of every British subject which public law takes under its safeguard and shields from aggression; such aggression, nevertheless, has been approved of by men invested with a public character, by men, who, believing themselves clothed with a certain authority, ought to have, by a different conduct, condemned such invasion, which, in many cases, led to the destruction of dwellings.

It cannot be that, when such sanction was given, they were ignorant of the all-protective dispositions of our laws; I can only say they had forgotten them. Unfortunately, it was not in this particular alone that they were guilty of forgetfulness; they forgot matters of greater moment than those relating to the violation of the right of private property, by the forcible invasion of a dwelling for the purposes of pillage and destruction, and overlooked rights affecting a man's existence and honor, more to be valued than all his other possessions, viz.: the right of personal security, and that of personal liberty. Having lost sight of these two great fundamental rights and liberties, granted and secured to us by Charters and Statutes, it is not surprising that rights of a subordinate and secondary character, established but as a means and for the purpose of securing those fundamental rights, should also have been disregarded. In the forgetfulness and disregard above shewn, and also in the assumption of the principle that indemnity was to be afforded to the innocent alone, and not to those who, in the terms of the law, had suffered losses, the Commissioners arrogated to themselves the functions of a tribunal of criminal jurisdiction, and deemed themselves empowered to inquire, even in the absence of an act of accusation, or of the verdict of a jury, into existence of the most heinous crime recognized by our laws, High Treason, and then to visit such crime, not with its legal punishment, but with a penalty entirely unknown to law, consisting in depriving the guilty party of a positive right granted by Statute to all those who, in the meaning of the Act, had suffered losses. I beg pardon for having extended my conclusion to such a length, but I had an object in so doing, which I shall here explain. As I have reason to believe that, in the first part of my letter, I have demonstrated that, misled by supposed principles and hypothetical reasonings, the Commission had given the law a false interpretation, I was desirous, in this second part, of further shewing that such interpretation can have proceeded but from a wrongful appreciation of the enactments of our public law, of the declaratory provisions of our existing rights, and of the grants of further concessions and rights, contained in those Charters and Statutes, which, together, form what the British subject, with such emphasis, terms "the bulwark of his liberties."

Had the Commissioners constantly borne in mind these fundamental laws relating to our liberties and immunities, they would necessarily have been guided in their interpretation of

the Indemnity Act, which they looked upon as ambiguous, by principles and rules other than those based on supposition and conjecture, and more in conformity with the dictates of our public law, and with the laws of nations and nature, from which that Act did not and could not derogate. They would have thereby avoided what I deem a grievous mistake, viz.: the exercise, without the sanction of public or common law, of powers they could not possess as an ordinary tribunal of criminal jurisdiction, since they formed no such tribunal, nor as a special tribunal of similar jurisdiction, to take cognizance of acts connected with the Rebellion, since no Statute ever constituted them such, and, by right, no Statute could, after an amnesty had been granted, create such a tribunal for the purpose of exercising an exceptional jurisdiction which would eschew the ordinary mode of proceeding by indictment and jury. Had such error been avoided, they would have also avoided giving their sanction to what was legally and morally wrong.

If the reasons adduced in the first part of this letter, leave without a doubt, as I make bold to say they do, that a false meaning was given to the Indemnity Act, those set forth in the second part establish this fact, with still much greater force, and lead to the conclusion that the carrying out of the law, according to the sense of such meaning, must necessarily have been erroneous, and, consequently, that such exclusions, as were caused by the adoption of such meaning, were equally erroneous; that is to say, completely null and void.

Believing, as I do, that I have clearly demonstrated the absolute nullity of such exclusions, I respectfully express my conviction that my efforts to prevent the giving effect to such exclusions, will meet with success at the hands of His Excellency the Governor General, and obtain an issue more favorable than that which followed my endeavors before the Commission, when, by acts of dissent, shewing moreover the nullity of such exclusions, I attempted to prevent such exclusions from being pronounced. I have the greater right to expect that His Excellency will do justice to the excluded claimants, that the injustice they have suffered is the more grievous, inasmuch as, numbers of decisions (irrespective of those which were founded on a wrongful interpretation of the law,) were based on facts wholly unsubstantiated; others, in still greater number, although drawn from facts of a similar character, and relating to claimants in the same category, came to opposite conclusions; and these statements may be easily verified, by referring to the acts of dissent and motions above mentioned, as well as to the proceedings of the Commission. The oath taken by me as Commissioner, binding me faithfully to discharge my duty as such, and to grant neither more nor less than the amount claimable according to the true intent and meaning of the Act, imperatively directed, and justice and duty besides required that I should proclaim my dissent as above stated, in order, if possible, to prevent the injustice of giving nothing in cases where the true meaning of the law demanded that the entire claim should be allowed; not having succeeded in this object, I deemed it another part of the duty imposed upon me by my oath, in this my exposition of the reasons which have prevented me from signing the Report in question, to set forth with respectful deference, the above mentioned causes of nullity, so that the injustice resulting from those wrongful exclusions, might not be fully consummated in opposition to the true intent and meaning of the Act, and the object of the measure of indemnity frustrated, contrary to the intention of the Government, who introduced it in Parliament.

I very much regret the great length to which this letter has extended; I beg, as an excuse, very respectfully to assure His Excellency, that a strong sense of duty hath alone guided me to this particular.

I have the honor to be, Sir,
Your very humble and obedient Servant,

(Signed,) OVIDE LEBLANC,
Late Commissioner under the Act 12 Vic. cap. 58.

To the Honorable A. N. MORIN,
Provincial Secretary, Quebec.

(Translation.)

MONTREAL, 31st March, 1852.

Sir,—I have the honor to transmit herewith the Report I had promised you in January last. I regret much that absence, sickness in my family, and numerous occupations, should have prevented me from sending you this document before now. It is very long, but many motives required that it should be so. I have suffered so much while on the Commission, in consequence of the obstinacy with which I saw the sense of the law misinterpreted, so as to pervert its execution, that I could not refrain from pointing out these facts in a document more solemn than the acts of dissent in which I have already made them known. I have thought that the justice due to the claimants who had been unjustly excluded, in consequence of this false interpretation of the law and the erroneous manner in which it was put into execution, called for such a proceeding on my part.

Knowing how desirous the Commissioners were throughout to make the Government responsible for their interpretation and execution of the law, and how much, with this view, they had always wished to show that as that high authority remained silent, it approved of that interpretation and execution, I was not in any way surprised at the language made use of by the Commissioners in their final Report, to justify their false interpretation of the law and its erroneous execution, in saying that they agreed with the Executive as to the interpretation, or at least in insinuating that their error, if it were one, was to be attributed to the silence of that authority. But finding that this language was fraught with too much injustice, in so far as it could be construed to mean what I have just stated, I thought it incumbent on me, in my Report, to expose this unfairness, out of a regard to justice, both towards the Government and to myself, to prevent, if possible, the assumption, in consequence of this false construction of the law, of a position, the strength of which might militate unduly against my own version thereof.

Mere chance led me to discover, on the eve of the transmission of the papers and books of the Commissioners to the Executive, that a character of authenticity had been given by means of a date, of the names of the Commissioners present at the proceedings of which I am about to speak, of a certificate or declaration, and of the signature of the clerk, to certain *ex parte* and inquisitorial proceedings which took place at St. Eustache, about the 15th of August, 1850, I believe, after the lapse of the term fixed for proving the claims, and after my departure from that place; but which were entered afterwards, on some blank pages at the end of the book B, of the Journal of the Commissioners, among the proceedings of the end of June or of the beginning of July, as nearly as I can recollect, in place of having been entered in their proper place in the book C, in continuation of the proceedings which had just terminated at St. Eustache, and before those commenced at Vaudreuil; that is to say, at the time when they took place, as was customary, and as should have been done, if these proceedings had at that time been considered regular. The proceedings of which I speak, which were taken only in notes, contrary to custom, were at first written in book B, without any appearance of authenticity, that is to say, without date or signature, and without its being expressed that they took place before the Commissioners, or any of the Commissioners, so as to prove that they were really the acts of the Commissioners, as was always done in the regular proceedings. They were thus written on pages of the Journal, numbered with figures which had already been given to other proceedings in the book C, without explanation of the reason of these double numbers in the same Journal, as for example, page 906 A—906 B. The authenticity of which I have just spoken was not given to them before the 17th or 18th of January, that is, after I had ceased to attend the meetings of the Commission, which sat for one or two days afterwards in order, among other purposes which I have been able to discover, to pass a resolution against the nine motions mentioned in my Report, and to give the authenticity in question. What gave rise to this authentication, is that in the cases in which it was necessary and before it was done, I had based my dissent on this absence of authenticity. As this absence of authenticity was nothing less than the want of due attestation of the facts on which the exclusion of several claimants had been founded, it was considered necessary, not to admit the claims in question, as justice required, but by fabricating the needful authenticity to obtain the proof which was thought sufficient, notwithstanding its *ex parte* and inquisitorial nature, to justify, or at least to maintain the acts of exclusion. My object in making known what I have stated, is to sustain the truth of my allegations contained in the acts of dissent here in question, against the new character of authenticity given to the proceedings which I have

just mentioned. If I had made false allegations with respect to this absence of authenticity, the Commissioners, who would have been compromised by such allegations, would not have failed, for their own justification and my confusion, to contradict them. Apart from this absence of contradiction, and the presumptions arising from the facts above mentioned, I have witnesses to support my assertions. In making this complaint, with the view above stated, it is in case the Clerk may not, before transmitting the papers, on my disclosing to him the legal and moral evil of which he thus became the instrument, have put an end to this species of falsification by the erasure of the signature.

If the Government should institute an examination into the awards of the Commissioners, it will be seen in some part that Mr. Viger has denied some of my allegations against him; but the truth of these allegations will be discovered by referring to the proceedings to which they relate. I mention this only because I cannot consent that my veracity should be unjustly impugned.

I beg you will excuse, and cause to be excused, the erasures and marginal references in my Report, which I was unable to get copied, as I did not wish any longer to delay sending it.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed,) OVIDE LEBLANC,

Commissioner on the late Commission of Indemnity.

To the Honorable A. N. MORIN,
Provincial Secretary, Quebec.

W. C. HANSON dissents from his brother Commissioners, 12 Vic. cap. 58.

MONTREAL, 17th January, 1852.

Dear Sir,—In June and October last, I had the honor of forwarding Mr. Leslie several dissents from the judgments rendered by the majority of my colleagues; to-day, I enclose the whole I have made since the commencement of our labors. You will therefore oblige me by reserving these dissents which I enclosed from Beauharnois. I shall have to go to Quebec for the purpose of making some explanation of my conduct.

Yours very truly.

(Signed,)

W. C. HANSON.

E. PARENT, Esquire,
&c., &c., &c., Quebec.

I, W. C. Hanson, a Member of the Commission. 12 Vic. cap. 58, protest against the majority of my brother Commissioners, by examining the books and records of the Commission 1 Vic. cap. 7, for the purpose of rejecting claims:—

Because, the Judgments of the first Commission are no authority for the present, the less so, as no mention is made of it in the Honorable Mr. Leslie's letter, dated Montreal, 28th June, 1849, and because the books and records of the first Commission are incomplete:

(Signed,)

W. C. HANSON,

Beauharnois, 1851.

Commissioner.

PROTEST No. A.

BEAUHARNOIS, 22nd May, 1851.

I, W. C. Hanson, a Member of the Commission of Indemnity 12 Vic. cap. 58, do oppose the motion of the majority of the Commission for calling certain gentlemen as witnesses

before them, in order to ascertain whether parties claiming indemnity, are, by their conduct, excluded from the benefit of the Act, without first giving notice (when practicable) to the parties, naming the day and hour on which the investigation is to take place, which notice must be sent by letter if the parties live at a distance, at least eight days before the "enquête" commences, and if the parties live in the neighborhood, one of the assistant clerks must deliver the notice to the person and certify the same.

Because, without such precaution, witnesses will be heard *ex parte*, and be an injustice to the claimant if he is not present to cross-question and rebut the testimony, if he thinks proper to do so.

(Signed)

W. C. HANSON,
Commissioner.

Names of persons rejected by the majority of the Commission, 12 Vic. cap. 58, because their names appear in the records and judgments of the first Commission, 1 Vic. cap. 7:—

		£	s.	d.
No. 151.—Eugene Talham	Varennes.....	11	5	0
do 289.—Adolphine Bourque, veuve Daigle,	St. Ours... ..	130	15	0
do 276.—Louis Petit dit Beauchemin	St. Marc.....	7	4	6
do 293.—T. E. Mignault.....	St. Denis.....	36	10	7
do 297.—Joseph Courtemanche	St. Denis.....	15	3	3
do 302.—François M. Lenoir	St. Charles.....	35	4	9
do 304.—Antoine Leduc, fils	St. Charles.....	34	9	11
do 309.—Jean Baptiste T. Ducharme	St. Denis.....	36	18	9
do 356.—Heirs of P. Massé	St. Denis.....	62	17	9
do 390.—T. B. E. Durocher	St. Charles.....	249	3	2
do 369.—Heirs of late Francis C. Duvert ...	St. Denis.....	216	11	6

The above persons have proved, by two respectable witnesses, before the Commissioners under the Act 12 Vic. cap. 58, the sums opposite their names, and were awarded the same by the whole of the Commissioners; however, the said majority of the said Commission, composed of the members which formed the majority of the Commission of Indemnity appointed in 1845, thought proper afterwards to examine the judgments and records filed before the Commission under the Ordinance 1 Vic. cap. 7, and on finding in the said judgments and records that the above named persons had been excluded from the benefit of that Ordinance, they rescinded their awards for the aforesaid sums of money, and thereby excluded them from the benefit under Act 12 Vic. cap. 58, as is more fully explained in the judgments of rescision and exclusion rendered by the said majority of the present Commission, against the said above mentioned persons.

I, W. C. Hanson, a Member of this Commission, protest against the said judgment of rescision and exclusion, for the following reasons, viz:—

Because I do not consider the instructions contained in the Hon. Secretary Daly's letter, dated at Montreal, 12th December, 1845, to the said Commission of 1845, at all binding on the Commissioners 12 Vic. cap. 58, inasmuch as there is no allusion made to it in the letter of instructions given to the Commissioners 12 Vic. cap. 58, by the Hon. Mr. Secretary Leslie's letter, dated Montreal, 28th June, 1849.

Because the aforesaid Ordinance and Act differing in principle, the judgments rendered under the Ordinance cannot be an objection or rule to the Commission under the Act 12 Vic. cap. 58.

Because, the aforesaid majority did declare in the Report of the Commission of 1845, that the Ordinance 1 Vic. cap. 7, had a character and principle less general and more restrictive than the instructions given to the Commissioners of 1845—upon which instructions the said Act of 12 Vic. cap. 58, was framed as is declared in the instructions of the present Commission.

Because, the above declaration of the aforesaid majority, and the subsequent passing of the Act 12 Vic. cap. 58, must convince the said majority that there is at least a difference of principle between the aforesaid Ordinance and Act, and that therefore the decision under the Ordinance cannot be binding under the Act.

Because, every means have been taken by the Commissioners, during the examination of claimants, to ascertain if they took any part in the Rebellion of 1837 and 1838, as required by the Act.

Because, the claimant having proved before the Commission, according to the requirements of the Act, after the above investigation, it is illegal and unjust to refer to the books and papers of the Commission, 1 Vic., cap. 7, the more so as the said books and papers are no rule or authority for this Commission.

Because, if the will of the said majority of the Commission has to examine the judgments and papers of the Commission 1 Vic. cap. 7, it was unjust to bring the claimants before them at a considerable expense to prove their accounts when it was never their intention to pay them.

I therefore consider that the awards given by this Commission, being based upon the proof made before them, the individuals above named are fully entitled to the sums which appear opposite their names.

(Signed,) W. C. HANSON,
Commissioner.

No. 311.

Joseph Charpentier, of St. Denis, claimant, £68 5s., assessed £40 7s. 3d.

The claimant, Joseph Charpentier, is excluded from the benefit of the Act by the majority of the Commissioners for reasons more fully explained in their judgment of exclusion.

W. C. Hanson, a Member of the Commission, dissents from his colleagues in the aforesaid judgment for the following reasons:—

Because, the claimant in this case has suffered a “wanton” loss by the destruction of Dr. Nelson’s property in 1837. The claimant, on oath, says:—“I was farmer to Dr. Nelson on “halves. On or about the 2nd December, ten dragoons came to my house and informed “me they were going to burn Dr. Nelson’s property; I represented to the dragoons my situation, when I was allowed to take all my property out of the house, and part of my “wheat out of my barns; the dragoons then fired the property and went away.”

François Gaumard, on oath, fully corroborates the claimant’s statement in all particulars, as will be seen by reference to the journals.

I consider this a most wanton destruction of property; it is evident had it been the intention of the military authorities to destroy the claimant’s property, “the District being under “martial law,” the officer commanding at St. Denis would not have allowed any part of claimant’s property to have been saved, nor would they have entrusted the work to ten dragoons, unaccompanied by an officer in accordance to the 106 sec. of the Articles of War.

(Signed,) W. C. HANSON,
Commissioner.

No. 313.

Joseph Quai, dit Dragon, St. Denis, Claim, £461 14s. 7d. Proved, £267 4s. 7d.

The claimant Joseph Quai, dit Dragon, is excluded from the benefit of the Act by the majority of the Commissioners, for reasons more fully explained in their judgment of exclusion.

W. C. Hanson, a member of the Commission, dissents from his colleagues in the aforesaid judgment, for the following reasons:—

Because, the claimant obtained the property by “Donation,” from François Jalbert, of St. Denis, several years previous to the Rebellion in 1837, the said Jalbert reserving by deed a room in the house, part of the barn, &c., during his natural life.

Because, on the 2nd day December, 1837, a party of dragoons came to claimant's house, demanding Captain Jalbert; claimant assured them he did not know where he was; claimant was obliged to accompany the dragoons to Captain Jalbert's son-in-law, who resided in the 2nd Concession at St. Denis, and not finding him there, the dragoons ordered all the effects belonging to Jalbert to be burnt.

Because, François Nevord, on oath, corroborates the above statement, and adds, "the dragoons told me the property was burnt, not to punish claimant, but to punish Jalbert—and I heard the officers speak to the same effect."

Because, Louis Moyé, a well known loyal subject, says, on oath:—I was sent to meet the troops on the morning 2nd December, 1837; I told the Officer the claimant was a true honest man, and did not interfere with the troubles, the officer desired me to tell the claimant to remove his property as everything belonging to Captain Jalbert must be burnt.

Because, by a question put to the claimant as to the part he took in the Rebellion, he answered, "I was at the house of Madame St. Germain, on or about the 23rd November, 1837. On my oath I was forced to go there, I had no arms, nor did I fire on the troops."

It has been proved from the above statement, on oath, and corroborated by two respectable witnesses, the property of claimant was wantonly destroyed by several dragoons, without orders from the officer commanding. It is also well established by the testimony of Louis Pagé, a well known loyal Canadian, that the officer wished to save claimant's property, as the object was to burn that of Captain Jalbert. I therefore consider that Joseph Quai, dit Dragon, was wantonly punished, and should receive his just compensation.

(Signed,) W. C. HANSON,
Commissioner.

No. 339.

François Xavier Lenoir dit Rolland, Claim, £50 9s. 10d.; assessed, £27 8s. 9d.

W. C. Hanson dissents.

The above person is excluded from the benefit of the Act by the majority of the Commissioners, for reasons more fully explained in the judgment of exclusion, rendered by the said Commissioners.

W. C. Hanson, a member of the Commission, dissents from his colleagues for the following reasons:—

Because claimant in this case has suffered wanton loss by the destruction of his property at St. Denis, on the 2nd December, 1837; he has proved his account by two witnesses, and swears he was not at the battle of St. Denis, nor was he in the Village at the time.

Because Louis Pagé, a well known Loyal Canadian, swears to the same effect, but adds, "I went to meet the troops on their entering the Village: they faithfully promised not to commit any depredations."

Because Bréaudeur swears to the same effect, but adds, "If the claimant had been at the battle of St. Denis, I should have seen him"; I, therefore, consider the claimant in this case shamefully deprived of his just losses.

(Signed,) W. C. HANSON,
Commissioner.

Beauharnois, 22nd May, 1851.

No. 358.

Daniel Guertin, St. Denis, Claim, £8 10s. 0d.; assessed, £5 4s. 7d.

The above claimant is excluded from the benefit of the Act, by the majority of the Commissioners, for reasons more fully explained in their judgment of exclusion.

W. C. Hanson, a member of the Commission, dissents from his colleagues—

Because the claimant received the strongest testimony and speaking to his character; he refused to march to Sorel, with the party who assembled in 1838, to attack it; he never left his home that year.

I consider the claimant's property was wantonly and shamefully pillaged; he resided in the 2nd Concession of St. Denis, in the year 1838; during the night, a party of six soldiers came from the Village, and plundered him of the effects charged in his amount; claimant confessed he was at the battle of St. Denis, but refused to join the rebels, in 1838.

The property now claimed is for what was wantonly pillaged in 1838, but is refused by the majority because he was in arms against the Queen's authorities in 1837.

(Signed.) W. C. HANSON,
Commissioner.

No. 667.

Jean Baptiste Desjardins, St. Scholastique, Claim, £9 12s. 7d.; assessed, £6 16s. 10d.

The claimant, J. B. Desjardins, is excluded from the benefit of the Act, by the majority of the Commission, for reasons more fully explained in their judgment of exclusion.

W. C. Hanson, a member of the Commission, dissents from his colleagues in the aforesaid judgments, for the following reasons:—

Because it has been proved the claimant in this case was forced to go to the camp at St. Eustache, where he remained ten days, when he deserted, leaving his gun behind him; the claimant went home to St. Scholastique, a distance of twenty miles from St. Eustache; from these circumstances, it is clear the claimant had no intention of resisting the Queen's authorities, as he left before the battle.

(Signed.) W. C. HANSON,
Commissioner.

No. 367.

Denis Bousquet, of St. Denis, Claim, £20 18s. 6d.; assessed, £10 5s. 9d.

The claimant, Denis Bousquet, is excluded from the benefit of the Act, by the majority of the Commission, for reasons more fully explained in their judgment of exclusion.

W. C. Hanson, a member of this Commission, dissents from his colleagues in the aforesaid judgments, for the following reasons:—

1st. Because the claimant in this case says on oath, "I was not at the battle of St. Denis, nor did I fire on the troops."

2nd. Because Pierre Tétro dit Ducharme fully corroborates the above testimony, and adds, "I know the claimant to be an honest man; he never meddled in the troubles in any way."

3rd. Because François Lajoie, St. Denis, swears claimant was not at the battle of St. Denis, he never meddled in the Rebellion in any way. I therefore consider this a most wanton destruction of property, as it was most fully proved the claimant was not at the battle of St. Denis, or any other battle.

(Signed.) W. C. HANSON,
Commissioner.

No. 369.

The Heirs of the late Dr. F. C. Duvert, of St. Charles, Claims, £206 8s. 2d.; assessed, £134 4s. 2d.

The above claimant is excluded from the benefit of the Act, by the majority of the Commission, for reasons more fully explained in their judgments of exclusion.

W. C. Hanson, a member of the Commission, dissents from his colleagues :—

Because the heirs in this case have fully established their case, no proof of disloyalty has been established, nor was it proved he was at any battle or camp in 1837, but the Commissioners examined the Books and Records of the Commission 1 Vic. cap. 7, which I consider illegal, and rejected his claim.

(Signed,) W. C. HANSON,
Commissioner.

No. 686.

J. Robillard, St. Eustache, Claims, £33 2s. Od.; assessed, £19 19s. 10d.

The claimant, J. Robillard, is excluded from the benefit of the Act, by the majority of the Commission, for reasons more fully explained in their judgment of exclusion.

W. C. Hanson, a member of the Commission, dissents from his colleagues on the aforesaid judgment, for the following reasons :—

1st. Because the claimant in this case was examined on the second day of July, 1850, and did there establish his amount, as nothing was proved as to the part he took at the battle of St. Eustache, on the 14th December, 1837.

2nd. Because it was stated on the 24th June, 1837, on *ex parte* evidence, and eight days before the claimant's trial, that he was a Captain in the Rebel camp, still the unfortunate claimant was not called to rebut the testimony, although he resided in the same Parish with his accuser; I therefore consider such conduct as cruel and unjust.

(Signed,) W. C. HANSON,
Commissioner.

Beauharnois.

No. 752.

Heirs of Pierre Danis, St. Jerome, Claims, £103 6s. Od.; assessed, £50 0s. Od.

The claimant is excluded from the benefit of the Act by the majority of the Commission, for reasons more fully explained in their judgments of exclusion.

W. C. Hanson, a member of the Commission, dissents from his colleagues in the aforesaid judgment, for the following reason :—

Because the evidence in this case was taken a considerable time after the claimant had proved his account, and the witnesses heard *ex parte*, without any notice given to the claimant to appear and rebut the testimony, if he thought proper to do so, in accordance to my protest, marked letter A.

(Signed,) W. C. HANSON,
Commissioner.

No. 1280.

Antoine Bourque, of St. Valentine, Claims, £31 1s. 4d.; assessed,
£19 4s. 1d.

The Claimant is excluded from the benefit of the Act, by the majority of the Commission, for reasons more fully explained in their judgment of exclusion.

W. C. Hanson, a member of the Commission, dissents from his colleagues in the aforesaid judgment, for the following reason:—

Because the claimant has proved he was pillaged by the volunteers; no question was put to him on this occasion touching his loyalty, but because one witness says, claimant made him prisoner; without further interrogation the poor man is deprived of his just amount. I, therefore, consider the claimant was wantonly plundered of his property and should be paid.

(Signed,) W. C. HANSON,
Commissioner.

No. 1293.

Julien Remillard, Napierville, Claims, £648 19s. 7d.; assessed, £232
0s. 11d.

The Claimant is excluded from the benefit of the Act, by the majority of the Commission, for reasons more fully explained in their judgment of exclusion.

W. C. Hanson, a member of the Commission, dissents from his colleagues in the aforesaid judgment, for the following reasons:—

Because the claimant's property was burnt in 1838, during his absence to Champlain; on his oath he states he was not at any battle at LaColle or Odeltown, or did he even fire on the troops; this proof was made at Napierville on the 19th December, 1850; on the 19th February, 1851, nearly two months after, *two ex parte* witnesses were examined, on which testimony the claimant was rejected; I do not consider the majority of the Commission have the power to try any one touching his loyalty, when he is not present to cross question and rebut the testimony if he thinks proper to do so, in accordance to my protest letter A.

I, therefore, consider the claimant, Julien Remillard, of Napierville, has been illegally tried, and having fully proved his losses, should be paid.

(Signed,) W. C. HANSON,
Commissioner.

No. 1365.

Constant Bousquet, of LaColle, claims, £520 18s. 6d.; assessed,
£262 9s. 5d.

The claimant, Constant Bousquet, is excluded from the benefit of the Act by the majority of the Commission, for reasons more fully explained in the judgment of exclusion.

W. C. Hanson, a member of this Commission, dissents from his colleagues for the same reasons as are expressed in his protest, &c., in the case of Louis Dupuis, of LaColle.

(Signed,) W. C. HANSON,
Commissioner.

 No. 1378.

Heirs Joseph Hébert, (Père,) Napierville, claims, £76 19s. 3d.; assessed, £34 13s. 3d.

The claimants are excluded from the benefit of the Act by the majority of the Commission, for reasons more fully explained in their judgment of exclusion.

W. C. Hanson, a member of the Commission, dissents from his colleagues on the aforesaid judgments, for the following reasons:—

Because there is no evidence on record to prove the claimant was in any way engaged in the Rebellion of 1838; claimant, on his oath, was asked, "where he was on the day of his pillage?" "I was with my father, at the camp of Napierville; we left it on the arrival of the troops; neither I or my father had arms; I was never present at any battle, or did I ever fire on the troops or volunteers."

As there was no resistance offered to the troops or volunteers at Napierville, in 1838, I consider the property destroyed was "wanton," and should be paid.

(Signed,) W. C. HANSON,
Commissioner.

Beauharnois.

 No. 1408.

Antoine Merrizzi, of Napierville, claims £912 13s. 2d.; assessed, £619 5s. 10d.

The claimant, Antoine Merizzi, of Napierville, is excluded from the benefit of the Act, by the majority of the Commission, for reasons more fully explained in their judgment of exclusion.

W. C. Hanson, a member of the Commission, dissents from his colleagues in the aforesaid judgment, for the following reasons:—

Because the claimant's account was investigated at Napierville, on the 22nd day of January, 1851, by Messrs. Moore, Viger, LeBlanc, three Commissioners, and forming the majority, and the sum of £787 15s. was duly proved.

Because on the 7th day of October, a letter was addressed to the claimant by the clerk of the Commission from Beauharnois, requesting him to appear to answer certain testimony and merits touching his loyalty.

3rd. Because, on the 14th October, the claimant did appear before the majority with his witnesses, but Mr. LeBlanc, a member of the Commission, objecting to his examination as being illegal, the claimant and his witnesses were obliged to return to Napierville.

Whereas, on the 22nd day of October, the majority of the Commission, Messrs. Moore, Viger, and Simpson proceeded from Beauharnois to Napierville, and there examined the claimant touching his conduct, when he proved by the testimony of Julien Remillard, Etienne Remillard, and Louis Esther dit Dragon, that he took no part in the Rebellion 1838; but the majority of the Commissioners considered it their further duty to call other witnesses, in order to convict the claimant. I therefore protest against such conduct, as being unjust and illegal, because the parties were heard partly *ex parte* and were their political enemies. If witnesses had appeared before the Commissioners on the 22nd day of January, 1851, the day the claimant proved his amount, that he took part in the Rebellion, 1838, that the claimant was present at any battle and did fire on the troops or volunteers, and that proof made in the presence of the claimant, I would have rejected the amount, but I consider it unjust and illegal for one set of Commissioners to revise the acts of the other.

(Signed,) W. C. HANSON,
Commissioner.

No. 1435.

Oliver Hébert, of Blairfindie, Claims, £53 15s. ; assessed, £22 15s.

The claimant is excluded from the benefit of the Act, by the majority of the Commissioners, for reasons more fully explained in their judgments of exclusion.

W. C. Hanson, a member of the Commission, dissents from his colleagues on the aforesaid judgments, for the following reasons:—

Because, the property burnt was occupied by the claimant's farmer, and at a considerable distance from his own house; had it been the intention of the authorities to punish claimant, they would have destroyed the property he lived in, and not the farmer's. The claimant was asked by the majority where he was at the time of the fire? "I was at the camp at Napierville; I had no arms, or was I ever at any battle, or did I ever fire on the troops "or volunteers."

I cannot believe persons who assembled at camps, without arms, had any intention to resist Her Majesty's troops or volunteers. The inhabitants assembled from anxiety, I consider the claimant's property was wantonly destroyed and should be paid.

(Signed,) W. C. HANSON,
Commissioner.

No. 1437.

Pierre L'Heureux, Blairfindie, Claims, £434 3s. Od. ; assessed, £245 19s. 4d.

The Claimant is excluded from the benefit of the Act, by the majority of the Commission, for reasons more fully explained in their judgment of exclusion.

W. C. Hanson, a member of the Commission, dissents from his brother Commissioners on the aforesaid judgment, for the following reasons:—

Because, there is no proof whatever, that the claimant took part in the Rebellion, 1838; he swears that a party of rebels came to his house and told him if he did not join, "some harm would happen to him." "I therefore, from fright, went to the camp at Napierville; "I had no arms; I was never at any camp, or did I ever fire on the troops or volunteers." No witness appeared to prove anything against the unfortunate man, still he was cruelly rejected by the majority of the Commission.

I consider this claim should be paid, it being a wanton destruction of property and without authority.

(Signed,) W. C. HANSON,
Commissioner.

No. 1475.

François Pattenaude, of L'Acadie, Claim, £51 10s. 10d. ; assessed £30 7s. 4d.

The Claimant is excluded from the benefit of the Act, by the majority of the Commissioners, for reasons more fully explained in their judgment of exclusion.

W. C. Hanson, a member of the Commission, dissents from his brother Commissioners in the aforesaid judgments, for the following reasons:—

Because there is no proof that the claimant was in any way connected in the Rebellion, 1838; on his oath, he swears:—"As the troops were marching to Napierville, a party lodged at my house, and pillaged the articles charged in my account," and adds, "I went to the camp at Napierville; I had no arms, and could not fire on the troops or volunteers; "I left the camp and returned home the night the troops marched into my Village." This

case certainly proves that the troops and volunteers pillaged on the march, and without orders; it is clear this man went to the camp more from fear than a wish to resist the Queen's authorities, not being armed at the time. I consider that the pillage was "wanton."

(Signed,) W. C. HANSON,
Commissioner.

No. 1514.

Louis Dupuis, of Lacolle, Claims, £464 15s. 0d., assessed, £298 16s. 8d.

The claimant, Louis Dupuis, is excluded from the benefit of the Act, by the majority of the Commission, for reasons more fully explained in the judgment of exclusion.

W. C. Hanson, a member of this Commission, dissents from his colleagues in the aforesaid judgment, for the following reasons:—

1st. Because the claimant in this case, proved his account most fully at Napierville, on the 15th February, 1851, before Messrs. Simpson, Hanson and LeBlanc, (three of the Commissioners, and forming the majority,) to the amount of £331 15s. 1d.

2nd. Because, on the 7th October, 1851, the Clerk of the Commission was directed by the majority of the Commissioners, to write and desire the claimant to appear before them at Beauharnois, on the 15th October.

3rd. Because, the claimant did appear, and on his oath, said:—"I was a patriot, but not to do any harm, and I took no part in the Rebellion."

The majority of the Commission, Messrs. Moore, Viger and Simpson, not being satisfied with the proof, proceeded to Napierville, on the 22nd October, 1851, and then summoned witnesses to prove the part the claimant took in the Rebellion, 1838.

I therefore protest against the claimant being rejected by the majority of my colleagues, Messrs. Moore, Simpson and Viger, particularly as it was nine months after he had proved his account before Messrs. Simpson, Hanson, and LeBlanc; moreover, the witnesses produced before the majority of the Commissioners at Napierville, on the 2nd day of October, 1851, were claimant's political enemies. Had witnesses appeared before the Commission at the time the claimant proved his account, and then satisfactorily established his guilt, that he took an active part in the Rebellion of 1838, that he was present at any battle, and did fire on the troops or volunteers, and that proof made in the presence of the claimant, I would have rejected the amount; but I consider it unjust and illegal for one set of Commissioners to reverse the acts of the other.

(Signed,) W. C. HANSON,
Commissioner.

No. 1537.

Dominique Piedalue, L'Acadie, claims, £24 9s. 4d.; assessed, £14 4s. 2d.

The claimant is excluded from the benefit of the Act, by the majority of the Commission, for reasons more fully explained in their judgment of exclusion.

W. C. Hanson, a member of the Commission, dissents from his colleagues in the aforesaid judgments for the following reasons:—

Because the claimant was, from fear, like many others, obliged to go to the camp at Napierville; he was not armed, and could not therefore fire on the troops or volunteers; he left it immediately, and on his return home he found his property had been pillaged by the volunteers or troops, which were quartered in his house; this is a wanton destruction of property, and should be paid.

(Signed,) W. C. HANSON,
Commissioner.

No. 1689.

Antoine Roy, St. Clément, claims, £501 12s. 10d.; assessed, £235 8s. 10d.

The claimant is excluded from the benefit of the Act, by the majority of the Commission, for reasons more fully explained in their judgment of exclusion.

W. C. Hanson, a member of the Commission, dissents from his colleagues in the aforesaid judgments, for the following reason:—

Because, the claimant swears, at the time his property was destroyed by the volunteers, he was at home, and had left to see his brother who was his neighbor; no question is asked (as was usual by the majority of the Commission) as to the act he took in the Rebellion, but one of his witnesses says, "I saw the house and barn on fire; believes the fire was put by the volunteers; claimant was not a chief, but went to the camp like himself and others; believes the property was burnt to satisfy private vengeance, not politics."

This is a most wanton destruction of property; I am at a loss to understand how the majority of the Commission could be so severe as to punish the unfortunate man on such testimony; I have voted that he should be paid.

(Signed,) W. C. HANSON,
Commissioner.

No. 1702.

Charles Marchand, St. Clément, claims, £9 17s. 6d.; assessed, £8 11s. 6d.

The claimant is excluded from the benefit of the Act, by the majority of the Commission, for reasons more fully explained in their judgment of exclusion.

W. C. Hanson, a member of the Commission, dissents from his colleagues in the aforesaid judgment, for the following reason:—

Because the claimant has proved his account well, and nothing proved or even attempted to be proved he was disloyal; in his account there was a charge made for a gun, he was asked how he lost it, he answered, it was left at the camp. I consider it was unjust to deprive the claimant of his just losses on that account, for a neighbor might have taken the gun to the camp, and lost it; and I approved it should be deducted off his account, but the balance should have been paid.

(Signed,) W. C. HANSON,
Commissioner.

MONTREAL, 15th January, 1852.

SIR,—On the 20th day of May last, the Commissioners appointed under the Act 12 Vic. cap. 58, had the honor of forwarding to His Excellency the Governor General their first Report, and as I did not agree with the majority of my brother Commissioners, as to the true intent, meaning, and spirit of the Act, I was necessarily obliged to sign that Report in "minority," and I now beg leave to offer, for the information of His Excellency the Governor General, some reasons which induced me to assume such a position, and in explanation of my conduct.

The Act was passed to provide for the indemnification of parties in Lower Canada, whose property was destroyed during the Rebellion of 1837 and 1838, "so far only as they may have arisen from the total or partial, unjust, unnecessary, or wanton destruction of the dwellings, buildings, and effects of the said inhabitants, and from the seizure, taking or carrying away of their property and effects, should be paid and satisfied; provided that none of the persons who have been convicted of high treason, alleged to have been committed in that part of the Province formerly the Province of Lower Canada, since the 1st

“ day of November, 1837, or who having been charged with high treason or other offences
 “ of a treasonable nature, and having been committed to the custody of the Sheriff in the Gaol
 “ of Montreal, submitted themselves to the will and pleasure of Her Majesty, and were
 “ thereupon transported to Her Majesty's Islands of Bermuda, shall be entitled to any
 “ indemnity for losses sustained during or after the said Rebellion, or in consequence
 “ thereof.”

The above recited Act excludes, I respectfully conceive, only those persons who surrendered themselves to the will and pleasure of Her Majesty, and were transported to the Islands of Bermuda, and those who had been tried by “ Court Martial,” and found “ guilty.” The remainder of the claimants I consider the Commissioners were bound to hear and examine most minutely and impartially, the evidence produced, in order to ascertain if their losses had been caused by wanton destruction. I conceived it necessary, as the district of Montreal was under Martial law, to ascertain if the Commander-in-Chief had issued orders to destroy property to annoy rebels in arms against Her Majesty, in accordance with, and in conformity to, the “ 106th section of the Articles of War,” of which I could not profess ignorance, which states that, “ any officer or soldier who shall commit any waste or spoil
 “ either in walks, trees, parks, warrens, fish-ponds, houses, gardens, vineyards, olive groves,
 “ corn fields, inclosures, or meadows, or shall maliciously destroy any property whether be-
 “ longing to our own subjects, or to the inhabitants of other countries, unless the destruction
 “ of property shall be ordered by the Commander-in-Chief of our forces to annoy rebels or
 “ other enemies in arms against us, shall, if any officer on conviction of any of the aforesaid
 “ offences, be liable to be cashiered, or suffer such punishment according to the nature and
 “ degree of the offence, as by the judgment of a general Court Martial may be awarded ;
 “ and if a non-commissioned officer or soldier, shall, on conviction of any of the aforesaid
 “ offences, be punished according to the nature and degree of the offence, by a General,
 “ District, or Regimental, or other Court Martial.”

Desirous of doing justice to all parties, I ventured to address His Excellency Sir John Colborne, now Lord Seaton, who was not only the Commander-in-Chief of the Forces, but was the then “ Administrator of the Government,” to inform me if orders had been issued by His Excellency to destroy property at St. Benoit, on and after the 15th day of December, 1837 ; a copy of which letter, together with His Lordship's answer thereto, I respectively annex, marked A.

His Excellency cannot fail to observe how deeply Lord Seaton sympathized with the unfortunate persons who suffered on the occasion alluded to. His Lordship says :—“ the
 “ soldiers were regularly put up in the Village by the Quarter-Master General's Depart-
 “ ment, and strict orders were issued to each officer to protect the inhabitants and their pro-
 “ perty; Lieutenant Colonel Townshend to remain in the Village of St. Benoit for its
 “ protection, and the remainder of the troops to return to Montreal.”

“ The utmost compassion and consideration should be felt for the families of the sufferers,
 “ plunged into affliction by the reckless conduct of their relatives ; every house injured or
 “ destroyed at St. Benoit, was a wanton destruction, perpetrated in defiance of guards
 “ placed to protect property.”

From the above extract of His Lordship's letter, together with the evidence produced before this Commission, it is well established that immediately after Lieutenant Colonel Townshend assembled his regiment for the purpose of marching back to Montreal, the volunteers and stragglers from the Northern Townships commenced plundering the Village, carrying off the whole of the effects belonging to the inhabitants, burning the Church, and nearly every house in the Village ; this “ wanton destruction,” it appears, was carried on, and persisted in, by the volunteers as they proceeded homewards ; marauding parties scattered themselves over the Country to the terror of the inhabitants, driving off their cattle, and carting every article of property they could remove, wilfully and wantonly destroying houses, and in many instances burning valuable barns and granaries. Many of the unfortunate sufferers were widows and orphans, who could make but supplicatory resistance.

It also appears that no resistance was offered at St. Benoit, by the inhabitants, nor was any camp established there ; on Lord Seaton's entering this Village, he ordered passports to be issued for the protection of the lives and property of the inhabitants.

After such testimony there can be no doubt but the unfortunate people of St. Benoit, and neighboring Parishes, were most wantonly, and cruelly plundered by the volunteers, on and after December, 1837.

There is another class of persons I considered deserving of consideration, namely: those who were by "threats" obliged to join the camp, and on their oath, swear they had no arms, and deserted immediately they had an opportunity of so doing; many of the individuals were plundered "leagues" from any camp by certain stragglers or camp followers. Therefore, I humbly pretend that every such individual who thus suffered, should be indemnified, as his loss was a "wanton destruction of the dwellings, buildings, property, and effects of the said inhabitants."

Property was also plundered by the volunteers and camp followers at St. Denis, St. Charles, St. Enstache, Odeltown and Lacolle; most of the inhabitants of these Parishes were in open Rebellion against the Queen's authorities.

I have in every case refused to give or grant compensation to persons who confessed they were present at any battle against the troops, or being armed, did fire at, or on the troops or volunteers, or to persons accused on oath, and satisfactorily proved to have been guilty of like acts, provided such proof was made in the presence of the claimants so accused, with a fair opportunity of defending themselves. But the majority of my brother Commissioners contend they have a right to examine witnesses touching the conduct of a claimant, although he, the said claimant, be not present to cross examine; I have protested against such proceedings as being "*ex parte*," and therefore unfair and unjust, as will more fully appear upon reference to a copy of my protest annexed hereto, and marked A.

I respectfully again call your attention to the destruction of property at St. Denis, on the 23rd November, 1837. A detachment of Her Majesty's Troops, under the command of the Honorable Colonel, now Major General, Gore, marched from Sorel to St. Denis, from which place, on account of the bad state of the roads, and the formidable strength of the place, they returned, after a severe skirmish with the insurgents, to Sorel. On the 2nd December, General Gore marched the second time on St. Denis, and on the troops arriving at the Village, it has been well established that the insurgents abandoned the place, and the inhabitants, from fear, abandoned their houses, and homes, and fled to the woods. The volunteers and camp followers immediately commenced plundering and carrying off every article of property belonging to those who had fled. Batteaux laden with merchandise were taken to Sorel, and carters followed with loads of furniture; after the property (moveables) was taken away, the volunteers are accused of setting fire to and burning most of the houses. I was anxious to ascertain this fact, and being persuaded Her Majesty's Troops would not commit any outrage contrary to orders, and as it was reported and believed that General Gore did all in his power to prevent any wanton destruction or spoliation of property, I took the liberty of addressing him on the subject; General Gore was pleased to state in answer to my communication, as follows:—

"Every exertion was made to prevent the troops destroying property, and from the known character of the officers accompanying the detachment, I may be sure no wanton acts were committed by the troops. Lieutenant Colonel Reid, 32nd Regiment, at that time my second in command, Captain Griffin, (32nd,) and Major Law, all officers of good feelings, would not be instrumental to anything wanton or outrageous; the men were kept to their arms, rolls were called very frequently, and on riding round the Village, I found houses in the outskirts on fire, when it was impossible the troops could have done it, they being kept under arms, and not permitted to leave; the only houses fired were Dr. Nelson's and Madame St. Germain's."

The above statement has convinced me the troops did not burn, destroy, or plunder the inhabitants, for as I have before stated, the District of Montreal being at the "time under Martial Law," not an article in the Parish should have been destroyed, "unless the destruction of property shall be ordered by the Commander in Chief of our Forces, to annoy rebels or other enemy in arms against us." I protested against the majority of the Commissioners examining the books and records of the first Commission, 1st Vic. cap. 7, because the instructions contained in the Honorable Mr. Daly's letter, of the 12th December, 1845, to the Commissioners of 1845, (three of whom form this majority of this Commission,) are not binding on us, as no allusion is made to it in our letter of instructions from the Honorable Mr. Leslie, dated Montreal, 28th June, 1849, vide my protest letter, and as we were the creatures of a special Statute, under which alone we derived our power.

In conclusion, I trust His Excellency the Governor General will do me the justice to believe, that I have been actuated only by a desire to do my duty impartially and faithfully.

If I have differed in opinion with my colleagues, as to the true intent, meaning, and spirit of the law under which we have acted, it was because I conscientiously believed the claimants rejected by the majority of the Commission had been deprived by them of their just rights in accordance with the Act 12th Vic. cap. 58.

I have the honor to be, Sir,
Your most humble and obedient Servant,

(Signed,) W. C. HANSON,

To the Honorable A. N. MORIN,
Provincial Secretary, Quebec.

Commissioner.

No. A.

(Copy.)

SAINT EUSTACHE, 20th June, 1850.

My Lord,—Pardon the liberty I take in addressing Your Lordship, but having served so many years under your command, both in a military and civil capacity, and having been appointed by the Governor General, Lord Elgin, a Commissioner under the Indemnity Act which has caused the unjust disturbances in Canada, will, I trust, plead my excuse for intruding on Your Lordship's valuable time.

On examining the claims of certain individuals whose property was destroyed at Saint Benoit, during the Rebellion of 1837, the claimants filed an affidavit to the effect that a deputation of the most respectable inhabitants waited on Your Lordship on the 15th December, previous to the troops entering the Village of Saint Benoit, with a flag of truce, praying forgiveness and protection, and assuring Your Lordship they had no intention to offer resistance to the Queen's troops or authorities; the reason of their assembling was to defend themselves against their political enemies of 1834, who, report said, were coming from Saint Andrews, Gore, and Chatham, to attack and plunder them. The deposition goes on to say, Your Lordship was graciously pleased to assure the deputation, if the people remained quiet and laid down their arms, no destruction of property would take place. Relying on the faith of Your Lordship's promise, they returned and communicated the happy result of their mission; but alas, my Lord! your generous orders were obeyed while you remained in the Village, but immediately Your Lordship left it, the volunteers from Gore, Chatham, and Saint Andrews, (as was anticipated,) commenced pillaging, destroying, and carrying off the whole of the moveables belonging to the poor unfortunate inhabitants, many of whom were widows and orphans, who could have had nothing to do with the troubles; the Church, and every house were burnt to the ground, and other outrageous acts committed too heart-rending to communicate.

I trust, my Lord, you will do me the justice in believing, I am actuated by no other desire than to do my duty, and I flatter myself during the unfortunate troubles alluded to, I discharged it as Stipendiary Magistrate to Your Lordship's satisfaction, and I am proud to add, I did not make a single arrest for political offences from 1837 to 1841.

My object in addressing Your Lordship, is to ascertain if the deposition filed before the Commission is correct; if so, and Your Lordship will be pleased to honor me with an acknowledgment, it will, I trust, enable the Commissioners to render justice to the unfortunate families who have been ruined by the cruel conduct of the Volunteers.

I have the honor to be, My Lord,
Your Lordship's faithful Servant,

(Signed,) W. C. HANSON,

Late Captain 71st Regiment, Light Infantry,
Lieut. Col. of Militia and Commissioner.

General Lord SEATON,
G.C.B., G.C.H., &c., &c., &c.

“ A true Copy.”

(Signed,)

W. C. HANSON,

Commissioner.

LONDON, 107, EATON SQUARE, July 22nd, 1850.

Sir,—With reference to your letter of the 20th June, upon the subject of the claims brought forward by the inhabitants of St. Benoit, I transmit to you the following statement, which I hope may contain such information as you require, to enable you and your colleagues to decide on the cases at present under your consideration.

Having received official reports, at the period to which you advert, from many of the landed proprietors and ecclesiastics, acquainted with Terrebonne and the Districts to the northward of the St. Lawrence, that four or five thousand of the insurgent peasantry from St. Benoit and the neighboring Districts, were assembled at St. Eustache, under Girod, and at a defended position about six miles from the former Village, I made arrangements for dispersing the insurgents as soon as possible, and arresting their leaders.

Her Majesty's Troops were, therefore, collected at St. Martins, on an early day, with the intention of passing the Ottawa the following morning, and marching to St. Eustache and St. Benoit before the evening; while the Volunteer corps from St. Andrews, under Lieutenant Colonel Townshend, with two Companies of the 24th, were directed to menace the District to the northward.

On the approach of the Queen's Troops towards St. Eustache, Girod and most of the insurgents fled to St. Benoit; but the resistance offered at St. Eustache delayed the corps employed on the service to so late an hour in the evening that it was found expedient to place the troops under cover for the night, and to defer the march to St. Benoit until the following morning, when several of the peasantry came to St. Eustache, stating that the insurgents were prepared to submit. They were informed, however, that no conditions whatever could be entered into with them, but that the rebels must surrender and deliver up their arms.

On the arrival of the troops at St. Benoit, about 100 of the insurgents delivered up their arms, and passports were given to them. The soldiers were regularly put up in the Village by the Quarter Master General's Department, and strict orders were issued to each officer to protect the inhabitants and their property.

Few inhabitants remained in the Village, and I believe most of them quitted it when Girod and their leaders abandoned them, and endeavored to make their escape.

An officer was despatched to direct the Volunteer corps from the north to return to their Townships, but some of them were so far from their homes, and the night so far advanced, that they took shelter in the Church of St. Benoit, and the adjoining houses.

Lieutenant Colonel Maitland was ordered to march with the 32nd the next morning to the northward, Lieutenant Colonel Townshend to remain in the Village of St. Benoit, for its protection, and the remainder of the troops to return to Montreal.

It will be found, by referring to the Gazettes of 1837, containing my Despatches and Reports of the occurrences adverted to, and the official Reports addressed to me by Colonel Townshend, that it is stated by him, that after the troops were on the march to Montreal, fires broke out from different parts of the Village, and that he found it impossible, with all the exertions of the detachments under his command, to extinguish the flames.

Lieutenant Colonel Townshend supposed that some vindictive persons opposed to the insurgents, and who had suffered from their depredations during the Rebellion, and who had been expelled from their houses by Girod, or stragglers from the Volunteer corps from the northern Townships, had set fire to most of the larger houses in the Village, while the troops were assembling for their march. There can be no doubt that many quiet and innocent families must have suffered from the outrages caused by the wickedness of the rebellious peasantry of St. Benoit and the adjoining Districts, during the rapid movement of the troops. It was impossible to prevent such disorders in civil commotions of this description, occurring in the midst of a mixed population, some of which had been encouraged by local disputes, and the circumstances of the times, to look upon others if not as enemies, at least as intruders.

The utmost compassion and consideration should be felt for the families of the sufferers, plunged into affliction by the reckless conduct of their relatives; but it must be mentioned that the population of St. Benoit took a most active part in the Rebellion; and that from the list of the insurgents left behind by Girod at St. Eustache, it appeared that more inhabitants from the former Village were in open Rebellion at St. Eustache under Girod, than any

other, and that an attack on Montreal was meditated and proposed by their leader, while the troops were employed on the southward of the St. Lawrence.

Every house injured or destroyed at St. Benoit was an outrage perpetrated in defiance of the guards placed to protect property.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed,) SEATON.

I hereby certify that to the best of my knowledge and belief the above is the true signature of Lieutenant General Lord Seaton, late Sir John Colborne.

(Signed,) F. J. GRIFFIN,
Captain and D. A. A. G.

Respecting certain claims of Firmin Perrin against the Estate of Wolfred Nelson, rejected by the Rebellion Losses Commissioners.

To His Excellency the Right Honorable JAMES, Earl of ELGIN and KINCARDINE, Governor General of British North America, &c., &c., &c.

The Humble Petition of Firmin Perrin, of the Village of Berthier, in the District of Montreal, in Lower Canada, Notary Public,

Respectfully represents :

That on the 5th day of July, 1843, Wolfred Nelson, Physician and Trader, then of Montreal, being unable to pay and satisfy the demand of his creditors (among whom was your Petitioner), was declared a bankrupt, and thereupon George Weeks and Alexis Laframboise, Esquires, of the City of Montreal, were duly appointed assignees to administer to the estate of the said bankrupt—the said appointment bearing date the 27th July, 1843. By virtue of which the said George Weeks and Alexis Laframboise became legally invested with all the estate, real and personal, of the said Wolfred Nelson, in their said capacity.

And afterwards, to wit, on or about the 15th of July, 1851, during the sitting of the Commissioners appointed under and by virtue of the Act of the Provincial Legislature, 12 Vic. cap. 58, the said George Weeks, then the sole acting assignee to the estate of the said Wolfred Nelson, did, in the said capacity, file before the said Commissioners a certain claim of him the said Wolfred Nelson, for losses sustained by him during and arising out of the Rebellion of 1837.

And thereupon, the said Commissioners having investigated the said claim, did afterwards admit the same, and did award to the said Wolfred Nelson, or his assigns, a sum of money exceeding £14,000 currency.

By reason of which premises the said George Weeks, in his capacity aforesaid, was and is by law entitled to have and receive the amount of the said award, payable in debentures, as the said Act directs, for the purpose of distributing the same among all the creditors of the said Wolfred Nelson, who had proved and established their claims, as creditors of the said Wolfred Nelson, in the Court of Bankruptcy for the District of Montreal.

And your Petitioner declares that he did prove and establish before the said Court his claim, as a creditor of the estate of the said bankrupt to the amount of £1913 7s. 6d. currency, as will more fully appear on reference to a copy of the said claims filed, certified as correct by the then Commissioner, William Badgley, Esquire; and on the said claims Your Petitioner hath already received a dividend out of the said estate.

But the Commissioners under the said Act, after having awarded the said sum of money to be due to the estate of the said Wolfred Nelson, have taken upon themselves, and assumed further powers over the said sum of money, and have, in fact, illegally and unjustly declared that a large portion of the said sum of money so awarded, shall be appropriated and paid, not to the said assignee for the purposes aforesaid, but to divers other persons who could, in fact, only legally claim any part of the said moneys as having proved their

claims against the estate of the said bankrupt, in the same manner as Your Petitioner hath proved his said claim. And although Your Petitioner's claim has been recognized as just by the said Court of Bankruptcy, and is, in fact, founded on promissory notes, signed by the said Bankrupt, and on judgments rendered against the said Bankrupt in the Court of Queen's Bench for the said District, yet the said Commissioners have not awarded any part of the said sum of money to Your Petitioner, assuming to themselves the right of revising the acts of the said Court of Bankruptcy, and of setting aside and declaring null and void the solemn judgment of the said Court of Queen's Bench.

And Your Petitioner in consequence has reason to fear that he will lose the whole amount of the said claim by reason of the said unjust and illegal distribution of the said sum of money, as aforesaid, unless immediate steps are taken to prevent the carrying out of the said distribution. Wherefore Your Petitioner prays that Your Excellency will order the necessary measures to be adopted, so that the said moneys may be placed in the hands of the said assignee for distribution.

Or, in the event of Your Excellency approving of the manner in which the said Commissioners have appropriated the said portion of the sum awarded as aforesaid, that Your Excellency will deem it fit and proper that the amount of the said award, not appropriated as aforesaid, should be paid into the hands of the said assignee, and will order the same to be so paid, to be by him the said assignee accounted for and distributed as law and justice may direct.

And your Petitioner will ever pray, &c.

(Signed,) F. PERRIN.

Berthier, 24th February, 1852.

(Translation.)

WOLFRED NELSON, Esquire,

To FIRMIN PERRIN,

	Dr.	
	£	s. d.
Amount of his claim against the Bankrupt estate, fyled on the 23rd September, 1843, before W. Badgley, Esquire, Commissioner	660	5 4
Amount of the claim of Frs. Perrin, as representing the said Firmin Perrin, by transfer, <i>avec garantie de fournir et faire valoir</i> , fyled in the Bankrupt Court, before William Badgley, Esquire, Commissioner, on the 27th July, 1843	795	17 2
Amount of the claim of George Dempster, as representing the said Firmin Perrin, by transfer, <i>avec garantie de fournir et faire valoir</i> fyled in the Bankrupt Court, before the said W. Badgley, Commissioner, on the 23rd September, 1843	457	5 0
Amount proved and fyled in the Court of Bankrupts	£1913	7 6
CR.		
By dividend in Bankruptcy	£ 11	17 2
Amount paid to Frs. Perrin by him since that period	100	0 0
	111	17 2
Balance remaining due	1801	10 4
Interest from the 27th July, 1843, to 27th January, 1852,—8 years and 6 months... ..	918	15 0
	£2720	5 4

Montreal, 27th January, 1852.

1843. WOLFRED NELSON, Esquire, To GEORGE DEMPSTER.

October 22.—Amount of Judgment that Firmin Perrin has obtained against £ s. d.

you in the Court of King's Bench, on the 17th June, 1840, and transferred by him to the Hon. Peter McGill, on the 8th July, 1840, and now belonging to me as per transfer annexed, amounting to 380 14 9

Interest 3 years, 4 months, and 5 days, at 6 per cent 76 10 3

(A true Copy.) £457 5 0

(Signed,) W. BADGLEY.

Montreal, 22nd September, 1843.

Montreal.—*In Bankruptcy.*

In the matter of Wolfred Nelson, Bankrupt.

George Dempster, of Montreal, Merchant, creditor of the Bankrupt, claim of him the sum of four hundred and fifty-seven pounds five shillings, currency, due by Judgment, assigned by deed annexed herewith, produced and fyled, consenting to the sale of the real estate of the Bankrupt, claiming to be paid from the proceeds thereof according to his privilege, and also upon the proceeds of the personal estate of the said Bankrupt in the hands of the assignee.

(Signed,) G. DEMPSTER.

Montreal, 23rd September, 1843.

The said George Dempster being duly sworn, saith that the sum above stated is justly due, and that he hath not received any part thereof.

(Signed,) G. DEMPSTER.

(A true Copy.)

(Signed,) W. BADGLEY.

Sworn before me, at Montreal,
this 23rd day of September, 1843.

(Signed,) W. BADGLEY, Commissioner.

(Translation.)

£177 0s. 0d., currency.

SAINT DENIS, 3rd October, 1837.

Three months after date, we promise to pay to the order of Joseph Benoit, Esquire, (at the *Banque du Peuple*, in Montreal,) one hundred and seventy-seven pounds currency, for value received.

(Signed,) WFD. NELSON & Co.
(Endorsed,) "J. BENOIT."

Protested for non-payment, on the 8th January, 1838.

Protest 10s. G. P.

(A true Copy.)

(Signed,) W. BADGLEY,
Commissioner.

(Translation.)

£216 5s., currency.

SAINT DENIS, 6th November, 1837.

Three months after date, we promise to pay to the order of Joseph Benoit, Esquire, (at

the *Banque du Peuple*,) the sum of two hundred and sixteen pounds five shillings currency, for value received.

(Signed,) WFD. NELSON & Co.

(Endorsed,)

Pay to the order of B. H, Lemoine, Esquire, value received, Montreal, 6th November, 1837.

(Signed,) J. BENOIT.

Protested for non-payment, the 10th day of February, 1838.

Protest 10s. G. P.

(A true Copy.)

(Signed,) W. BADGLEY,
Commissioner.

(Translation.)

£87 0s. 0d., currency.

SAINT DENIS, 15th November, 1837.

Three months after date, we promise to pay to the order of Joseph Benoit, Esquire, (at the *Banque du Peuple*, in Montreal,) the sum of eighty-seven pounds currency, for value received.

(Signed,) WFD. NELSON & Co.

(Endorsed,) J. BENOIT.

Protested 21st February, 1838. Protest 10s. J. J. G.

(A true Copy.)

(Signed,) W. BADGLEY,
Commissioner.

(Translation.)

Messrs. WOLFRED NELSON & Co.,

To FRANCOIS PERRIN,

Dr.

	£	s.	d.
1838.			
January 8th.—To paid for you at the Banque du Peuple, your note of the 3rd October, 1837, protested this day	177	10	0
To Interest for five years and seven months.....	71	10	0
February 21st.—To paid for you to Messrs. Budden & Vennor, your note of the 15th November, 1837, drawn in favor of Joseph Benoit, and protested this day	87	10	0
To Interest for five years and six months.....	28	17	6
October 15th.—To paid for you to Messrs. P. W. M. Kurczyn & Co., for the amount of a judgment and costs by transfer this day made before E. Guy, N. P.	48	10	0
To Interest for four years and ten months	13	19	6
	<hr/>		
	£704	1	2

Cr.

By amount received by Banque du Peuple, from the Sheriff of Montreal, by three judgments of distribution	31	18	8
	<hr/>		
Balance due..	£672	2	6
Off	11	17	2
	<hr/>		
£1846 15s.	£660	5	4

(A true Copy,)

(Signed,) W. BADGLEY,
Commissioner.

Filed by Ferdinand Perrin, 23rd September, 1843.

(Signed,) W. BADGLEY,
Commissioner.

(A true Copy.)

(Signed,) W. BADGLEY,
Commissioner.

(Translation.)

WOLFRED NELSON, Esquire,

To FRANCOIS PERRIN,

Dr.

	£	s.	d.
1843.			
September.—To amount of a judgment transferred to me by Firmin Perrin, Esquire, dated 11th April, 1838	194	2	5
To five years, three months, and seven days interest thereon.....	61	18	3
To amount of a judgment transferred to me by Firmin Perrin, dated 20th October, 1838 ..	429	1	9
To four years and nine months interest	122	7	3

1842.

June 25.—To received in money	17	10	0
August 31.—To amount of purchase.....	1	10	0
Sept. 16.—To do do	1	17	6
do 30.—To do do	0	2	0
	<hr/>		
	£828	9	2

Cr.

June 25.—By moneys received from various parties	25	0	0
August 12.—By account for medical attendance	7	12	0
	<hr/>		
	32	12	0
	<hr/>		
	£795	17	2

(A true Copy,)

(Signed,) W. BADGLEY,
Commissioner.

IN BANKRUPTCY.

In the matter of WOLFRED NELSON—Bankrupt.

FRANCOIS PERRIN, of Montreal, Merchant, Creditor of the Bankrupt, claims of him the sum of seven hundred and ninety-five pounds, seventeen shillings and two pence, currency, due by the annexed statement.

(A true Copy,)

(Signed,) F. PERRIN.

MONTREAL, 27th July, 1843.

The said François Perrin being sworn, saith, that the said Bankrupt is justly indebted to the said claimant, in the sum above stated, for which, or any part thereof, this deponent hath not, nor hath any person by order of the claimant, or for his use, received security or satisfaction whatever.

(Signed,) F. PERRIN.

(A true Copy,)

(Signed,)

W. BADGLEY,

Commissioner,

Sworn before me, at Montreal,
this 27th day of July, 1843.

(Signed,)

W. BADGLEY, Commissioner.

(Translation.)

BERTHIER, 14th August, 1852.

Sir,—Allow me to transmit to you a new petition referring to the one of the 24th February last, on the subject of my claim before the Commissioners of Indemnity, against the Bankrupt Estate of Wolfred Nelson.

Begging of you to cause it to be laid before His Excellency,

I have the honor to be,

Your very humble Servant,

(Signed,)

F. PERRIN.

To the Honorable A. N. MORIN,
Civil Secretary, Quebec.

To His Excellency the Right Honorable JAMES, Earl of ELGIN and KINCARDINE, Governor General of British North America, &c. &c. &c.

May it please Your Excellency:—

I had the honor to address to your Excellency, on the 24th February last, a petition on the subject of my claim as a creditor of the estate of Wolfred Nelson, to a portion of the moneys awarded by the Commissioners for Rebellion Losses, for losses sustained by that gentleman.

I am now given to understand that the Report and proceedings of that Commission will be shortly submitted to the House of Assembly, with a view of having the proceedings under it legalized.

I trust, however, that your Excellency will not allow the facts set forth in the petition I have referred to, to be lost sight of, and that your Excellency will not permit that any sanction may be given to any proceeding by which the partial and unjust act of the Commissioners with respect to my claims may be rendered lawful.

I beg, therefore, most respectfully to recall the attention of your Excellency to the petition referred to.

I am,

Your Excellency's

Obedient, humble Servant,

(Signed,)

F. PERRIN.

Berthier, 14th August, 1852.

IMPERIAL GUARANTEED LOAN

OF

ONE AND A HALF MILLION,
STERLING.

RETURN

TO AN ADDRESS FROM THE LEGISLATIVE ASSEMBLY TO THE GOVERNOR GENERAL, dated 30th ultimo; praying that His Excellency would cause to be laid before the House, Copies of any and every Agreement that was agreed upon or negotiated when the Loan of £1,500,000, or any part thereof, was raised; or if no such Agreement is in existence, then Information as to what course has been adopted, or Arrangements made by the Governor with the Advice of His Excellency's Council relative thereto; also, Copies of all the detailed Statements or Accounts of the Sums raised under the Authority of the Act 6 Vic. cap. 8, and of the Debentures issued, and of Dividends, and Interest paid thereon, and of the Sinking Fund, and of the Redemption of the whole or any part of the said Debt by means of the Sinking Fund or otherwise.

By command.

A. N. MORIN,

Secretary.

SECRETARY'S OFFICE,

Quebec, 14th October, 1852.

IMPERIAL GUARANTEED LOAN OF ONE AND A HALF MILLION, STERLING.—(Continued.)

Date.		Amount of Drafts,		Rate of Exchange.		Proceeds of Drafts,		Date.		Amount		Remarks.
		Sterling.				Currency.				Currency.		
		£	s.	d.			£	s.	d.	£	s.	d.
October,	1842	97045	5	0	@ 8½ cent. on par, \$ @ 4s. 0d. ... }	128500	17	1	1842.....	180187	11	8
do	do	10000	0	0	do							
January,	1843	78558	5	1	@ 10½ do							
do	do	83027	10	5	@ 9 do							
March,	do	10000	0	0	@ 10 do							
do	do	40000	0	0	@ 9½ do							
do	do	88878	19	6	@ 9 do							
April,	do	3000	0	0	@ 9½ do							
May,	do	24000	0	0	@ 9½ do							
August,	do	75000	0	0	@ ½ do over 24s. 4d.							
do	do	25000	0	0	@ ½ do over do							
October,	do	88877	6	6	@ 10 do over \$ @ 4s. 6d.	052015	9	9½	1843.....	531347	8	5
do	do	10000	0	0	@ 1½ do over \$ @ 4s. 4d.							
November,	do	10000	0	0	@ 1½ do over do							
do	do	17500	0	0	@ ½ do do							
do	do	40000	0	0	@ ½ do do							
do	do	3000	0	0	@ ½ do do							
December,	do	100000	0	0	At par							
do	do	168	18	4	@ ½ do \$ @ do							
do	do				@ 10 do \$ @ 4s. 0d.							
February,	1844	12395	18	0	@ ½ do \$ @ 24s. 4d.							
do	do	25000	0	0	@ 1½ do do							
March,	do	50000	0	0	@ 1 do do							
do	do	25000	0	0	@ 1 do do							
May,	do	37419	1	9	@ ½ do do							
do	do	1000	0	0	@ 1 do do							
do	do	99000	0	0	@ 2 do do							
do	do				@ 1½ do do	086520	8	0	1844.....	007355	11	11½

EXPENDITURE ON PUBLIC WORKS.

RECEIPTS.

FOURTH REPORT

OF THE

Standing Committee on Railroads, Canals, and Telegraph Lines.

Your Committee have had under their consideration the Bill to incorporate the Grand Trunk Railway Company of Canada, as also the Petition of L. H. Holton, Chairman, Montreal and Kingston Railway Company, presented to Your Honorable House, in opposition to the said Bill, referred to them. They have examined several Witnesses on the subject, and duly considered the matter contained in the said Petition, and beg leave to Report a certain Resolution adopted by Your Committee, and the evidence taken by them hereunto appended.

They also beg leave further to Report the said Bill, with certain Amendments, which they respectfully recommend for the adoption of Your Honorable House.

The whole, nevertheless, humbly submitted.

ALLAN N. MACNAB,

Chairman.

18th October, 1852.

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Resolved, That the Petitioners against the Bill for incorporating the Grand Trunk Railway Company, having had full opportunity of being heard in support of the allegations in their Petition, that they conceive that their rights may be seriously and prejudicially affected by the passage of any Bill empowering other persons or bodies politic, to construct another Road between Kingston and Montreal, it is the opinion of this Committee that they have failed to establish such a case as should prevent the adoption of the preamble of the Bill under the consideration of the Committee, for the following reasons:—

1st. Because it is the opinion of this Committee, that the manner in which the Stock was subscribed, articles of agreement having been previously entered into by three parties to take £596,500 of Stock amongst them, and to procure seven other subscriptions of £500 each, with the other provisions of the said articles of agreement, affords conclusive evidence that such subscription of Stock was not *bonâ fide*, but that such Stock was taken with a design of controlling, if possible, under the pretence of having obtained certain chartered rights, the Legislature and Government of the Country, without whose co-operation it is impossible that the Grand Trunk Railway can be completed within a reasonable time.

2nd. Because there is evidence before the Committee that the Petitioner, in his capacity of Chairman of the Montreal and Kingston Railway Company, voluntarily proposed to the Government to surrender their Charter which had previously been brought into existence by Proclamation upon certain conditions, in order to enable the Government to carry into effect



certain arrangements for the construction of the whole Trunk line from Toronto to the Eastern portion of the Province, which conditions had no particular reference to the private interests of the Shareholders, but to the general interests of the public, interests which, in the opinion of this Committee, may be safely entrusted to the care of the Legislature.

3rd. Because it appears from the letter of Mr. Inspector General Hincks, that after the Subscription Books had been opened a considerable time without any Stock having been taken, a fact admitted in the articles of agreement referred to in the previous Resolution, he on the part of the Government entered into fresh negotiations with Mr. Jackson, acting on behalf of eminent British Contractors, the result of which was an agreement on Mr. Jackson's part that his Firm would construct the whole Line at a price to be fixed, and be responsible for taking the entire Stock of the Company, on obtaining the Government guarantee for the sum of £3000 Sterling, per mile.

4th. Because it is apparent that the spirit and letter of the Acts of Parliament passed during the last Session, contemplated that the Government of the Country, acting with a view to protect the interests of the public at large, should have a controlling influence over the construction of the Grand Trunk line of Railway, and because it has been shewn to the satisfaction of the Committee, that Mr. Inspector General Hincks acting with the concurrence of the Government, and in co-operation with the Hon. Mr. Chandler, acting on behalf of the Government of the sister Province of New Brunswick, entered into preliminary arrangements to secure the construction by eminent British Capitalists of the entire line between Toronto and Montreal, with a view to the ultimate completion of the line to Halifax by the same influence and means, and in order that the various sections of the Great Trunk Line in Canada, should as much as possible, be under the same influence and management as the sections in New Brunswick and Nova Scotia, and constructed in a manner superior to American roads, so as to afford to it every chance of obtaining the through traffic from the West, and because it would be highly inexpedient under such circumstances to obstruct an arrangement calculated to be of essential benefit to the Province.

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## *Proceedings of the Committee.*

### MINUTES OF EVIDENCE.

*Tuesday, 24th August, 1852.*

PRESENT :

Messieurs Cartier, Crawford, Egan, Hincks, Macdonald, of Kingston, Sir Allan Napier MacNab, Robinson, Sicotte, Stuart, Taché, and Young.

Read the Order of Reference.

Sir ALLAN NAPIER MACNAB unanimously called to the Chair.

Ordered, That Messrs. Galt and Holton, Stockholders in the Montreal and Kingston Railway Company, do appear before the Committee at their next meeting.

Adjourned till to-morrow, at 10 o'clock.

*Wednesday, 25th August, 1852.*

PRESENT :

Sir ALLAN NAPIER MACNAB in the Chair.

Messieurs Cartier, Cauchon, Crawford, Egan, Hincks, Macdonald of Kingston, Robinson, Sicotte, Stuart and Young.

Messieurs Galt and Holton appeared before the Committee, when the following Question was put to them :—

Q. 1. The Committee having been informed that certain Gentlemen in Montreal, including yourselves, have taken up the entire Stock in the Montreal and Kingston Railway, and having further been informed by the Inspector General, that certain English capitalists, represented in this Country by Mr. Jackson, M.P., and including that gentleman, together with Messrs. Peto, Brassey and Betts, are also willing to take up the entire Stock, provided they obtain the aid of the Provincial Guarantee, are desirous to ascertain from you, whether in the event of the prices submitted by Mr. Jackson being satisfactory to this Committee, you and your friends will be prepared to place the Stock which you have taken at their disposal?—With the permission of the Committee we will give our answer in writing.

Adjourned to the Call of the Chair.

*Friday, 27th August, 1852.*

PRESENT:

Sir ALLAN NAPIER MACNAB in the Chair.

Messieurs Cartier, Christie of Wentworth, Crawford, Egan, Hincks, Macdonald of Kingston, Robinson, Sicotte, Stuart, Taché, and Young.

The Chairman laid before the Committee a letter from Messrs. Holton and Galt, in reply to the Question submitted to them at their last sitting.

QUEBEC, 26th August, 1852.

Sir A. N. MACNAB,

Chairman Committee on Railroads.

Sir,—We have the honor to own receipt of a memorandum, addressed by the Committee on Railroads yesterday, in which it is stated that “The Committee having been informed, that certain gentlemen in Montreal, including yourselves, have taken up the entire Stock in the Montreal and Kingston Railway, and having further been informed by the Inspector General, that certain English capitalists, represented in this country by Mr. Jackson, M.P., and including that gentleman, together with Messrs. Peto, Brassey & Betts, are also willing to take up the entire Stock, provided they obtain the aid of the Provincial guarantee, are desirous to ascertain from you whether in the event of the prices submitted by Mr. Jackson being satisfactory to this Committee, you and your friends will be prepared to place the Stock which you have taken at their disposal?”

From the Committee deeming it necessary to put the above enquiry, we are led to infer that the action taken in the subscription of the Stock has tended to interrupt negotiations between the Inspector General and the English contractors named, and that to obtain a knowledge of the terms on which Mr. Jackson is prepared to undertake the Railroad in question, it is as a preliminary step necessary that all that has as yet been done under the Charter, should be undone. Had the Committee been in possession of a tender from Mr. Jackson, such as they are prepared to accept, it would have made it a comparatively easy matter to meet their views, but in the absence of any such tender, the Committee must themselves feel that it is a singular proposition to ask those parties who have up to this moment been the most active promoters of the Railroad, to forego all their own plans, even without commutation of the terms upon which the transaction is proposed to be affected through others.

In considering the question, we beg to assure the Committee, both for ourselves and for those who have acted with us, that there does not exist the slightest desire to impede satisfactory arrangements either with Mr. Jackson or others, and if we hesitate in taking the responsibility of at once pledging others to a resignation of their rights, it is because the new position in which the question now stands has never been contemplated.

Although not called upon to enter upon any defence of the action taken in this matter, still we would desire to place before the Committee a brief statement of our position, so that the difficulty we now feel in attempting to decide for others, may be fully understood.

It will be within the knowledge of the Committee that the project of a Railroad from Montreal to Kingston, after having been long dormant, was again pressed upon the attention of the public, by the opening of the Ogdensburg Railroad about two years ago. The

diversion of Trade from the St. Lawrence by this Railroad seriously alarmed the Country, and it was felt highly necessary to meet the case, by the construction, if possible, of a Railroad from Montreal to Kingston. The subscribers, with some other gentlemen, feeling a deep interest in the subject, were appointed at a public meeting, members of the Committee, to procure surveys, &c. Subscriptions of capital were made, and in the winter of 1850-1, a preliminary survey and estimate were made by C. S. Gzowski, Esquire, Civil Engineer. Simultaneous meetings were held all along the line, the assistance of the various Municipalities was pledged, and finally, at a public meeting held in Montreal, in the spring of 1851, a Committee of which we formed a part, was appointed to apply to Parliament for a Charter, and to endeavor to promote the success of the Company by any means within their power; the expense incurred up to this time being about £500.

The Committee so formed communicated their views frankly and fully to the Provincial Government; their plans were all in the possession of the administration, and their action was intended to be taken in conformity therewith. Among other steps, the Committee deemed it essential to procure a proper survey and profile of the route, to enable them to bring it before capitalists and contractors, and for this purpose, employed T. C. Keefer, Esquire, Civil Engineer, who prepared, in the course of last year, an absolute survey, at an expense to the Committee of nearly £2000, with which they are at this moment chargeable.

While this survey was proceeding, the Committee applied to Parliament at its last Session for a Charter, which was granted under 13 & 14 Vic. cap. 143.

At this time, however, the Honorable Committee are aware that the Government had in view the construction of the entire Main Trunk Line, either through the aid of the Imperial credit, or failing that, by a joint covenant with the Municipalities, and a clause was therefore inserted in the Charter, and the Montreal and Kingston Railroad Company, postponing its operation until Proclamation by the Governor in Council.

It will be observed, that up to this period, the whole labor and expense had for upwards of a year fallen on a very few parties. These parties were most anxious to be permitted at once to act under their Charter, but in view of the public interest, this was denied; of this no complaint was made, but on the contrary, the surveys and information collected, as before stated, were frankly given to the Government, for the purpose of affording the administration all aid in carrying out in their own preferred way a great public improvement.

We mention this point to Your Honorable Committee, because, had it not been for the preliminary steps taken by gentlemen in Montreal, there would have existed no data on which tenders could have been received from Messrs. Jackson & Co., as the sole information in possession either of the Inspector General or Messrs. Jackson has been obtained through the exertions and at the expense of parties in Montreal, of whom we are a part.

We will now proceed to the more recent events. It is within the knowledge of Your Honorable Committee that the negotiation for obtaining the Imperial credit for the construction of the Trunk Line was unsuccessful, and it is also within your knowledge that, doubtless, acting under assumed information, the Governor in Council was advised to pronounce the plan of building the Road on joint account with the Municipalities, inexpedient, and in fact, impracticable. By Proclamation, therefore, under date of the 7th August, the Charter of the Montreal and Kingston Railroad was placed in force, and as soon thereafter as possible, Books of Subscription were opened in conformity therewith.

At this time it was generally known that proposals would be made for the construction of the Road by English Contractors, and it was supposed that the machinery through which the scheme was to be worked was that of chartered companies. Demi-official communication was had by one of the Subscribers, both with the Inspector General and the Chief Commissioner of Public Works, and by both, assurances were given, that through the organization of companies alone could the work be proceeded with. Such being the case, the Subscribers, with several others, still feeling the greatest possible desire to have the Railroad built, and perceiving that no Stock was being subscribed, took advice as to the mode in which, with safety to themselves, the Company could be placed in a position to treat with Messrs. Jackson & Co., in the manner supposed to be desired by the Government; and it is proper to observe here that in considering this matter, the Subscribers never for one instant supposed that the organization of the Company was a mere pretence to gain the color of legality, to what in fact was a bargain between the Government and the English Contractors.

We have never before supposed, and are now loth to believe, that the Proclamation of the Governor in Council was not really intended to give effect to the intentions of the Legislature in granting the Charter, and our action under that Charter, will, we think, fully exonerate us before the Committee and before the public.

We subscribed, with others, the entire Stock, as a necessary measure for our personal security, pending negotiations; but although we frankly admit that we never intended to retain the whole Stock, still it is equally true that we did intend to retain our interest in the Company, and with that view have taken steps to enable us to make the best possible arrangements for the execution of the work. Acting in the most perfect good faith, we did consider that the interest of the Province was identical with that of the Company, in getting the work done at the least possible cost, and we felt that this could not be attained by a sham Company, merely to homologate a foregone bargain with Messrs. Jackson & Co., but that means ought to be taken to secure the completion of the work by others, if Messrs. Jackson's tender was not deemed satisfactory.

We beg leave respectfully to state to the Committee, that had we been aware that any intention existed to deprive the parties forming the Companies, of all voice in what we suppose to be their own immediate business, we should never have appeared as applicants for a Charter at all.

We now beg to state to the Honorable Committee, that the Stock under the Charter was subscribed with the *bonâ fide* intention of building the Road, either through contracts with Messrs. Jackson, or others. That in proof of this intention, the very same day Mr. T. C. Keefer was employed as Chief Engineer, to proceed along the line and to make arrangements for organizing the necessary parties; that he was also instructed to communicate with the Municipal authorities along the line for securing their promised co-operation, and to make arrangements for obtaining the right of way. Correspondence was also the same day with one of the largest Banking Institutions in the Province, with the view to establish the required credit, pending the valuation of the resources of the Company, and we are enabled to say, that their financial arrangements will be completed probably as soon as the legal organization of the Company can take place. We do not therefore hesitate to say that our arrangements have been taken in such a manner as in our judgment to give us a fair control over the terms of Messrs. Jackson's proposals, and failing their acceptance to carry out the work, otherwise than with the Provincial aid, and the co-operation of the Government. We will even venture to pledge our friends and ourselves that the work will go on as soon as the Government will decide the question of location; and if they will now authorize us to proceed with the sections respecting which no question exists, we will place the same immediately under contract.

From the foregoing statement we hope the Honorable Committee will perceive the very singular position in which the parties hitherto interested in the Montreal and Kingston Railroad Company are placed, in having acted up to the day of their subscription in perfect uniformity with the express desires of the Government, and then whenever they have at great personal risk carried out their express views, to be called upon by your Honorable Committee to say, whether they will abandon the undertaking to extra-Provincialists, without a knowledge either of their means, disposition or of the terms on which it is to be done, and it may be added, to parties who have expressly refused to treat with that body to which the Legislature has given the power to construct this road.

We will not venture to offer an opinion as to the impolicy of putting aside all colonial enterprise, and allowing your future Contractors to imagine that through them alone can our Provincial works be executed, nor will we remark on the future injury from the control of those great works being held abroad. Those points will, doubtless, weigh with the Committee. But we cannot doubt that those gentlemen, who, with ourselves, have hitherto acted in this matter will think that after having brought the enterprize to the form it now stands in, it is not unreasonable to ask that the proposals of Messrs. Jackson & Co., be submitted to them for concurrence, before they consent to using the Stock. We cannot doubt their desire to co-operate with the Committee in anything it deems advantageous to the Province, and we do feel surprised, that apparently the decision on this work should be subject to be taken from those who have really up to this time been, with a few others, the sole promoters of the undertaking.

In this view of the case we respectfully beg to suggest to the Committee, that we do not doubt the unanimous consent of the present Stockholders to transfer their Stock to the

Honorable Committee, on the sole condition that their concurrence be obtained in the arrangements made with Mr. Jackson, and we may venture to add that the same disposition we have always evinced, to act with the Government in this enterprize, will actuate us to give the largest and most liberal consideration to any proposals that may receive the sanction of Your Honorable Committee.

Being apprehensive that the above condition may be deemed essential we hasten to inform you of our impression that no time may be lost in advising us in Montreal, whether the Honorable Committee can so far modify their enquiry.

Immediately on being honored with your advices upon this point, we will convene the Subscribers and place the matter fully before them.

We have the honor to be,  
Your most obedient servants,

L. H. HOLTON.  
A. T. GALT.

The Honorable Mr. Hincks moved, That the Clerk be directed to write to Messrs Holton and Galt, to inform them that the Committee have considered their letter, that without entering into the various topics therein discussed, they deem it right to observe, that the object of the Committee is to endeavour to secure the construction of the Montreal and Kingston Railway, as speedily as possible, that they have ascertained that parties were ready to take the entire Stock, and construct the Road, provided they obtained the Provincial guarantee, but that before taking the Stock they were anxious to know whether upon a certain specification of prices, that guarantee could be obtained. The parties being ready to submit their prices, a difficulty has been found to arise from the entire Stock having been already taken. That the Committee are desirous of ascertaining simply whether the parties who have taken the Stock are willing to abandon it to others, in case the new Stockholders can satisfy the Government that the prices are such as to warrant the latter in advancing one half the cost on the security of the Road. That as the parties in Montreal who have taken the Stock would in the event of the new arrangement being carried into effect, have no interest whatever in the work, except as constituting a portion of the people at large, it would manifestly be most objectionable to the proposed new Stockholders to submit any proposition to them. That the parties who have taken Stock at Montreal, must act on their own responsibility in determining to retain the Stock in their hands when other parties have proposed to take it up on certain conditions. That for the foregoing reasons the Committee are not of opinion, that there would be any practical use in modifying the terms of their question. That the Committee, with reference to that portion of the letter of Messrs. Holton and Galt, relating to the preliminary expenses, deem it right that the Clerk should inform those gentlemen, that there can be no doubt that in any arrangement that might be carried out, the repayment of expenses would be provided for;

On the Question being proposed, Mr. Robinson moved in Amendment, that the following Resolutions be adopted:—

Resolved, That the Committee having read and considered the answer of Messrs. Holton and Galt, to the Question put to them by the Committee on the subject of the Montreal and Kingston Railroad, in which answer those gentlemen request to be furnished with the terms and prices on which Messrs. Jackson & Co., are stated to have signified their willingness to construct the said Road—it be resolved, That the Chairman be directed to inform Messrs. Holton and Galt, that the Committee not being in possession of any memorandum, shewing the terms and prices of Messrs. Jackson & Co., cannot comply with the request made.

“Resolved further, That the Chairman be instructed to inform Messrs. Holton and Galt that it is deemed highly desirable that the said Railroad Company should put themselves in communication with Mr. Jackson without delay, in order if possible, to come to an arrangement with him for the construction of the Road.”

And the Question being put on the said amendment, the Committee divided thereon as follows:—

Yea:

Honorable Mr. Robinson,—1.

Nays:

Messieurs Cartier, Christie of Wentworth, Crawford, Egan, Hincks, Macdonald of Kingston, Sicotte, Stuart, Taché, and Young,—10.

The amendment was accordingly negatived.

The Question being put on the main motion, it was agreed to, *nem. con.*

Adjourned to the call of the Chair.

Friday, 3rd September, 1852.

PRESENT :

Sir ALLAN NAPIER MACNAB in the Chair.

Messieurs Christie of Wentworth, Egan, Macdonald of Kingston, Sicotte, Stuart, Taché, and Young.

The Chairman informed the Committee that he received the following communication from Mr. Holton, a Stockholder in the Montreal and Kingston Railroad Company, in reply to the enquiry of Committee of 27th ultimo :—

MONTREAL 1st Sept., 1852.

Sir A. N. McNAB,

Chairman Standing Committee on Railroads, &c.

Sir,—I have the honor to acknowledge the receipt of the letter of the Clerk of the Honorable Committee, dated 27th ult., addressed to Mr. Galt and myself, informing us "that the Committee have considered our letter. That without entering into the various topics therein discussed, they deem it right to show that the object of the Committee is to endeavor to secure the construction of the Montreal and Kingston Railway as speedily as possible. That they have ascertained that parties were ready to take the entire Stock, and construct the Road, provided they obtain the Provincial guarantee; but that before taking the Stock they were anxious to know whether upon a certain specification of prices, that guarantee could be obtained. The parties being ready to submit their prices, a difficulty has been found to arise from the entire Stock, having been already taken." That the Committee are desirous of ascertaining simply, whether the parties who have taken the Stock are willing to abandon it to others, in case the new Stockholders can satisfy the Government that their prices are such as to warrant the latter in advancing one half the costs on the security of the Road. That as the parties in Montreal, who have taken the Stock would, in the event of the new arrangement being carried into effect, have no interest whatever in the work, except as constituting a portion of the people at large, it would manifestly be most objectionable to the proposed new Shareholders to submit any proposition to them. That the parties who have taken Stock at Montreal, must act on their own responsibility in determining to retain the Stock in their hands, when other parties have proposed to take it up on certain conditions. That for the foregoing reasons, the Committee are not of opinion that there would be any practical use in modifying the terms of their question."

I cannot refrain from expressing the disappointment and regret which, in common with my co-Stockholders I feel, that the Committee have not thought proper to acquiesce in the proposed modification of their enquiry. That modification was most reasonable and unquestionable, as it appeared to us, was suggested by Mr. Crawford, the member of the Committee who proposed the original question, and we were led to hope, that its adoption by the Committee would have relieved us from the painful responsibility of deciding between the surrender of a Charter, of which by the voice of our fellow-citizens, and the action of the Legislature, we have been made the guardians, and incurring the imputation of appearing to oppose the wishes of the Committee in relation to a great public enterprise.

Mr. Galt and I returned from Quebec, firmly convinced that the correctness of our views in this particular would be assented to by the Committee, and on conferring with the other Shareholders, we found them as we had anticipated, entirely willing to surrender their Stock to the Committee with the single reservation as stated in our letter of the 26th ult., viz:—That the terms proposed by Mr. Jackson should be submitted to them for their concurrence.

Inasmuch as neither the Committee nor the Government have informed us through what instrumentality it is intended that the proposed Railroad should be constructed: in the not improbable contingency of Mr. Jackson's proposals not being accepted by the one, or confirmed by the other, it may be fairly assumed that the risk would be left in the hands of the original Shareholders to be executed under the Charter with such aid from the Province as was pledged by the Act of last Session. It appears to us, therefore, extraordinary that Mr. Jackson should make it a condition previous to submitting any proposal, that rights acquired under an existing Charter should be unconditionally surrendered, and still more so, that the Government or the Committee could ask us to acquiesce in an arrangement involving, as we humbly conceive, a species of personal, if not provincial degradation.

No longer ago than the 7th of last month the Government proclaimed as its policy, that the Road should be constructed solely through the instrumentality of a private Company, and I am ignorant of any subsequent necessity for a change in that policy. Certainly no unnecessary time has been lost in securing the organization of the Company, and it is my opinion, and that of all the gentlemen connected with me, that the Road can be built under the existing Company, with the pledged aid of the Government, and the assured co-operation of the Municipalities as speedily and much more economically than through any other instrumentality. If, however, the Government be disposed to cancel its recent policy, and undertake the construction of the Road as a Provincial Work, to be offered in the usual way to public competition, and controlled for the advancement of Canadian interests, I think I may say for my co-Shareholders as well as for myself, that the Charter and Stock will be promptly placed at its disposal.

I feel myself constrained to take special exception to that clause in the letter of the Honorable Committee, which assumes that "as the parties in Montreal who have taken Stock would, in the event of the new arrangements being carried into effect, have no interest whatever in the work, excepting as constituting a portion of the people at large;" or in other words that 60,000 inhabitants of Montreal, through whose confidence we possess our corporate existence, have no more interest in the Road to Kingston than any other 60,000 of the people of Canada, East of Quebec or West of Toronto. The City of Montreal is the most populous and wealthy in British America, and the Road in question will, we believe, exercise a more important influence over her future prosperity than any existing or possible one can do; and it is the feelings of a mighty responsibility devolving upon us in our representative capacity, which makes us hesitate to surrender unconditionally the important interests confided to our charge. The propriety of such surrender becomes the more questionable from the apparent absence of all necessity for it. There is no reason to assume that Messrs. Jackson & Co., are not as willing to enter into negotiations with the existing Company as they have been with the Quebec and Richmond Company—or that their proposals would not receive prompt and liberal consideration.

Mr. Galt who is one of the largest Stockholders, having been obliged to leave town some days since, I am unable in his absence to give a categorical reply to the question of the Committee, but I may add, that a knowledge of the mode by which it is contemplated to construct the Road, if the proposed arrangement with Mr. Jackson should fail, will have great weight with the Stockholders in forming their final decision.

I have the honor to be, Sir,  
Your most obedient Servant,

L. H. HOLTON.

Adjourned to the call of the Chair.

*Saturday, 4th September, 1852.*

PRESENT:

Sir ALLAN NAPIER MACNAB in the Chair.

Messieurs Cauchon, Christie of Wentworth, Crawford, Hincks, Johnston, Macdonald of Kingston, Robinson, Sicotte, Stuart, and Taché.

George Benjamin, Esquire, Chairman of the *ex-officio* Directors of the Toronto and Kingston Railroad Company, appeared before the Committee; when the following question was put to him:—

Q. 2. Are you prepared, in the event of parties being found, who will take the entire stock in the road between Kingston and Toronto, and construct it on terms that will be approved of by the Committee, to place any Stock already subscribed by the Municipalities which you represent, at the disposal of the Committee, or of parties indicated by them?— (Witness in reply, laid before the Committee the following) Memorandum:—While the Directors of the Kingston and Toronto Railway Company, have no hesitation in giving up all their rights to the Charters incorporating the Company, to the action of the Railway Committee, yet they desire to express their decided conviction, that the line should be made on the front, or the line surveyed by T. C. Keefer, Esquire—as no line other than the front one we feel confident would give satisfaction to the Municipalities represented by the undersigned. The Directors trust that the preliminary expenses will be repaid to them. The Directors would also respectfully suggest that the Mayor of Kingston be consulted as to the location of the Depot in Kingston, as it is a matter of serious importance to the interests of that City.

By order of the Directors,

G. BENJAMIN, Chairman,  
K. & T. R. R. C.

Adjourned until Monday next at 11 o'clock.

Monday, 6th September, 1852.

PRESENT:

Sir ALLAN NAPIER MACNAB in the Chair.

Messieurs Christie of Wentworth, Crawford, Egan, Hincks, Johnson, Macdonald of Kingston, Robinson, and Sicotte.

The Committee deliberated.

Adjourned till 3 o'clock this day.

6th September, 1852.—3 o'clock P. M.

PRESENT:

Sir ALLAN NAPIER MACNAB in the Chair.

Messieurs Christie of Wentworth, Crawford, Egan, Hincks, Johnson, Macdonald of Kingston, Robinson, Sicotte, Stuart, and Taché.

The Committee deliberated.

Ordered, That the Clerk be instructed to Summon, by Telegraph, Thomas C. Keefer, Esquire, for to-morrow, at 11 o'clock.

Adjourned till to-morrow, at 11 o'clock.

Tuesday, 7th September, 1852.

PRESENT:

Messieurs Cartier, Christie of Wentworth, Crawford, Egan, Hincks, Johnson, Macdonald of Kingston, Robinson, Stuart, and Taché.

In the absence of the Chairman, Mr. CARTIER was called to the Chair, *pro tem.*

William Jackson, Esquire, Member of the House of Commons, Alexander Ross, Esquire, Civil Engineer, Honorable H. H. Killaly, President of the Board of Works, and Thomas C. Keefer, Esquire, Civil Engineer, appeared before the Committee.

Ordered, That the Clerk do request (by Telegraph) the attendance of Messrs. Holton and Gait before the Committee at 11 o'clock To-morrow.

Adjourned till To-morrow at 11 o'clock.



Wednesday, 8th September, 1852.

PRESENT:

Mr. CARTIER in the Chair, *pro tem.*

Messieurs Christie of Wentworth, Crawford, Egan, Hincks, Johnson, Macdonald of Kingston, Robinson, and Sicotte.

L. S. Holton, Esquire, appeared, agreeably to request, and informed the Committee, that Mr. Galt was absent in New York, and consequently was unable to appear.

Q. 3. Are you prepared to state for the information of the Committee the maximum amount of guarantee, or Provincial assistance your Company are prepared to take, for the construction of a good permanent Railroad, made on plans and specifications approved of by the Railroad Commissioners, and built under the superintendence of their officers, the rails to be not less than 63lbs. to the yard, all piers and abutments of bridges throughout to be of the best class of masonry, all valleys and hollows to be covered by permanent embankments, and the whole of the line to be fully ballasted and equipped as efficiently as the Ogdensburgh line?—the line to be completed in 1855?—(Answer to be communicated.)

Adjourned till to-morrow, at ten o'clock.

Thursday, 9th September, 1852.

PRESENT:

Mr. CARTIER in the Chair, *pro tem.*

Messieurs Christie of Wentworth, Crawford, Johnson, Macdonald of Kingston, Robinson, Sicotte, and Stuart.

The Committee took into their consideration, the Bill to amend the several Acts incorporating the Company of Proprietors of the Champlain and St. Lawrence Railroad, and for other purposes, referred to them, and agreed to report the same with several amendments.

Adjourned till to-morrow, at ten o'clock.

Friday, 10th September, 1852.

PRESENT:

Mr. CARTIER in the Chair, *pro tem.*

Messieurs Cauchon, Christie of Wentworth, Crawford, Egan, Johnson, Macdonald of Kingston, Robinson, Sicotte, Stuart, and Young.

The Committee took into their consideration, the Bill to authorize the Montreal and New York Railroad Company to extend their Railroad and to acquire the land necessary for such extension, and for other purposes relative to the said Company referred to them, and agreed to report the same with several amendments.

Adjourned till Tuesday next, at 10 o'clock.

Tuesday, 14th September, 1852.

PRESENT:

Mr. CARTIER in the Chair, *pro tem.*

Messieurs Cauchon, Christie of Wentworth, Crawford, Egan, Hincks, Macdonald of Kingston, Robinson, Stuart, and Young.

The Committee took into their consideration, the Bill to amend an Act passed in the eighth year of Her Majesty to incorporate the St. Lawrence and Atlantic Railroad Company, and to extend the powers of the said Company, referred to them, and agreed to report the same without amendment.

Mr. Cartier (the Chairman, *pro tem.*) laid before the Committee the following communication, addressed to Sir Allan N. MacNab, Chairman of the Committee:—

MONTREAL, 13th September, 1852.

Sir ALLAN MACNAB,

Chairman Standing Committee on Railroads, &amp;c.

Sir,—I now propose to reply to the question addressed to me by the Honorable Committee, when I had the honor of appearing before them, on the 8th instant, and which was stated in the following terms, viz: "Are you prepared to state for the information of the Committee, the maximum amount of guarantee or Provincial assistance your Company are prepared to take, for the construction of a good, permanent Railroad, made on plans and specifications approved of by the Railroad Commissioners, and built under the superintendence of their officers, the rails to be not less than 63lbs. to the yard, all piers and abutments of bridges throughout to be of the best class of masonry, all valleys and hollows to be crossed by permanent embankments, and the whole of the line to be fully ballasted and equipped as efficiently as the Ogdensburgh line—the line to be completed in 1855."

The Montreal and Kingston Railway Company have never contemplated appearing before the Committee or the Government in the attitude of contractors, competing with Mr. Jackson or any other party for the execution of the work, but propose to adopt so soon as Government shall have established the route as applied for in their letter to the Provincial Secretary, of the 6th instant, such measures as will insure the speedy and economical construction of the road by means of the widest competition among English and Foreign, as well as resident contractors. They rely upon receiving the full measure of Provincial aid pledged to companies undertaking the construction of portions of the Grand Trunk Line, by the Act of last Session.

The present question of the Committee would seem to imply either that the Act is to be so far modified as to substitute a fixed amount of aid for the general guarantee of one-half the cost, or that the roads are to be put up by Government to public competition, to be constructed on certain plans and specifications, and owned by the parties undertaking to construct them for the lowest amount of public aid. If the latter be really the policy which it is intended or desired to adopt, a plain intimation to that effect might tend to simplify this whole question. An opportunity would then be afforded to Canadian contractors to compete for the work, which would ensure its execution at the cheapest possible rate, and would at the same time promote the development of Provincial talent and enterprize, an object not entirely unworthy of Provincial statesmen.

To shew that there need be no lack of Canadian competition, I may mention the fact that a recent advertisement of the Toronto and Guelph Railroad Company was responded to by one hundred and nine tenders, forty of which were for the whole line, and the great majority from Canadian contractors.

As I had the honor of stating before the Committee, to have estimated the cost of our road at about five thousand pounds, currency, per mile, which would entitle us to the Provincial guarantee for about two thousand five hundred pounds. This estimate is based upon the preliminary survey of our Engineer, T. C. Keefer, Esq., as well as upon a consideration of the cost of other Railroads having reference to the relative facilities for construction, presented by their respective routes; of course at this stage any estimate must necessarily be general, and therefore to some extent imperfect, but that ours is at least proximately correct, we have the high authority of the Honorable Inspector General for affirming:—And it may be presumed that his statement was supported by the best professional opinion at the command of the Government of the day. In the debate on the Grand Trunk Railway, on the 8th August, 1851, Mr. Hincks is reported to have said,—“The distance from Hamilton, to which place the line from Detroit is now being built to Montreal, was three hundred and eighty-six miles, and from the reports of Engineers there *could be no doubt* that the whole would be constructed for five thousand pounds per mile. Mr. Keefer's estimate for that portion between Toronto and Kingston was four thousand five hundred pounds, and from Kingston to Montreal five thousand pounds. Taking the average at five thousand pounds per mile, a *very safe estimate*, the whole would amount to one million nine hundred thousand pounds.” And again on the 12th August, 1851, the same gentleman is reported to have stated in reply to a question from Mr. Robinson, “the extent and cost of the Road as a whole, the distance from Halifax to Quebec, was six hundred and thirty-six miles, which could be constructed at seven thousand pounds currency per mile, amounting to four millions four hundred and fifty-two thousand pounds. The Road through New Brunswick, two hundred miles, at six thousand pounds per mile, would cost one million two hundred

“thousand pounds. From Melbourne to Quebec, ninety-five miles, at six thousand pounds, would cost five hundred and seventy thousand pounds. From Montreal to Hamilton, three hundred and eighty miles, at five thousand pounds, would cost one million nine hundred thousand pounds. Putting the first item in round numbers at four million five hundred thousand pounds, the whole cost of the line would be eight million seven hundred thousand pounds currency, whereas the seven millions sterling to be advanced was equivalent to eight millions eight hundred and sixteen thousand six hundred and sixty-six pounds.”

By a reference to Mr. Keefer's Report, I find that he estimates the whole cost of the line from Montreal to Kingston at £950,000, being an average of £5,340 per mile. This estimate includes an ample equipment, and we have every reason to believe it will cover the entire cost of the road; but making every allowance for contingencies, I think we may safely assure the Committee that the amount of guaranteed Bonds we shall claim will not exceed two thousand five hundred pounds per mile, and, in fact, we are prepared to limit our claim of Provincial aid in the construction of the road, to bonds for that sum, or to one-half the cost of the Road, if it should fall short of that sum.

It is due to the Company with which I am connected, that I should briefly advert to a fallacy which has obtained some currency, and which has been recently shown to prevail even in high quarters, where an enlightened appreciation of facts, and the logical conclusions that flow from them, might have been reasonably looked for. It is argued that because the Montreal and Kingston Railway Company do not consider the employment of Mr. Jackson on his own terms essential to the construction of our Great Line of Railroads, they are therefore opposed to the introduction of English capital into the country; nothing could be more unfounded—nothing more unjust. It is admitted on all hands, that it is not only desirable, but absolutely necessary, that English or Foreign capital should be obtained for the construction of all our great public works. The question is mainly one of instrumentalities. Is the instrumentality of Mr. Jackson and his associates so essential for procuring loans of English capital, that they should be paid from thirty to fifty per cent over the cash value of their work, merely for the facilities they are supposed to possess as money brokers? or is it pretended that a little knot of Railway jobbers hold the key of the great money market of the world?

We, on the contrary, maintain that it would be disparaging to the resources and credit of our country, and still more so to the talents and energy of our business men, if the Government and Legislature should act upon the assumption that the services of Messrs. Jackson & Co., not money brokers nor money lenders, but simply Railway Contractors, are indispensable to the successful negotiation of the securities, with the proceeds of which, our Railroads are mainly to be constructed. The Railroad policy of the country was settled, and two important sections of the Grand Trunk Line in course of rapid construction, one of them approaching completion long before Mr. Jackson was heard of in connection with our Railroads. The action of the Government in proclaiming the Charters, was alone wanting to secure a vigorous commencement of the remaining sections. That action has hardly been taken, when it is all at once discovered that nothing can be done without Mr. Jackson, and it is accordingly proposed that our previous legislation shall be reversed. Our established policy abrogated, and existing Charters cancelled, in order to meet the views and secure the services of that gentleman.

To whatever extremes this matter may be pushed by the Government, the Montreal and Kingston Railway Company will have the satisfaction of knowing that they have been instrumental in obtaining from Mr. Jackson proposals more favorable than would have been submitted by him had they surrendered their stock unconditionally when first called upon to do so. The last proposal made by him is based upon a reduced valuation as compared with his previous one, of one thousand pounds sterling, per mile, on the whole line from Montreal to Toronto, and how much less his first offer was than it would have been, had no obstacle been interposed to the realization of his golden visions, it is difficult to conjecture.

But apart from economical considerations there can be no doubt that a great leading thoroughfare, such as our Trunk line is designed to be, would be managed more in consonance with the wants, the habits, and the whole genius of our people, by a local Company than by any association of speculators residing abroad, having no interest in the Country beyond the punctual receipt of the largest dividends that can be wrung from it.

In conclusion, permit me to observe, that I can discover no good reasons why we should not be permitted to proceed with the construction of our Road, relying upon the same measure of aid and co-operation from the Government which has been extended and is now being extended to other sections of the Grand Trunk Line. With such aid and co-operation, if the line be located this autumn, we believe there will be no difficulty in ensuring the completion of the Road early in the summer of 1855.

I have the honor to be, Sir,  
Your obedient Servant,

L. H. HOLTON,

Chairman Com. M. & K. R. W. C.

A. T. Galt, Esquire, appeared before the Committee.

Q. 4. What is the amount of Stock in the Montreal and Kingston Railroad for which you have subscribed?

An objection was raised by Mr. Macdonald to the Question being put to Mr. Galt.

Upon which the Committee divided:—

Yeas:

Messrs. Cauchon, Christie (of Wentworth,) Crawford, Hincks, Young,—5.

Nays:

Messrs. Macdonald (of Kingston,) Robinson,—2.

So it was carried in the affirmative; and the Question was put to Mr. Galt—To which he respectfully declined answering.

Q. 5. (to be sent to Mr. Holton for his reply.)

Can you state the amount of Stock taken in the Montreal and Kingston Railroad Company and by whom subscribed, or will you, in case of inability to do so, place the Stock Books and the preliminary agreement of the Stockholders, or a copy thereof, before the Committee?

Ordered,—That the Clerk do transmit a copy of the above question to Mr. Holton at Montreal.

The Hon. Mr. Young read, and handed in to the Clerk, an extract of a letter received from Ira Gould, Esquire, as follows:—

TO THE HON. JOHN YOUNG.

My Dear Sir,—Will you please repeat what I have already written to Sir Allan MacNab, that I am in possession of tenders for the construction and furnishing the Railway from this to Kingston, received from parties of undoubted ability and experience, adequate to the undertaking, and that if the Government do not consent to the action of Messrs. Holton and Galt, (which I think myself is illegal,) I am prepared to call a meeting of the original Corporation and put the work into hands of Contractors at once, there is no use of dilly-dallying in this matter.

Adjourned to the call of the Chair.

Tuesday, 12th October, 1852.

PRESENT:

Sir ALLAN NAPIER MACNAB in the Chair.

Messieurs Cartier, Cauchon, Crawford, Egan, Hincks, Macdonald (of Kingston,) Robinson, Smith (of Durham,) Stuart, Taché, and Young.

Sir Allan N. MacNab having declined taking the Chair, in consequence of ill-health, Mr. Cartier was again called to the Chair, *pro tem*.

The Clerk laid before the Committee a letter received from Mr. Holton, enclosing a copy of a letter addressed by him to the Honorable John Young, Chief Commissioner of Public Works, as also a letter from Thomas C. Keefer, Esquire, which are as follows:—

MONTREAL, 27th September, 1852.

Sir A. N. MACNAB,

Chairman Standing Committee on Railroads, &amp;c.

Sir,—I beg to transmit herewith a copy of a letter which I addressed to the Honorable John Young, late Chief Commissioner of Public Works, on the 16th instant, setting forth the terms on which the Montreal and Kingston Railway Company were disposed to resign the rights they possess under their Charter.

As we were given to understand that neither the Government nor the Railroad Committee would assent to the Provincial guarantee being granted for a larger amount than three thousand pounds sterling, per mile, and that a Railroad bridge across the St. Lawrence, at Montreal, would be attainable if the projected arrangements with Mr. Jackson were carried out, we had every reason to believe that the terms of my letter to Mr. Young would meet the approval of the Government and of the Committee; and that if proposals based upon those terms were not submitted by Mr. Jackson, no further opposition would be manifested to the construction of the Montreal and Kingston Railway by the existing Company, with the aid and co-operation of Government.

I have the honor to be, Sir,

Your most obedient Servant,

L. H. HOLTON,

Chairman M. &amp; K. R. W. C.

(Copy.)

MONTREAL, 16th September, 1852.

To THE HON. JOHN YOUNG,

Chief Commissioner Public Works. Quebec.

Sir,—Upon my return from Quebec this day, I lost no time in communicating to the Committee of the Montreal and Kingston Railway Company, the substance of our communication relative to the connection of the proposed bridge across the St. Lawrence at Montreal with the Western Railroads, and I am authorized to say for the information of the Government and of the Railroad Committee, that in view of the very great advantages to be derived from the construction of the bridge to the Province at large, by securing an unbroken communication with the Atlantic Seaboard, and having especial reference to the manifest importance to the City of Montreal, of connecting it with the South Shore, believing also it would be difficult for the Company which I represent to undertake under existing circumstances the immediate construction of this bridge, in addition to that of the Railroad to Kingston, we shall be disposed, on being reimbursed all the preliminary expenses, and relieved from all liabilities we may have incurred, to waive our rights under our Charter whenever the Government shall inform us that they are in possession of proposals, which they are prepared to recommend to Parliament for adoption, providing for the simultaneous construction of Railroad and bridge, both of the most substantial character, and the former fully equipped, on such terms as will keep the amount of Provincial guarantee to be extended to the parties within the sum named by you before the Committee, as the maximum amount you would consent being granted to it, £3,000 sterling per mile, and providing also that the amount of Stock and Securities of all kinds represented by the Railroad and bridge besides the Government guarantee shall not exceed the amount of such guarantee, that the use of the bridge shall be secured to all other Railroads on terms to be fixed by Government independent of the proprietors, that sufficient control over future management be reserved by the Government to protect the Province from the evils incident to extra Provincial ownership and control, and that the right of purchase by the Government, be based upon an advance of ten per cent upon the actual, not the alleged or nominal cost of the work.

In making this communication, we wish it to be distinctly understood, that we do not in the slightest degree depart from the position we have assumed, that the resources and credit of the Province, wielded by men residing in it are ample for the construction of the Railway, (and we would now add the bridge also,) if the aid of the Government be extended to that work, even on much more favorable terms than those now named by us, nor do we

doubt that it would be found more advantageous to have the works contracted through a Canadian than an unresident Company.

On those points our opinions remain unchanged, but we regret to be obliged to state that the determined hostility evinced by prominent members of the Government, to any attempt to effect the Provincial objects by Provincial men and means, induces us to adopt a course which will at once test the security of the avowed grounds of opposition to us, and if there really be, through the agency of English Contractors, any extraordinary facilities within the reach of the Province, to secure the early completion of a costly bridge, which cannot fail to be of the highest possible advantage to this community.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed,)

L. H. HOLTON,  
Chairman Com., M. and K., R. R. C.

QUEBEC, 15th September, 1852.

TO SIR A. N. McNAB,  
Chairman Standing Committee on Railroads, &c.

Sir,—The manner in which the surveys and estimates made by me for the Trunk Line of Railway between Montreal and Toronto, have been presented before Your Honorable Committee will, I trust, be considered sufficient excuse for this letter.

Those estimates were made under the supposition that the work would have been advertised, and let by public competition—payment to be made in cash. A state of things has since arisen by which it is desired to increase the amounts of my estimates, and although I do not feel called upon to rebut the assertions of intending contractors, or those of Engineers not speaking their own opinions, I beg respectfully to take exception to a mode of estimating pursued before the Committee, the rule for which has only to be applied a little more extensively in order to shew its fallacy.

It has been argued that because the cost of certain roads, or the average cost of certain groups of roads has exceeded £8000 per mile, the cost of the line between Montreal and Toronto must necessarily amount to that sum. The average cost of Railways in England has been £35,000 sterling per mile, five or six times greater than the average in the United States; and the average cost of roads in New England, where the right of way is expensive, the surface rugged, and food and timber dear, is several times greater than upon the smooth and cheap lands of the Western States. The average cost of heavy Railroads west of Lake Erie is under £5000 per mile, equipped. Many of those roads have been constructed under £4000 per mile, which sum also covers the cost of the Oswego and Syracuse and Rome and Cape Vincent Road, near us; and that of the Montreal and Rouse's Point, the Caughnawaga and Plattsburgh,—and if I mistake not the cash disbursements of the Ontario, Simcoe and Huron Road, in Canada, notwithstanding a nominal cost of £6,500 paid to the contractors. The Buffalo and Brantford Road is let to one contractor at prices which will secure its completion much under £4,000 per mile; and lastly the cost of the western section of the Great Western Road, over one hundred continuous miles, will be under £5,000, built in the best manner, with the highways over or under the Rail. To shew the fallacy of estimating the average per mile of one Road by that of others not similar, it is only necessary to take the Central and Western Divisions of the Great Western. The original estimate for the same items on the Central Division was £6,767 per mile, and on the Western Division only £3,969 per mile.

The Ogdensburgh Road has paid nearly £2000 per mile for money accommodation, and extra cost of iron over that paid on recent Roads, which must be added to the natural difficulties contended against before its reputed cost can correctly be appreciated. A similar discrimination will be found to reduce the cost of the Portland Road when fully completed and equipped, to the extent of £1000 per mile, to about £6000 per mile, upon a route which shews a greater average of excavation and embankment per mile than that of the Trunk Line.

Before the value of the Montreal and Toronto Line can be computed by comparison, or by a general average, it will be necessary to decide whether it approximates closest to the

characteristics of the dear Roads in New England, or that of the cheap ones in the Western States and Canada. For smoothness of surface, and lightness, therefore, of the "grading," it will, throughout its entire length, compare with Western routes, while in bridging, it resembles the New England ones. It must therefore be remembered that the £500 or £1000 per mile, which will be saved (as compared with other Roads) in the grading, is a substantial set-off against the extra cost of bridging.

An Engineer is responsible, not merely for estimates of quantities and values, but for the commercial success of enterprises entrusted to his care; and as there are many ways of doing the same thing, he is bound to adopt a scale warranted by the circumstances of the case. In estimating for a Railway between Montreal and Kingston, a different policy was adopted from that with reference to the Kingston and Toronto Line—not only because the financial aspects under which the two estimates were made were widely different, but because there was no comparison, in my judgment, between the ultimate requirements of the two routes. I am still of opinion, that both with regard to the cost of construction upon a similar basis, and with respect to future traffic, and therefore the amount of rolling stock required per mile—a marked discrimination should be adopted with reference to these two Roads.

I have the honor to be, Sir,  
Your obedient Servant,

THOMAS C. KEEFER.

The Committee took into their consideration the Bill to incorporate the Grand Trunk Railway of Canada.

Ordered, that N. H. Holton and A. T. Galt, Esquires, be called in,—and being present, gave answer to the following Question (to Mr. Holton):—

Did you address a letter to the Inspector General a few days since, in your capacity of Chairman of the Committee of the Montreal and Kingston Railway Company, in which on certain conditions you waived every right that Company might have under the existing Charter?

Before answering the Question, the Honorable Mr. Hincks laid before the Committee the correspondence alluded to, as follows:—

QUEBEC, 2nd October, 1852.

Sir,—Your letter of the 16th ultimo, addressed to my late colleague, Mr. Young, was placed in my hands by that gentleman the day before his resignation. I was much gratified to find by it, that the Company with which you are connected, are disposed to meet what I believe to be the general wish of the members of the Legislature and of the public at large.

You have stated certain conditions for which you desire to stipulate, and which may lead to embarrassment. I have no hesitation in assuring you that in case the proposed new Company should enter into a contract for the construction of the line with Mr. Jackson and his friends, £3000 sterling per mile is the maximum amount for which the Provincial guarantee would be given. I am satisfied that your proposition, that preliminary expenses should be reimbursed, and that you should be relieved from all liabilities, by the Government, that you may have incurred, will be acceded to. The question of the bridge is one of some difficulty, and I am not without hope that I shall succeed in convincing you that such a condition could not advantageously be insisted on. Parliament has not sanctioned any guarantee for such an object, nor has any authority been given to bridge the St. Lawrence: there are no data in possession of the Government to enable them to consider whether public aid could properly be given for such an object. I am not aware of the nature of your conversation with Mr. Young on that subject; but I have no hesitation in stating it as my conviction, that a bridge must be built at no distant time, and I am well aware that Mr. Jackson is most anxious to undertake it; at the same time, I cannot see the possibility, under existing circumstances, of acceding to your proposition, to have the immediate construction of this bridge made a condition.

On other points of detail, as to the terms of the Charter, I think you will agree with me in thinking that the Railway Committee of the House will protect the interests of the public.

I have further to add that, in case the negotiation with Mr. Jackson for the construction of the line should not be successful, I entertain no doubt that Parliament would sanction any reasonable amendments that you may require to your Act of Incorporation, and that you might rely on the cordial co-operation of the Government, in carrying out your object. Hoping that this letter may be satisfactory,

Believe me,

Faithfully yours,

F. HINCKS.

P. S.—It seems desirable that a statement of the expenses incurred should be furnished as soon as possible.

L. H. HOLTON, Esquire,

Chairman Committee Montreal and Kingston Railroad Company.

MONTREAL, 4th October, 1852.

Sir,—I have to acknowledge the receipt of your letter of the 2nd instant, in reply to mine of the 16th ultimo, addressed to the Honorable John Young, late Chief Commissioner of Public Works.

The Montreal and Kingston Railway Company were incorporated by the Legislature at the instance of the citizens of Montreal, for the purpose of constructing a Railroad between Montreal and Kingston; and as they were thoroughly convinced of their ability to secure the early completion of that great work, they were unwilling to surrender rights conferred upon them for such an important object, until they were informed, with some degree of distinctness, what were the leading features of the scheme for the attainment of that object, which it was proposed to substitute for their Charter. While they have never allowed themselves to believe that any extraordinary measure to divest them of their chartered rights would be proposed by the Government, or sanctioned by the Legislature, at all events until sufficient time should have elapsed to demonstrate their inability to achieve the object for which they were incorporated,—a course that would be subversive of all confidence in any security founded on the legislation of the Province—they have never desired to interpose obstacles to the adoption, by the Legislature, of whatever means would, in its judgment, be most conducive to the early and economical construction of the great chain of railway communication through the Province, of which the Montreal and Kingston Railroad would form the most important link. On the contrary, they have, from the very first, avowed their willingness to waive their rights whenever it should be shewn that the public interest required them to do so. In my letter to Mr. Young, I stated the conditions on which this Company were prepared to resign their Charter, and your letter, interpreted in connection with the inquiries of the Railway Committee, and the replies thereto, conveys the acquiescence of the Government, in the most important of those conditions, excepting the one relating to the bridge across the Saint Lawrence. From the manner in which that subject was presented to me by Mr. Young and another gentleman connected with the Government, I had reason to hope that this also would have been acquiesced in, but it cannot be denied that there is some force in the considerations which you urge against the immediate construction of this bridge being insisted on as a condition. I am, therefore, authorized to say that this company are disposed to waive their rights under their Charter, on the conditions embodied in your letter; to wit:—that the Provincial guarantee shall not be granted to Mr. Jackson and his associates for a larger sum than £3,000 sterling per mile, for a Railroad of the character and equipped in the manner described in the query put to me by you before the Railway Committee on the 8th ultimo, in the following terms:—“A good permanent Railroad made on plans and specifications approved of by the Railway Commissioners, and built under the superintendence of their officers, the rails to be not less than 63lb to the yard. All piers and abutments of bridges throughout to be of the best class of masonry, all valley and hollow to be covered by permanent embankments, and the whole of the line to be ballasted and equipped as efficiently as the Ogdensburgh Line.



"The Line to be completed in 1855." That the preliminary expenses of the Company shall be reimbursed and the liabilities they may have incurred shall be assumed by the Government; that if the negotiation with Mr. Jackson and his associates should not be successful, the Government will assent to any reasonable modifications in our Act of Incorporation which we may desire, and will cordially co-operate with us in the construction of the Railroad under it. It is, of course, understood that our Act of Incorporation shall remain intact until the negotiation with Mr. Jackson and his associates shall be brought to a close. In thus signifying our willingness to place our Charter at the disposal of the Legislature, on the foregoing terms, we desire it to be understood that we have not in the slightest degree modified our views with regard to the ability of this Company to construct the Railway as expeditiously and more economically for the country than it can be done through any arrangement with the English Contractors, or as to the impolicy of handing over the construction and future management of our great lines of Railway to a company of non-resident speculators, even with such safeguards against abuse as were stipulated for in my letter to Mr. Young, and which we take for granted, the Government and Committee will insist upon.

Upon these, and other points connected with this subject, we shall claim the privilege of urging our views upon the attention of the Railway Committee, whenever the proposed new Bill comes before it.

I have the honor to be, Sir,  
Your most obedient Servant,

L. H. HOLTON,

President of M. & K. R. R. Co.

Hon. F. Hincks, Quebec.

Answer of Mr. Holton to the aforementioned Question:—

I addressed a letter to the late Chief Commissioner of Public Works, indicating the conditions on which the Montreal and Kingston Railroad Company would be disposed to waive their chartered rights; this letter was replied to by the Inspector General after the lapse of about a fortnight, intimating objections to one of the most important of those conditions. I replied to that letter, admitting the force of the consideration urged by the Inspector General against that condition being insisted upon, and giving a *résumé* of the conditions on which we would be disposed to waive our rights. Among these conditions, I distinctly stipulated for the privilege of urging our views upon the whole subject before the Committee, and I now hand a letter to your Chairman, indicating the line of investigation which should in our judgment be pursued.

Which letter was read as follows:—

MONTREAL AND KINGSTON RAILWAY COMPANY OFFICE,  
MONTREAL, 11th October, 1852.

SIR ALLAN N. MACNAB,  
Chairman Committee on Railroads.

Sir,—On behalf of the Montreal and Kingston Railway Company, we beg to lay before the Committee on Railroads, a statement of the position in which we stand in relation to the Bill now under the consideration of the Committee for the granting of a Charter for the construction of the Grand Trunk Railway, from Toronto to Kingston, with a right to extend the same to Montreal. And we do so in the full assurance that we shall obtain from the Committee that full and equal justice to which we are entitled, in common with every inhabitant of this Province, while we shall ask nothing more than a free opportunity of having our claims weighed against those of the applicants for the Bill, not desiring, unless so compelled, to assert that the intended Bill is a most flagrant violation of vested rights, attempted without our having had the opportunity in any way of shewing our ability or otherwise to carry out the great public object of securing a Railway Communication between Montreal and the Great Lakes.

We therefore now appear before your Committee and the Honorable House, not as claiming protection in rights legally acquired, and of which no misuse is chargeable; but simply and solely on the ground that as Canadians we are entitled to a fair investigation of

our ability to carry out the Charter we hold, that our means of doing so are such as will in fact be the most advantageous to the Province, and that, if there be any question of doubt, we are entitled to the preference as having been the promoters of the undertaking—as having invested our means and incurred expenditure thereon,—as having subscribed the Stock after the public had had ample time and access to the books, and, as having since that subscription, proceeded without the slightest delay to place the Company in a sound position by the deposit of a large sum of money, by its complete organization, and by our declared readiness to proceed with the work immediately on being so authorized by the Railroad Commission.

Our connection with the Montreal and Kingston Railway dates from the very initiative of this enterprise, and in connection with our present memorial, it becomes necessary to recapitulate some facts that are already before you. The project of a Railroad from Montreal to Prescott was originated in Montreal, shortly after the opening of the Ogdensburgh Road. At a public meeting held at that time, a Committee was appointed to report on the subject, and funds raised to a considerable amount; the views of that Committee, on investigating the whole subject, led them to the conclusion that the project should not be limited to Prescott, but extended to Kingston, as branch of a scheme which was then for the first time brought before the public, for a Trunk Railroad through the Province. Preliminary surveys were made, and the Committee reported fully to another public meeting, at which another Committee were appointed to apply for a Charter to Kingston, and to obtain a detailed survey on which tenders for construction could be made—this was done; and the Charter under which the Company now exists was obtained, and received the Royal Assent on \_\_\_\_\_, 1851.

Simultaneously with the passing of the above Charter, the Legislature passed a Bill for the construction of the Trunk Railroad, based upon the expectation then entertained, that the credit of the Imperial Government would be obtained, in connection with the Quebec and Halifax Railroad. By this Bill, the powers given under our Charter were suspended, until, by Proclamation, the Governor in Council should give them existence, and in consequence the friends of the project were entirely debarred from acting, notwithstanding their anxiety to meet the general wish of the Country, by proceeding to get the stock subscribed, and the work in progress. At that time, there were passed pledges by every Municipality, but one, on the entire line to subscribe stock. The City of Montreal was willing to lend its aid, and the strongest conviction existed; that no delay need occur in proceeding with this most necessary work. The project of the Railroad from Quebec to Halifax then intervened, and we feel quite justified in saying, that it was found expedient by the Government to diminish the apparent heavy pressure of that work on Canada, by connecting with its construction, the Western Road also. To secure the assent of the public to the Eastern Line, the fate of the Western Road was linked with it, and the local support that could have been then applied, was suspended, and to a certain degree paralysed by the hope held out, of the whole being done by the Imperial aid, as a Provincial Work.

We wish hereby to impress on the Committee the full assurance of the fact, that the Montreal and Kingston Railway Company were no parties to the suspension of their Charter, and have never admitted any inability on their part to fulfil the objects for which they were organized. We desire distinctly to place before your Honorable Committee and the Country, the statement that the promoters of the Grand Trunk Railway were prepared to have at once proceeded under their Charter, and that the delay of one year, which has already taken place, is in no respect attributable to their negligence, their financial incapacity, or their want of due diligence in the enterprise.

The Charter passed on the \_\_\_\_\_ 1851—the failure of the project for Imperial aid was made known in Canada in the month of May last; and, on the 7th August, 1852, by Proclamation, the Charter of the Montreal and Kingston Railway came into force. On the 9th August, the parties named to put this Act in effect advertised the opening of Stock Books, and on the 16th August, these Books were opened at Montreal, Kingston and Brockville. On the 23rd August, the entire Stock was subscribed; on the same day the Engineer Department was organized and ordered to report on the detail of the line; on the expiration of 15 days, as required by law, the preliminary Committee was appointed, and, on the day following, official application was made to the Government for the location of the line. On the 22nd September, the final organisation and appointment of Directors took place according to law. On the 6th instant, a Call of ten per cent. on the Stock

was made. On the 11th instant, the whole amount of said Call, £60,000, was deposited; and we now appear before the Committee prepared to submit Tenders for the construction of the Road, such as we know our ability to carry out, and which will secure the most rapid and satisfactory completion of the Railroad on the least costly terms for the Province.

On the other hand, we have to complain that, so far from receiving that support and encouragement which we claim as a right from our own Government and Legislature, we have been met from the very outset with every difficulty that could embarrass a young Company. On the very day it became known that our Company were in a position to act, we were called on to forego all our rights for the purpose not of effecting our objects by the Government, (which we should never have opposed,) not even for the assurance that these objects would be carried out by others, deemed more competent, but solely and avowedly to induce a Company of Contractors to make a Tender for the Road!! We can conceive nothing more at variance with common justice than the manner in which our Company has been urged to withdraw in favor of parties who, in connection with this question, are Foreigners. We must protest most energetically against every step that has been taken in this matter. Our credit, as a Company, has been sought to be damaged—our very existence has been ignored—and we are now brought before your Committee to resist an attempt to give to others that which they might have had once, had they chosen to take the stock in our Company, when it was publicly offered, but of which they never subscribed one shilling—to resist an attempt to deprive us, at one blow, of that Provincial aid on the solemn pledge of which our Stockholders have relied, and to give it to our rivals; and, not satisfied with this, to incorporate a parallel line avowedly to be made over to strangers, and which is to be nursed into existence through Provincial credit, while Provincial enterprise is to be blighted and destroyed.

We trust Your Honorable Committee will forgive the plainness with which we place our case before you. We feel strongly on the subject, not merely from our direct interest, but because, as Colonists, we desire to see the public men of this country promoting Provincial enterprise—we desire to see the standard of self-reliance raised—we deny the inferiority of our resources—we assert that a permanent injury is done by repressing every effort to act for ourselves—and we repudiate most solemnly the necessity for calling in foreign aid—to do that which we are amply able to do for ourselves.

We must once more pray your Committee to consider how we stand before you and the Government—our plans for the construction of the Road in question have never been inquired into—our resources have never been tested—it is attempted to put our Company aside without even an inquiry to prove our inability to proceed. Why is this done? Why are we to be condemned unheard? Why are our rights acquired under the solemn sanction of the Provincial Parliament to be withdrawn? Is the fact of our being residents in Canada, sufficient to condemn us before our own Legislature and Government? And shall the mortifying fact be made known by the sanction of another Act of Parliament, that Canada has so notoriously not one man who is competent to construct its public works—that its Legislature will not even condescend to inquire into the possibility of their competency?

So far as the Montreal and Kingston Railway Company have yet been treated, the answers to these questions reflect most strongly on the Country; but we feel that this cannot be the intention of the Legislature, we yet rely on frank and fair support at the hands of your Committee and the Government, and if we feel that the past would justify all and more than we have said, we know that the future will redeem it, and that when the investigation be closed, the decision arrived at will bear the scrutiny of the public both here and in England.

As we have already stated, the Montreal and Kingston Railway Company do not at present stand before you on legal grounds, we have consented, at the request of the Government, to waive this position on the express condition that we shall have a fair opportunity of meeting those who are seeking to deprive us of our rights, and, after hearing their case, of placing our own views before you. We, therefore, pray at the hands of your Committee, first, that the plans and resources of the proposed Company be fully investigated, that the character and cost of the Road be declared and defined, subject to such examinations as may be suggested at our instance—and secondly, that we be then permitted to place similar statements and evidence on our behalf before you. Thus much we have the pledge of the Executive Government, but without any pledge we feel we are claiming no more than what

we have a right to ask, and which is never withheld from even rival claimants, if we are reduced to such a position.

Before closing we would desire expressly to state to your Committee, that we confine our opposition to that of the right of extension from Kingston to Montreal. If that right be withdrawn from the Bill, we shall leave the responsibility of the measure where it may fairly rest, but while it forms part thereof we cannot avoid regarding the whole details of the Bill as affecting us, and open to our remarks. As we expect therefore to have the opportunity of discussing the several clauses as they proceed, we only now wish to place one or two points prominently before your Committee.

The applicants have power to raise £3,500,000 sterling by Stock, or about £12,500 currency per mile, and it appears by the Bill that Provincial Debentures are to be exchanged for the Company's bonds for per mile (stated to be £3000 sterling) in addition. Taking the Road as 350 miles, the whole capital under the Act authorised to be expended is no less than £4,550,000 sterling, or upwards of £16,000 currency per mile. We are now prepared to show that a Road built and equipped in every respect on the scale of the Ogdensburgh Road, can be had within £6,500 currency per mile, and that we are in a position to build it without so large an issue of Provincial bonds as £3000 sterling per mile.

The applicants have one year from the passing of the Act allowed them before they are required to commence. We are ready to break ground at once. They ask till the 1st January, 1857, to complete the line. We are prepared to show it can be done by December, 1855.

The applicants are not the parties by whom the Road is really sought to be built, the Stock will notoriously never be held by them, the design is to sell the whole to persons now utterly ignorant of the entire affair, the real actors and contractors do not appear, and it must be sufficiently manifest, that, if any difficulty occur in selling the Stock in England, the Contractors having the control of the Company, can annul the contract or suspend the work without any tangible recourse against the present applicants, whereby it must be evident that, if from any cause the parties are unable to dispose of £3,500,000 of Railroad Stock in England, the road will be abandoned—a contingency not the less likely to arise when the fact is known there, as it inevitably will be, through the public press, that the cash cost of the work does not exceed £6,500 per mile. On the other hand we stand before the Committee and the Country, ready now to proceed with contracts that we are abundantly able to carry out, and offering an absolute certainty of the Railroad being built, independent of any such contingency as a sale of Railroad Stock for double the value of the work.

We by no means desire to be understood as in any way objecting to the introduction of foreign capital; we equally with our opponents contemplate the disposal of our securities in other countries, but we earnestly entreat the Committee not to be misled by the promise of enormous sums of money to be obtained through foreign agency, and to slight the more modest pretensions of those whose position requires that they must stand or fall by their reputation and success here. We know the fate of the English subscriptions to the Montreal and Portland Road—we now know that it has been carried out—entirely by Provincial men and means. We also know the fate of the English aid to the Great Western Railroad—a case almost precisely similar to the present—the great rejoicing when English capitalists undertook it—the miserable failure when the shares no longer bore a premium—and the honorable fact, that it has been carried through by our own business men.

We pray the Committee to believe that the interests of the Province are at least as safe with persons amenable to public opinion here as in the hands of strangers. We pray them to give at least equal credence to our statements, by which we must be judged here in our own country—as to those who only appear on our shores for their own selfish objects.

In conclusion, we state that we can construct the Railroad in less time, for about one-half the declared Capital, and with a smaller amount of Provincial aid than the parties applying for the Charter in question. We seek no power to issue excessive amounts of Stock—deceiving strangers into the belief that works are costly which are really cheap. Our course, be it successful or not, can never prejudice Canadian honor or Canadian credit before the world—our enterprise, if it fail, will not be burdened with the complaints of the confiding and ruined Shareholders in England. We shall not have to meet the reproach of having sought to give a fictitious character to our work, and of having enriched ourselves by

impoverishing others. If we succeed we shall still be connected with the work, we shall always stand open to the criticism and rebuke of the public, our acts we shall never be able, if we desired, to shrink from, and our profits will be those derived fairly and honestly from a correct appreciation by us of a vast public work, and by an economical and judicious application of the resources at our command in constructing it.

We have the honor to be, Sir,  
Your most obedient humble Servants,

L. H. HOLTON,  
President, M. & K. R. Company.  
A. T. GALT,  
Vice-President.

Q. 5 transmitted to Mr. Holton at Montreal, on the 14th September, not having been replied to, was again put, viz. :—

Q. 5. Can you state the amount of Stock taken in the Montreal and Kingston Railroad Company, and by whom subscribed, or will you, in case of inability to do so, place the Stock books and the preliminary agreement of the Stockholders, or a copy thereof, before the Committee?—I will undertake that the answer to this question shall be produced in writing to-morrow morning.

Henry LeMesurier, Esquire, called in, and examined :—

Q. 6. (By Hon. Mr. Hincks.) Are you President of the Quebec and Richmond Railway Company?—I am, I have been but recently appointed, as Mr. Rhodes was the former one.

Q. 7. Has that Company entered into a contract with Messrs. Peto, Brassey and Jackson for the construction of their line?—It has.

Q. 8. Have you an Agent in London, if so what is his name?—We have an Agent, and his name is William Chapman.

Q. 9. Is not Mr. Chapman a Director of the Bank of B. N. America, and of the Trust and Loan Company, and has he not means of judging of the opinions of Capitalists in London, regarding Works in Canada?—He is, and he has the best means of judging.

Q. 10. Was not Mr. Chapman for a long time aiding to raise funds in London for the construction of the Quebec and Richmond Railway Company, either by sale of Stock or Bonds, or by letting the Work to Contractors?—Yes, he was, to my own knowledge, for while in London last winter, I was in constant communication with him.

Q. 11. What was the impression on Mr. Chapman's mind and on your own, prior to the arrangement with Messrs. Jackson, Peto, Brassey and Betts, as to the practicability of obtaining capital in London for the construction of the line referred to?—I know that Mr. Chapman, as well as myself, were fully sensible that it was impossible to raise funds for the construction of the Road in any other quarter.

Q. 12. Has Mr. Chapman lately succeeded in selling a large amount of Stock in the Company, and also of Bonds, on advantageous terms, and if so, has he stated the cause of the increased confidence in the Company?—Mr. Chapman has succeeded in selling £205,000 worth of Stock of the Company at par, and £100,000 of Debentures also at par, and he has only been able to affect this from the confidence given to the public by Messrs. Jackson, Peto, Brassey and Betts having undertaken the Contract.

Q. 13. The cost of your Road fully equipped is, I believe, £6,500, sterling, per mile, or £650,000 for the entire line, 100 miles in length?—It is £6,500 per mile, and will not exceed in the whole £650,000, sterling, for its full completion.

Q. 14. Of the total cost, £650,000, you have said that £305,000 has been raised in London, by Stock and Bonds. What further Stock has been taken, and what will be the balance for which the Provincial guarantee will be required?—The remainder of the Stock will be £95,000 in Stock, and £250,000 Government guarantee.

Q. 15. (By Hon. Mr. Robinson.) Is that Company allowed to issue certificates for Stock to a greater amount than £6,500 per mile?—No, we are not.

Q. 16. (By Hon. Mr. Hincks.) Will you give a general description of your Road, and state whether it will bear comparison with the St. Lawrence and Atlantic line in the character of the bridges, rails, &c., and generally whether you expect it to be superior to ordinary common Roads?—The Road will be of the most permanent character, and will be superior to any other Road in this Province; the Road is to have tubular bridges throughout.

Q. 17. Have you any interest in property at Point Levy, acquired or to be acquired for Railway purposes?—I have not.

Q. 18. Have you seen statements in the public prints, insinuating that the Directors of your Company had some personal interest in settling the terminus at Point Levy. If so, is there any truth in such statement?—I have seen such statements, and can venture to say there is not a word of truth in them.

Q. 19. Are you aware what is the cost of the St. Lawrence and Atlantic Railway per mile?—I have no personal knowledge, but am informed that it has cost up to the present time about £7,000 per mile, and will require at least £2,000 more to make it a good Road.

Q. 20. (By Hon. Mr. Young.) Have you had much experience in the construction of Railways?—No, I have not, I have chiefly derived the opinion above from persons more competent to judge.

Q. 21. Were you ever a Director of a Railway Company before being connected with the Quebec and Richmond Railway?—No.

Q. 22. (By Hon. Mr. Hincks.) Is it your opinion, from your knowledge of the state of the London money market, that there is any probability of the Great Trunk Line from Toronto to Halifax being constructed, if the contemplated arrangements with Messrs. Peto, Brassey, Betts & Jackson be broken off?—I am of opinion that the Great Trunk Line from Toronto to Halifax could not be constructed for many years to come if the arrangements with Messrs. Peto & Co. fall to the ground.

Q. 23. (By Hon. Mr. Robinson.) What security have you on the part of the Contractors for the faithful performance of their contract?—We have no security because our agent, Mr. Chapman, in London, represented the parties in question as being undoubted.

Q. 24. (By Sir Allan N. McNab.) Will you give the Committee the names of the parties with whom your Company have contracted?—Messrs. Jackson, Peto, Brassey, & Betts.

Q. 25. Have you seen Mr. Jackson's authority for using the names of the gentlemen you have mentioned?—I have.

Q. 26. Was that authority submitted to your Solicitor, and what was his opinion?—Our Solicitor considered it perfectly satisfactory.

Q. 27. (By Mr. Stuart.) Has the terminus of the Quebec and Richmond Railway at Point Levi been settled; if not, state the different propositions made to settle it?—It has not been established.

Q. 28. (By Hon. Mr. Young.) Was your Contract with Mr. Jackson, made originally on specified rates for work, and is this not now changed to a contract at so much per mile; if so, what is the reason for this change?—It is changed, because on making up the estimates at the cost of prices in the contract comparing Mr. Ross's calculation with those of our own Engineer, we found that the cost would exceed the amount of our Stock and Debentures by £50,000.

Q. 29. Are you aware of what will be the cost of your Road from Quebec to Richmond per mile, when completed in every respect, with rolling stock, station houses, water stations, &c., &c., in Halifax Currency, and whether under intended agreement, or contract already signed?—About £8,000.

Q. 30. Could you have made and completed a contract with any Contractors before the Proclamation was issued declaring the Quebec and Richmond Road a part of the Main Trunk Line of Railway?—We certainly could not have done it without the guarantee of the Government.

Q. 31. What is the distance from Quebec to Richmond?—About 100 miles.

Q. 32. Have you seen any plans of bridges, station houses, water stations, or any other structure on the Road?—No, I have not, but the Schedule of the Rolling Stock and Plans contains the dimensions of the buildings, &c., &c.

Q. 33. Is the only written agreement between Messrs. Jackson & Co. and the Quebec and Richmond Company—the contract for the specified rates already signed?—That is the only agreement signed, but the other one is in course of completion.

J. B. Forsyth, Esquire, called in; and examined:—

Q. 34. (By Hon. Mr. Hincks.) Have you been until lately a Director of the Quebec and Richmond Railway Company?—I have.

Q. 35. Were you in England at the same time as Mr. LeMesurier during last winter and spring, and if so, will you be good enough to state to the Committee whether you concur in the opinions expressed by him as to the difficulties in obtaining capital in London for Canadian Railway enterprise?—I was in England at that time, and I fully concur with everything Mr. LeMesurier has said, and I was especially authorized by the Quebec and Richmond Railway Company to negotiate a loan, and though introduced to Messrs. Barings by their own Bankers, I was unable to succeed.

Q. 36. Do you concur generally in the opinions expressed by Mr. LeMesurier in his answers to the questions put to him by the Committee?—Yes.

Q. 37. (By Hon. Mr. Macdonald.) Have you taken any Stock in the Trunk Line Railway, and if so, how much? and has any portion of such Stock been paid up?—I have had no opportunity, as the books are not yet opened.

Henry LeMesurier again examined:—

Q. 38. How many shares of Stock in the Quebec and Richmond Railway is owned by all of the Directors, and how much of the same is paid up?—

Mr. LeMesurier handed in the following answer in writing:—

Quebec and Richmond Railroad Company.—Number of Shares held by the Directors of this Company.—Value of such Shares, and payments made thereon up to date.

|                        |        |
|------------------------|--------|
| Number of Shares,..... | 216    |
| Amount,.....           | £2,700 |
| Amount paid,.....      | £1,136 |

H. LEMESURIER,  
President.

Adjourned till to-morrow, at ten o'clock.

Wednesday, 13th October, 1852.

PRESENT:

Sir ALLAN NAPIER MACNAB in the Chair.

Messieurs Cartier, Christie of Wentworth, Crawford, Egan, Hincks, Macdonald of Kingston, Robinson, Smith of Durham, and Young.

Ordered, That the Clerk do summon Henry LeMesurier and J. B. Forsyth, Esquires, to attend before the Committee forthwith.

Messrs. Holton and Galt again appeared, and gave answer to Q. 5, reiterated to them yesterday, as follows:—

MONTREAL AND KINGSTON RAILWAY COMPANY,

Quebec, 12th October, 1852.

To the Chairman of the Committee on Railroads.

Sir,—In compliance with the desire of the Committee, we furnish herewith the copy of preliminary articles signed by the principal Stockholders in this Company, before their Subscription of Stock, and also the Stock Book of the Company as signed on the 23rd August.

We confess we are somewhat surprised at being called upon for this information after our explicit understanding with the Inspector General, that we should have the opportunity of placing our views before your Committee, with the distinct pledge of the cordial co-operation of the Government with us in the event of the failure of the negotiations with Mr. Jackson. On that understanding we forbore in our communication to you, dated 11th instant, to claim our rights under an existing Charter. We therein placed ourselves on a par with our opponents, and sought only a fair and equal investigation of the pretensions of both

parties. We admit that the course adopted by the Government, since the Inspector General's letter of the 2nd instant, has not inspired us with confidence that we should have equal justice from any other tribunal than your Committee and the Legislature. The unseemly and ill-advised precipitancy with which the Bill now before you has been attempted to be passed, after our express condition that our rights should remain intact during the investigation, had alarmed us, and made us dread that the whole design of the Inspector General was to disarm the opposition of our Company, on legal grounds, until by the new Act, he could safely set us aside. This design is, now we fear, but too evident to every one, and we cannot but express strongly our reprobation of an attempt to work upon our known anxiety to meet the wishes of the Legislature, in order practically to remove all control over the arrangements with the Foreign Contractors. We were led to believe that the Government would consult the Railroad Committee, on the whole details of the proposed contract, that our suggestions would be weighed at the same time, and that if the decision was finally against us, we were then pledged to resign our Charter, which would be amended in either case to suit the nature of the arrangements, whether made with the English Contractors, or through our Company.

The doubts raised in our minds by the determined pressure of the new Grand Trunk Railway Bill, are unfortunately confirmed most fully by the course taken by the Government this day before your Committee. We must plead our ignorance of Parliamentary usage if we are wrong in referring to what passed in our presence, but the statement of the Inspector General that the Government had pre-determined to make a contract with Messrs. Jackson & Co., for £7,600 Sterling, or about £10,000 Currency, per mile, and that they were prepared to carry this as a Government measure through Parliament, leaving only the mere detail of the Bill to your Committee, and allowing us no opportunity whatever of shewing what the terms of the contract ought really to be, we must say, amounts to a distinct breach of the arrangement between the Inspector General and our Company, on the faith of which we intimated our readiness to waive our extreme rights, and almost reluctantly we are thrown back by the Government upon our rights as well legal as moral.

We beg leave most respectfully, to represent to Your Honorable Committee, that we now desire to withdraw from our statement of 11th instant, every expression implying any waiver of our right to appear as opponents of the Bill on legal grounds, and we pray that we may be permitted to appear before you as representing the Montreal and Kingston Railway Company, either in person or by Counsel, as opposing the proposed Bill for the incorporation of the Grand Trunk Railway of Canada, with the privilege of examining and adducing evidence in support of our claims.

In support of this petition we transmit herewith,—(and request that the documents may be entered as evidence.)

First, The Charter incorporating the Montreal and Kingston Railway Company, 14 and 15 Vic., cap. 143.

Second, Official Gazette of 7th August, 1852, containing the Proclamation of the Governor in Council, declaring the said Charter to be in force, and that the line thereby granted form part of the Grand Trunk Railway.

Third, Subscription of Shares Book, as demanded by the Committee.

Fourth, Official Gazette of 28th August, notifying subscription of Stock, and first meeting of Proprietors.

Fifth, Official Gazette of 18th September, notifying subsequent meeting of Stockholders for election of Directors.

Sixth, Copies of Minutes of the said two meetings of Stockholders, and Minutes of meeting of Directors, appointing Luther H. Holton, President, and Alexander T. Galt, Vice-President.

Seventh, Receipts by Secretary and Treasurer for call of ten per cent., and certificate of deposit with the Commercial Bank, Midland District, by the Cashier's letter of 12th October, 1852.

We believe that our present application to appear before you as opponents of the Bill, is in strict conformity with the practice of England, and indeed of every country, where private rights are protected by Representative Assemblies. We trust your Committee will not misunderstand the position we now occupy; our rights have been invaded most seriously,



and we might well and safely stand alone on the pledged faith of our Parliament and Government, but this we do not even now propose to do. We are driven to this course because by no other can we see a probability of getting the facts before the Legislature of what this Railroad really is,—its advantages, its traffic, its cheapness, the competition for its construction, and the entire absence of necessity for the course adopted by the Government. We are prepared to place in evidence before the Committee, the testimony of the most experienced Engineers of this Country and of the United States on its character and cost. We have already three Tenders for its construction, from perfectly responsible and skilful contracting Companies, any one of which we are able to carry out, and before the close of the investigation we doubt not to have yet further proposals; and we are now ready and willing to undertake the whole responsibility with such friends as have proposed to join us, of retaining the Stock for £600,000 subscribed by us, in proof of which we have already from our own resources made good the payment for £60,000, to be applied towards the work, so soon as the Railroad Commission will sanction our proceeding.

We now respectfully appeal to Your Honorable Committee, and ask, what more could have been done, under any Charter, than has been done by the Montreal and Kingston Railway Company? We have not lost one day in our proceedings; we have struggled to maintain our position under very serious disadvantages; we have even offered to waive our rights, and would have done so, had faith been kept with us. Now we rely on Your Committee and on the Legislature for protection, in the firm conviction that, if our rights are to over-ride by the high hand of Executive power, no rights under any Charter can be safe in this Country, and we may bid farewell even to the flattering visions of Foreign aid with which our mind's eye is now sought to be dazzled; for who can suppose that English capitalists, proverbially the most timid in the world, will entrust their funds in a scheme, the very basis of which is a spoliation of the rights of others, as strongly pledged to those others as any present Act of Parliament can confer rights on them.

We solemnly warn the Government of this Country, that the course they are taking as regards this Company, is fraught with more fatal injury to the credit of Canada than all the promised capital will ever repay. Let it once be known abroad, that no respect is here paid to the rights conferred by Parliament, and the rising confidence of English capitalists in this Province will depart as speedily as it fled from the repudiating States of the Union. Admitting that it were even true—which we deny—that our opposition is selfish and obstructive—that we shall drive away the English Contractors, and then fail ourselves—admit all this, and even then the injury will not be one tithe as great as if—to serve a temporary end—the faith of Parliament is revoked, and those that have trusted it betrayed.

Our course involves no such sacrifices—no such risks; but we will not permit our knowledge of the result of the policy of the Government, to induce us to sacrifice our rights, in order to prevent their being guilty of an infraction of them. Our duty is partly discharged when we put the inevitable consequences before Your Honorable Committee; but if our hopes be falsified, and the Executive influence, which has been pledged to our opponents, should prove stronger than our claims for justice, we shall have to look for protection even at the foot of the Throne itself, having sufficient sympathy for our fellow-subjects in England to let them know exactly the treatment they may hereafter expect, should the interest of the party in power at any future time require a surrender of their rights.

We have the honor to be, Sir,

Your most obedient humble Servants,

L. H. HOLTON,

President M. & K. R. C.

A. T. GALT,

Vice-President.

(Here Mr. Holton handed in the following List with the Documents contained therein.)

List of Documents put in evidence before Committee on Railroads by Montreal and Kingston Railway Company, 13th October, 1852:—

No. 1.—Copy of Preliminary Articles, 23rd August, 1852.

No. 2.—Act 14 and 15 Vic., cap. 143.

No. 3.—Official Gazette, 7th August, 1852.

No. 4.—Subscription of Shares Book, Montreal and Kingston Railway Company.

No. 5.—Official Gazette, 28th August, 1852.

No. 6.—Official Gazette, 18th September, 1852.

No. 7.—Copies of Minutes of General Meeting of Shareholders, and of Meeting of Directors.

No. 8.—Treasurer's Receipts for first instalment of ten per cent. on Capital Stock.

No. 9.—Letter from Cashier Commercial Bank, Midland District, Montreal, 12th October, 1852.

## No. 1.

### COPY OF PRELIMINARY ARTICLES.

MONTREAL, 23rd August, 1852.

WHEREAS the Books of Subscription of the Montreal and Kingston Railroad Company have been opened at Montreal, Brockville, and Kingston, since the 16th instant, and no person whatever has subscribed for stock therein. And whereas it is of the very highest importance to the Province that the organization of the Company should take place forthwith, in order that the work may be proceeded with. And whereas the opinion has become general that the execution of this work will be confined to foreign capitalists without affording the opportunity to Canadian enterprise to compete for the same—by which, in the opinion of the undersigned, the cost of the work will be greatly augmented to the profit of strangers, and to the permanent injury of the Province, as well in the abstraction of a large portion of its resources, as in the constant effect the extra cost of the Railroad must have in enhancing the rates of transport upon the Road. And whereas, under the terms of the Act of Incorporation, the absolute control of the work necessarily leads to the benefit of those by whom the larger portion of the stock is subscribed, the effect of which is manifestly to place it in the power of future contractors by a large nominal subscription, to deprive the *bonâ fide* Subscribers of their proper interest in the management of their own funds—a cause that has operated with the subscribers to prevent their own subscription, and that probably explains the fact of no capital having been yet advanced. And whereas it appears to the subscribers that with the advance by the Government of one-half the cost of the work, with the aid of the credit obtainable to the Road itself in the course of construction through Bonds to be issued thereon, the promised assistance of the various Municipalities along the line, and the individual subscriptions that may hereafter be obtained, there can be no insuperable difficulty in carrying out this undertaking, through the medium either of Provincial Contractors of responsibility, or through the English Contractors tendering in fair terms of competition. And whereas the functions of the original Committee of Management have ceased from the time of opening the books, whereby no steps can be taken either for addressing the Municipalities or for placing the Company in a position to treat with Contractors: And whereas the undersigned are advised by eminent counsel that the subscription by them and by their friends, of the amount of £25,000 required by the twelfth Section of the Act for the purpose of organization, would expose them to great personal risk, through the subsequent subscription of the whole or major part of the remaining stock by other parties interested in the execution of the work, whereby the undersigned would become actually liable for the amount of their subscription, without in reality securing the objects they have in view. And whereas they are advised that their personal security can only be attained through the immediate and simultaneous subscription of the whole capital authorized to be raised under the Act, by which they will have full power to act as may be consistent with the public interests, without involving themselves in an undue pecuniary responsibility: And whereas, under this advice, it is manifest to the undersigned that their own individual safety dictates the necessity of confining the said subscription to the fewest possible number of persons in whom mutual confidence exists:—It is therefore hereby agreed between the undersigned, L. H. Holton, D. L. Macpherson, and A. T. Galt, that they will each and every one of them subscribe for one hundred and ninety-nine thousand pounds of the Stock in the Montreal and Kingston Railroad Company, and that they will procure the subscrip-

tion of six other individuals, to be mutually acquiesced in, to complete the organization of the Company, in sums of five hundred pounds each.

That each and every one of the undersigned, binds and obliges himself to the others, not to make over, assign, nor transfer any share whatever in the said Railroad Company, to any party or parties without the express sanction in writing of the two other Subscribers; hereby expressly renouncing the right to assign such shares under the Act, as well for themselves as for their heirs, executors, administrators or assigns. That in the event of the decease of any one or more of the said Subscribers, his or their interest in the said Railroad Company shall be vested in and be managed by the survivor or survivors, for the benefit of the representatives of such party deceased, absolutely and without the interference or control of any such representatives—a stipulation regarded as essential for the protection of each and every one of the undersigned, and without which this agreement would not have been made.

And whereas it has been further distinctly agreed and understood between the undersigned that the objects had in view in this step are to secure the immediate prosecution of this Railroad on the most advantageous terms, to be obtained in the judgment of the undersigned, without the design or intention of depriving the public generally of the right of obtaining shares in the Company at par. It is therefore further agreed that whenever it is possible to do so with safety to the undersigned, the public shall be invited to accept the shares in the said Company at par; the undersigned regarding themselves as Trustees charged with the future issue of the Stock, without the right of exacting any premium or profit on the same, except re- repayment of their disbursements and legal interest on any outlay incurred by them in the promotion of the undertaking.

And it is further agreed that each and every one of the undersigned will, to the utmost of his ability, aid in the steps necessary to promote the work; that the majority shall decide in all points connected therewith, and such decision shall be supported by the vote and influence of the party dissenting, whatever his own views may previously have been.

(Signed,) L. H. HOLTON,  
 " D. L. MACPHERSON.  
 " A. T. GALT.

I certify that the foregoing is a true copy of the original articles.

THOS. C. KEEFER.

## No. 2.

### AN ACT TO INCORPORATE THE MONTREAL AND KINGSTON RAILWAY COMPANY.

[30th August, 1851.]

WHEREAS the construction of a Railway connecting the extremities of the Province must conduce greatly to the interest and welfare of its inhabitants: And whereas John Young, the Honorable George Moffatt, the Honorable A. N. Morin, L. H. Holton, A. T. Galt, George E. Cartier, M.P.P., and Ira Gould, have prayed to be incorporated, with the powers requisite for making and maintaining a portion of such Railway: Now therefore be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, "An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby enacted by the authority of the same, That John Young, the Honorable A. N. Morin, the Honorable George Moffatt, L. H. Holton, A. T. Galt, George E. Cartier, M.P.P., and Ira Gould, together with such person or persons as shall, under the provisions of this Act, become subscribers to, and proprietors of, any share or shares in the Railway hereby authorized to be made, and their several and respective heirs, executors, administrators, curators and assigns, being proprietors of any share or shares in the said Railway, are and

shall be a Company for constructing and maintaining the said Railway, according to the rules, orders and directions hereinafter expressed, and shall for that purpose be one Body Politic and Corporate by the style and title of "The Montreal and Kingston Railway Company;" and the said Company shall be and are hereby authorized and empowered from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Railway to be called "The Montreal and Kingston Railway," from the City of Montreal, by such line as may be found most advantageous, to the City of Kingston, or such other point on or near the River St. Lawrence or Lake Ontario in the vicinity of Kingston, as shall seem most suitable to the purposes of the said Company.

II. And be it enacted, That the Governor shall, with all convenient speed, cause to be ascertained by actual survey the shortest and most direct line between Montreal and Kingston, having due regard to the best Grades and the interests of the Province; and that the said Company shall construct the said Railway on the line selected by the Governor after such survey.

III. And be it enacted, That if the line so selected be such as, in the opinion of the Governor, to require that the Company hereby incorporated should purchase, and the Montreal and Lachine Railroad Company shall be willing to sell to them, the Railroad and property, rights, privileges and advantages of the said last mentioned Company, but the said two Companies shall not be able to agree upon the price to be paid for the same, such price shall be established by the award of Arbitrators, one of whom shall be named by each of the said Companies, and the third by the Governor, and the decision of the said Arbitrators or any two of them, the third being present, duly notified to attend, shall be final and conclusive, and binding on both Companies; and on payment, by the Company hereby incorporated, to the said Montreal and Lachine Railroad Company, of the sum ascertained by such award, the Railroad and property, rights, privileges and advantages of the said last named Company shall be transferred to and vested in the Company hereby incorporated; Provided always, that in estimating the price to be paid as aforesaid, the said Arbitrators shall be guided by the consideration of the actual value of the said Railroad and property, rights, privileges and advantages of the Company hereby incorporated at the time when the said arbitration shall take place; and if at that time, the actual or prescribed gauge of the Railway of the said Company shall be different from that of the Railroad of the said Montreal and Lachine Railroad Company, the value of the locomotive engines, cars, tenders and other equipments of the said Railroad, not adapted for use on a Railroad of a different gauge, shall not be taken into account by the said Arbitrators; nor shall the property or possession thereof be transferred by or under the said award, or otherwise, without the full and free consent of both Companies.

IV. And be it enacted, That the several clauses of "The Railway Clauses Consolidation Act," to be passed during the present Session, with respect to the first, second, third, and fourth clauses thereof, and also the several clauses of the said Act with respect to the "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their Valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors—their Election and Duties," "Shares and their Transfer," "Municipalities," "Shareholders," "Actions for Indemnity, and fines and penalties, and their prosecution," "Working of the Railway," and "General Provisions," shall be incorporated in this Act.

V. And be it enacted, That the Gauge of the said Railway shall not be broader or narrower than five feet six inches.

VI. And to the end that the said Company may be enabled to carry on so useful an undertaking, Be it enacted, That it shall and may be lawful for the said Company and their successors, to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for the making and completing the said Railway, and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Railway, and other works: Provided always, that the before mentioned John Young, the Honorable A. N. Morin, the Honorable Geo. Moffat, G. E. Cartier, M.P.P., L. H. Holton, Ira Gould, and A. T. Galt, or a majority of them, shall cause Books of Subscription to be opened in the Cities of Montreal and Kingston, and elsewhere, as they may from time to time appoint, until the first Meeting of Shareholders hereinafter provided for; for receiving the signatures of persons willing to become subscribers to the said undertaking; and

for this purpose they shall be held and bound to give public notice in the "Canada Gazette," and such other newspaper or newspapers as they or a majority of them shall think proper, of the time and place at which such Books will be opened and ready for receiving signatures as aforesaid, and of the persons by them authorized to receive such subscriptions, and every person who shall write his or her signature in such Book as a subscriber to the said undertaking, shall thereby become a Member of the said Company, and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned by name as Members of the said Company.

VII. And be it enacted, That the sum so to be raised or subscribed shall constitute the Capital Stock of the said Company, and shall not exceed in the whole the sum of Six Hundred Thousand Pounds currency, and the money so to be raised is hereby directed and appointed to be laid out and applied, in the first place, for and towards the payment, discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and for making the surveys, plans and estimates incident thereunto, and all the rest, residue and remainder of such money, for and towards making, completing and maintaining the said Railway, and other the purposes of this Act, and to no other use, intent or purpose whatever.

VIII. And be it enacted, That the said sum of Six Hundred Thousand Pounds shall be divided and distinguished into twenty-four thousand equal parts or shares, not exceeding Twenty-five Pounds each, and that such shares shall be deemed personal estate, and shall be transferred as such, and that the said twenty-four thousand shares shall be and are hereby vested in the said several subscribers, and their several respective heirs, executors, curators, administrators and assigns, to their and every of their purpose, use and behoof, proportionally to the sum they and each of them shall severally subscribe and pay thereunto; and all and every the bodies politic, corporate or collegiate, or communities, and all and every person or persons, their several and respective successors, executors, curates, administrators and assigns, who shall severally subscribe and pay the sum of Twenty-five Pounds, or such sum or sums as shall be demanded in lieu thereof, towards carrying on and completing the said intended Railway, shall be entitled to and receive, after the said Railway shall be completed, the entire and net distribution of the profits and advantages that shall and may arise and accrue by virtue of the sum and sums of money to be raised, recovered or received by the authority of this Act, in proportion to the number of shares so held, and every body politic, corporate or collegiate, or community, person or persons, having such property of one twenty-four thousandth part or share in the said undertaking, and so in proportion as aforesaid, shall bear and pay an adequate and proportional sum of money towards carrying on the said undertaking in manner by this Act directed and appointed.

IX. And be it enacted, That in case the said sum of Six Hundred Thousand Pounds, hereinbefore authorized to be raised, shall be found insufficient for the purposes of this Act, then and in such case it shall be lawful for the said Company to raise and contribute amongst themselves, in manner and form aforesaid, and in such shares and proportions as to them shall seem meet, or by the admission of new subscribers, a further or other sum of money for completing and perfecting the said intended Railway, and its branches and other works or conveniences incidental or relative thereto, not exceeding the sum of Four Hundred Thousand Pounds currency aforesaid; and every subscriber towards raising such further or other sum of money, shall be a Shareholder in the said undertaking, and have a like vote by himself, or herself, or his or her proxy, in respect of every share in the said additional sum so to be raised, and shall also be liable to such obligations, and stand interested in all the profits and powers of the said undertaking, in proportion to the sum he, she or they shall or may subscribe thereto, as generally and extensively as if such other or further sum had been originally raised, and a part of the said first sum of Six Hundred Thousand Pounds; any thing herein contained to the contrary notwithstanding.

X. And be it enacted, That it shall be lawful for the Directors of the said "Montreal and Kingston Railway Company," or a majority of a quorum of them, to enter into and make any arrangement with the Directors of any other Railway Company now or hereafter to be chartered in any portion of the country between Montreal and Toronto, and more particularly with the Directors of the Montreal and Lachine Railroad Company, for the union, junction, amalgamation or purchase of any Railway now or hereafter to be constructed, and wholly or partially completed. And in case of the amalgamation or purchase of such Railway, the same shall become, to all intents and purposes, a portion of the said "Montreal and Kingston Railway Company," and the Capital Stock of the said Montreal and Kings-

ton Railway Company, if the said Company think fit to increase the same, shall be thereupon increased to the extent of the Capital Stock of the road so purchased, independently of all other increase of the same authorized by this Act.

XI. And be it enacted, That the number of votes to which each Shareholder in the said undertaking shall be entitled on every occasion when, in conformity to the provisions of this Act, the votes of the Members of the said Company are to be given, shall be in proportion to the number of shares held by him; Provided always, that no one Shareholder as aforesaid shall have more than three hundred votes.

XII. And be it enacted, That the first General Meeting of the Shareholders for putting this Act in execution, may be held at the Court House, in the City of Montreal, whenever one thousand shares in the said undertaking shall have been subscribed, provided that public notice thereof be given during one week in the Canada Gazette, and in any other paper published in Montreal, and in some paper published at Kingston aforesaid; and at such said first General Meeting the Shareholders assembled, together with such proxies as shall be present, shall choose nine persons, being each a Shareholder of twenty or more shares in the said undertaking, out of whom any five or more of them shall be a Committee for managing the affairs of the said Company, until the due appointment of Directors as hereinafter provided, and such Committee shall have the same powers and authorities as are by law conferred upon the said Directors, and shall be subject to the same restrictions and control.

XIII. And be it enacted, That the said Committee, or any five of them, shall call a General Meeting of the Shareholders for the purpose of putting this Act into effect, to be held in the City of Montreal, within one month after one-fourth of the Capital Stock authorized to be raised under this Act shall have been subscribed, fifteen days' public notice thereof being given in the Canada Gazette, and in not less than one other newspaper published in each of the Cities of Montreal and Kingston, at which said General Meeting the Shareholders assembled with such proxies as shall be present, shall choose nine persons, being each a Shareholder of not less than twenty shares in the said undertaking, to be Directors of the said Company, in such manner as is hereinafter directed.

XIV. And be it enacted, That in the month of February in each year, an Annual General Meeting of the said Company shall be held to choose Directors in the room of those whose office may at that time become vacant, and generally to transact the business of the Company; but if at any time it shall appear to any eleven or more of such Shareholders, holding together two thousand shares at least, that for more effectually putting this Act in execution, a Special Meeting of Shareholders is necessary to be held, it shall be lawful for such eleven or more of them to cause fifteen days' notice, at least, to be given thereof in the Canada Gazette and in any other newspaper in each of the Cities of Montreal and Kingston, or in such manner as the Shareholders or their successors shall, at any General Meeting, direct or appoint, specifying in such notice the time and place, and the reason and intention of such Special Meeting respectively; and the Shareholders are hereby authorized to meet pursuant to such notices, and proceed to the execution of the powers by this Act given them, with respect to the matters so specified only; and all such acts of the Shareholders, or the majority of them, at such Special Meetings assembled, such majority not having either as principals or proxies less than two thousand shares, shall be as valid to all intents and purposes as if the same were done at General Meetings; Provided always, that it shall and may be lawful for the said Company, at such Special Meetings, in case of the death, absence, resignation or removal of any person named of the Committee to manage the affairs of the said Company in manner aforesaid, to choose and appoint another or others, in the room or stead of those of such Committee who may die, or be absent, resign or be removed as aforesaid; any thing in this Act to the contrary notwithstanding.

XV. And be it enacted, That at the Annual Meeting, three of the said nine Directors shall annually retire in rotation, the retirement of the said first elected nine Directors being decided by lot, but the Directors then or at any subsequent time of retiring shall be eligible for re-election: Provided always, that no such retirement shall have effect except the Shareholders at such General Meeting proceed to fill up the vacancies thus occurring in the direction.

XVI. And be it enacted, That any Meeting of the said Directors, at which not less than five Directors shall be present, shall be competent to do and perform all and any of the powers hereby vested in the said Directors of the said Company.

XVII. And be it enacted, That the Stock Qualification of Shareholders to be Directors of the said Company, shall be Twenty Shares, of Twenty-five Pounds currency each of the Capital Stock.

XVIII. And be it enacted, That every such Annual General Meeting shall have power to appoint not exceeding three Auditors, to audit all accounts of money laid out and disbursed on account of the said undertaking, by the Treasurer, Receiver and Receivers, and other Officer and Officers to be by the said Directors appointed, or by any other person or persons whatsoever, employed by or concerned for or under them, in and about the said undertaking, and to that purpose shall have power to adjourn themselves over from time to time, and from place to place, as shall be thought convenient by them.

XIX. And be it enacted, That no call of money from the Shareholders shall exceed the sum of Two Pounds Ten Shillings per share of Twenty-five Pounds. :

XX. And be it enacted, That in all actions or suits at Law, by or against the Company instituted in Lower Canada, recourse shall be had to the Rules of Evidence laid down by the Laws of England, as recognized by the Courts in Lower Canada in Commercial Cases, and no Shareholder shall be deemed an incompetent witness, either for or against the Company, unless he be incompetent otherwise than as a Shareholder.

XXI. And be it enacted, That if any Writ of *Saisit-Arrêt* or Attachment shall be served upon the said Company, it shall be lawful for the Secretary or Treasurer in any such case to appear in obedience to the said Writ, to make the Declaration in such case by Law required according to the exigency of each case, which said Declaration, or the Declaration of the President, shall be taken and received in all Courts of Justice in Lower Canada, as the Declaration of the Company; and in causes where Interrogatories *sur faits et articles*, or *serment décisoire*, may have been or may hereafter be served upon the Company, the Directors shall have the power, by a Vote or Resolution entered among the Minutes of the proceedings of any meeting, to authorize the President or Treasurer to appear in any cause to answer such Interrogatories; and the answers of the President or Treasurer, so authorized, shall be held and taken to be the answers of the Company to all intents and purposes, as if all the formalities, by law required, had been complied with; and the production of a copy of such Resolution, certified by the Secretary, with the said answers, shall be sufficient evidence of such authorization.

XXII. And be it enacted, That it shall and may be lawful for the Company to take and appropriate for the use of the Railway so much of the land covered with the waters of the Rivers Ottawa or Saint Lawrence, or of any other river, stream or canal, or of their respective beds, as may be found necessary for the making or completing, or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, cranes, and other works as to the Company shall seem meet: Provided always, that it shall not be lawful for the said Company to cause any obstruction in or to impede the free navigation of the River Saint Lawrence or of the River Ottawa, or of any other river, stream or canal to or across which their Railway shall be carried; and if the said Railway shall be carried across any navigable river or canal, the said Company shall leave such openings between the piers of their bridge or viaduct over the same, and shall construct such draw-bridge or swing-bridge over the channel of the river or canal, and shall be subject to such regulations with regard to the opening of such draw-bridge or swing-bridge for the passage of vessels and rafts, as the Governor in Council shall direct and make from time to time; nor shall it be lawful for the said Company to construct any wharf, bridge, pier, or other work upon the public beach or bed of any navigable river or stream, or upon the land covered with the waters thereof, until they shall have submitted the plan of such work to the Governor in Council, nor until the same shall have been approved by him in Council as aforesaid.

XXIII. And be it enacted, That by any regulations to be made by the Governor in Council touching any such draw-bridge or swing-bridge as aforesaid, penalties not exceeding Ten Pounds, in any case, may be imposed for the contravention thereof, and such penalties shall be recoverable from the said Company or from any of their Officers or Servants by whom the regulations shall have been contravened.

XXIV. And be it enacted, That the said Company shall have power to become parties to Promissory Notes and Bills of Exchange for sums not less than Twenty-five Pounds, and any such Promissory Note made or endorsed, and any such bill of Exchange drawn, accepted or endorsed, by the President or Vice-President of the Company, and counter-

signed by the Secretary and Treasurer, and under the authority of a majority of a quorum of the Directors, is and shall be binding upon the Company; and every such Promissory Note or Bill of Exchange made, drawn, accepted or endorsed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer as such, either before or after the passing of this Act, shall be presumed to have been properly made, drawn, accepted, or endorsed, as the case may be, for the Company, until the contrary be shewn; and in no case shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory note, nor shall the President, Vice-President, or the Secretary and Treasurer of the Company so making, drawing, accepting, or endorsing any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever; Provided always, that nothing in this clause shall be construed to authorize the said Company to issue any Note payable to Bearer or any Promissory Note intended to be circulated as money, or as the Notes of a Bank.

XXV. And be it enacted, That if at any time the Mayor, Aldermen and Citizens of the City of Montreal, or the Municipality of the City of Kingston, or the Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or any other Corporate Body, Civil or Ecclesiastical, or any Municipality in this Province, shall be desirous of subscribing for Shares of the Capital Stock of the said Company, or of otherwise promoting the speedy completion of the said Railway, by loans of money or securities for money at interest or *à constitution de rente*, it shall be lawful for them respectively so to do in like manner, and with the same rights and privileges in respect thereof as private individuals may do under or in virtue of this Act, any thing in any Ordinance or Act or Instrument of Incorporation of any such body, or in any law or usage to the contrary notwithstanding: Provided always, that should the said Company require to purchase from the Ecclesiastics of the Seminary of Saint Sulpice of Montreal, any land either on the Lachine Canal, River Saint Lawrence, or in any other place, for the purposes of the Railway, it shall be lawful for the said Ecclesiastics to sell and convey the same to the Company, without advertising and offering the said lands at public sale, or without any other formality of sale than is herein provided by this Act.

XXVI. And be it enacted, That the Provincial Government may, at any time after the commencement of the said Railway, assume the possession and property thereof, and of all the property which the said Company is empowered to hold and shall then have, and of all the rights, privileges and advantages vested in the said Company; all of which shall, after such assumption, be vested in Her Majesty, on the said Government giving to the Company six months' notice of the intention to assume the same.

XXVII. And be it enacted, That the Government shall, within six months after the Company shall render an account in writing of the amount of money expended by the said Company, and all their then ascertained liabilities, up to the time of such assumption, pay to the Company the whole amount of the money so expended, and of the liabilities so ascertained, together with the interest at the rate of six per cent. and ten per cent. additional thereon, after deducting the amount of any dividends before then declared: and the said Government shall also from time to time pay and discharge all liabilities of the Company, not ascertained at the time of such assumption, as the same shall be established against the said Company: Provided always, that in case of difference between the Government and the Company, as to the amounts so to be paid by the Government, such difference shall be referred to two Arbitrators, one to be named by the Government, the other by the Company, and in case of disagreement, such difference shall be referred to an Umpire, to be chosen by the said Arbitrators before entering into the consideration of the said difference; and that the said Award so made by the Arbitrators or the Umpire shall be final: And provided also, that in case of refusal by the Company to appoint an Arbitrator on their behalf, the same shall be appointed by any two of the Judges of the Superior Court for the District of Montreal, on application of the Government.

XXVIII. And be it enacted, That this Act shall be in force so to enable the said Company to enter upon lands, to make all necessary surveys for the construction of the said Railway, from the time that the same shall receive the Royal Assent, but not for any other purpose, until the Governor shall issue a Proclamation declaring it to be in force.



## No. 3.

[Official Gazette, 7th August, 1852.]

PROVINCE OF }  
CANADA. }

ELGIN AND KINCARDINE.

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

To all to whom these presents shall come—GREETING :

L. T. DRUMMOND, } WHEREAS by an Act of the Parliament of the Province of Canada,  
Atty. Genl. } passed in the Session thereof held in the Fourteenth and Fifteenth years of Our Reign, Chaptered Seventy-three, and intituled, An Act to make provision for the construction of a Main Trunk Line of Railway throughout the whole length of this Province, it is amongst other things in effect enacted, That the said Railway and every part thereof shall be made on such line and in such places as the Governor in Council shall determine and appoint as best adapted to promote the general interests of Our said Province; and that if it be found impracticable to raise the funds for constructing the said Main Trunk Line of Railway in any of the modes mentioned in the sections of the said Act preceding the Fifteenth section thereof, to wit: with funds raised by loan under the authority and guarantee of the Parliament of the United Kingdom, or advanced as a loan to Our said Province under the said authority, or with funds of which one half shall be raised on the Credit of the Consolidated Revenue Fund of Our said Province, provided the other half shall have been subscribed for by Municipal Corporations in Our said Province; then the Governor of Our said Province may by Proclamation declare that the said Main Trunk Line of Railway may be undertaken by any private companies thereunto authorized by the Legislature, and that any Company in whose Act of Incorporation a clause may have been inserted suspending its operation until the Governor of Our said Province should issue a Proclamation declaring it in force, shall by the issuing of such Proclamation receive authority to commence its operations: And whereas a clause to the above effect was and is inserted in two several Acts of the said Legislature passed in the said session thereof, Chaptered respectively, One Hundred and Forty-Three, and One Hundred and Forty-six, and intituled respectively, An Act to Incorporate the Montreal and Kingston Railway Company, and An Act to Incorporate the Kingston and Toronto Railway Company: And whereas Our Governor of Our said Province, by and with the advice of Our Executive Council for our said Province, hath determined and appointed the line and places hereinafter mentioned as the line and places on which such Main Trunk Line of Railway should be made as best adapted to promote the general interests of Our said Province: And whereas it hath been found impracticable to raise the funds for constructing the said Main Trunk Line of Railway, by loan under the authority and guarantee of the Parliament of the United Kingdom, or by an advance of the same as a loan to Our said Province under the authority of the said Parliament, as in and by the second clause of the hereinbefore first mentioned Act provided: And whereas it hath by Our said Governor in Council, been deemed inexpedient and it is in fact impracticable, to make the said Main Trunk Line of Railway, with funds to be raised one half on the credit of the Consolidated Revenue Fund of Our said Province, and the other half by subscriptions made by the Municipal Councils, as in and by the fifth section of the said hereinbefore first mentioned Act provided: And whereas it hath been judged by Our said Governor that it is important for the interests of Our said Province that the said Main Trunk Line of Railway should be constructed with the least possible delay by such private Companies as have been or may be hereafter authorized by the Legislature to undertake the same, and that it is therefore expedient that a Proclamation should issue declaring that the said Main Trunk Line of Railway may be undertaken by such private Companies, and declaring the said Acts hereinbefore secondly and thirdly cited to be in force, and thereby authorizing the Companies by those Acts incorporated to commence their operations: Now know ye, that having taken the premises into Our Royal Consideration, and being desirous of advancing and promoting the interests of Our said Province, We have directed and declared, and do hereby direct and declare, that the said Main Trunk Line of Railway shall be made upon a line extending from some point on the Eastern frontier of Our said Province, hereafter to be determined upon, to some point (hereafter to be fixed) in the Parish of St. Joseph de la Pointe Levy, opposite

or nearly opposite to the City of Quebec, running thence in as direct a line as may be found convenient to the River St. Francis, in or near the village of Richmond, in the Township of Shipton, thence by the St. Lawrence and Atlantic Railroad, to the City of Montreal, or some point on the south shore of the St. Lawrence, opposite or nearly opposite thereto, and further extending westward from the City of Montreal to the City of Kingston, or some other point on or near the River St. Lawrence or Lake Ontario, in the vicinity of Kingston aforesaid; thence, to the City of Toronto; thence, to the city of Hamilton, or some convenient point on the line of the Great Western Railroad, and thence to the Detroit River, including any part of the said Great Western Railroad, which may be constructed from the City of Hamilton to the Niagara River, as provided by an Act of the said Legislature, passed in the said Session thereof, chaptered Seventy-four, and intituled, An Act to extend the Provisions of an Act passed in the present Session, intituled, An Act to make provision for the construction of a Main Trunk Line of Railway throughout the length of this Province; that the said Main Trunk Line of Railway, or any parts thereof, may be undertaken by such Private Companies as have been or may be hereafter authorized by the Legislature to undertake the same. And We do hereby further direct and declare that on, from and after the day of the date of these presents the said two Acts of the said Legislature hereinbefore secondly and thirdly cited, and intituled respectively, An Act to incorporate the Montreal and Kingston Railway Company, and An Act to incorporate the Kingston and Toronto Railway Company, shall be and the same are hereby declared to be in full force for all and every the purposes thereof. Of all which all Our loving subjects whom these presents do or may in any wise concern are hereby required to take notice, and govern themselves accordingly.

In testimony whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Our said Province of Canada to be hereunto affixed: Witness, Our Right Trusty and Right Well Beloved Cousin JAMES, EARL OF ELGIN AND KINCARDINE, Knight of the Most Ancient and Most Noble Order of the Thistle, Governor General of British North America, and Captain General and Governor in Chief in and over Our Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c. &c. &c. At Quebec, in Our said Province, this Seventh day of August, in the year of Our Lord, one thousand eight hundred and fifty-two, and in the Sixteenth year of Our Reign.

By Command.

A. N. MORIN, Secretary.

## No. 4.

### STOCK BOOK OF MONTREAL AND KINGSTON RAILWAY COMPANY.

The undersigned, a majority of the seven persons appointed by the sixth Section of an Act of the Parliament of Canada, passed in the fourteenth and fifteenth years of Her Majesty's Reign, (chapter 143) intituled, "An Act to incorporate the Montreal and Kingston Railway Company," to cause Books of Subscription to and for the Capital Stock of the said Company, to be opened in the Cities of Montreal and Kingston and elsewhere, do hereby appoint and authorize Archibald H. Campbell, of Montreal, Esquire, Cashier of the Commercial Bank, M. D., to open this Book at the said City of Montreal on the 16th day of August instant, at noon, and herein to receive the signatures and subscriptions of all persons willing to become Shareholders in the said undertaking, in conformity with the provisions of the said Act.

IN WITNESS whereof We have hereunto set our hands and seals, at the said City of Montreal, this tenth day of August, in the year of our Lord, one thousand eight hundred and fifty-two.

(L. S.) L. H. HOLTON,  
 (L. S.) G. MOFFAT,  
 (L. S.) IRA GOULD,  
 (L. S.) GEO. ET. CARTIER,

## MONTREAL AND KINGSTON RAILWAY COMPANY.

WE, the several persons who have hereunto set and subscribed our names, do hereby severally agree to become Members of the Joint Stock Company, incorporated by an Act of the Parliament of Canada, passed in the fourteenth and fifteenth years of Her Majesty's Reign, (chapter 143,) intituled, An Act to incorporate the "Montreal and Kingston Railway Company," and do hereby severally subscribe for and take in the Capital Stock of the said Company the number of Shares of twenty-five pounds currency of Canada each, set opposite to our respective names and signatures, and we do hereby for ourselves severally and for our several executors and administrators, promise and agree to and with the Committee appointed by the said Act to open the Books of Subscription to the Capital Stock of the said Company, and to and with the Committee and Directors appointed or to be appointed to manage the affairs of the said Company, to pay the amount of our several subscriptions in such proportions and at such times and places and to such persons as shall be duly appointed, and otherwise to conform to the provisions of the said Act and to such Bye-laws and Regulations as shall from time to time be duly enacted in virtue of the same. WITNESS our respective hands, the day and year set opposite to our respective names and signatures.

| Date.      | Signatures.                                    | Residence.    | Number of Shares.                             | Amount.  |    |    |
|------------|------------------------------------------------|---------------|-----------------------------------------------|----------|----|----|
|            |                                                |               |                                               | £        | s. | d. |
| 1852.      |                                                |               |                                               |          |    |    |
| August 23. | J. Torrance .....                              | Montreal .... | Twenty Shares.....                            | 500      | 0  | 0  |
| do         | William Molson .....                           | do .....      | do .....                                      | 500      | 0  | 0  |
| do         | John Rose .....                                | do .....      | do .....                                      | 500      | 0  | 0  |
| do         | H. N. Janes, per Attorney,<br>J. M. Young..... | do .....      | do .....                                      | 500      | 0  | 0  |
| do         | G. E. Jaques .....                             | do .....      | do .....                                      | 500      | 0  | 0  |
| do         | William MacDougall .....                       | do .....      | do .....                                      | 500      | 0  | 0  |
| do         | Thomas Galt, per Attorney,<br>A. T. Galt.....  | Toronto ....  | do .....                                      | 500      | 0  | 0  |
| do         | A. T. Galt.....                                | Sherbrooke .. | Seven thousand nine hundred and forty Shares. | 198500   | 0  | 0  |
| do         | L. H. Holton .....                             | Montreal .... | Seven thousand nine hundred and sixty Shares. | 199000   | 0  | 0  |
| do         | D. L. Macpherson .....                         | do .....      | Seven thousand nine hundred and sixty Shares. | 199000   | 0  | 0  |
|            |                                                |               |                                               | £ 600000 | 0  | 0  |

Montreal,—This subscription opened at the Office of the Commercial Bank of the Midland District at Montreal, at noon, on the 16th day of August, 1852, and closed at eighteen minutes past ten o'clock in the forenoon of Monday the twenty third day of August aforesaid.

A. H. CAMPBELL,

Cashier.

Witnesses,

W. J. BUCHANAN,  
THOS. KINBY.

## No. 5.

[Official Gazette, 28th August, 1852.]

## NOTICE.—THE MONTREAL AND KINGSTON RAILWAY COMPANY.

Public Notice is hereby given, that one thousand shares and upwards of the Stock of the Montreal and Kingston Railway Company having been subscribed, the first

General Meeting of the Shareholders, for putting the Act of the Legislature of this Province, 14th and 15th *Victoria*, chapter 143, intituled, "An Act to incorporate the Montreal and Kingston Railway Company," into execution, will in accordance with the 12th Section of the said Act, be held in the Circuit Court Room, to wit, the Room or Hall wherein the Sittings of the Circuit Court for the Montreal Circuit are usually held, at the Court House, in the City of Montreal, on Monday the Sixth day of September, one thousand eight hundred and fifty-two, at the hour of ten of the clock in the forenoon, at which first General Meeting the Shareholders assembled, together with such Proxies as shall be present, will choose nine persons, being each a Shareholder of twenty or more Shares in the said undertaking, out of whom any five, or more, shall be a Committee for managing the affairs of the said Company, until the due appointment of Directors, as provided by the said Act.

Montreal, 24th August, 1852.

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## No. 6.

[*Official Gazette*, 18th September, 1852.]

### MONTREAL AND KINGSTON RAILWAY COMPANY.

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Public Notice is hereby given by the undersigned, being five of the Committee for managing the affairs of the said Company, chosen at the first General Meeting of the Shareholders, held in the Court House, in the City of Montreal, on the 6th day of September, 1852, in conformity with the Act of the Legislature of this Province, passed in the Session held in the 14th and 15th years of Her Majesty's Reign, chapter 143, intituled, "An Act to incorporate the Montreal and Kingston Railway Company," that a General Meeting of the Shareholders, for the purpose of putting the said Act into effect, will, in accordance with the 13th Section of the said Act, be held at the Office of Messrs. Rose and Monk, Advocates, No. 23, Little St. James street, in the said City of Montreal, on Tuesday, the Twenty-eighth day of September, one thousand eight hundred and fifty-two, at ten o'clock in the forenoon, at which said General Meeting the Shareholders assembled together, with such Proxies as shall be present, will proceed to choose, and will choose nine persons, each being a Shareholder of not less than twenty shares in the said undertaking, to be Directors of the said Company, in manner as provided by the said Act.

LUTHER H. HOLTON,  
WILLIAM MOLSON,  
ALEXANDER T. GALT,  
D. L. MACPHERSON,  
J. TORRANCE.

Montreal, 6th September, 1852.

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## No. 7.

### COPIES OF MINUTES OF GENERAL MEETING OF SHAREHOLDERS, AND OF MEETING OF DIRECTORS.

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Minutes of the first General Meeting of the Shareholders of the Montreal and Kingston Railway Company, called in accordance with the provisions contained in the Act of the Legislature of this Province, passed in the Session thereof, held in the 14th and 15th years of Her Majesty's Reign, and intituled, an "Act to incorporate the Montreal and Kingston Railway Company," being chapter 143, said meeting being held in the Circuit Court Room, in the Court House, in the City of Montreal, this sixth day of September, one thousand eight hundred and fifty-two, at ten o'clock in the forenoon, in

pursuance to public notice to that effect, published for one week and upwards in the "Canada Gazette," and in the "Montreal Herald," published in the City of Montreal, and in the "British Whig," in the City of Kingston, and divers other papers published in both of the said Cities as follows:—

(COPIES OF ADVERTISEMENTS OF 24TH AUGUST.)

PRESENT:

David Lewis Macpherson, William Molson, Luther Hamilton Holton, George Edward Jacques, William McDougall, all of Montreal, Shareholders.

Samuel Cornwallis Monk, of Montreal, Proxy and Attorney for John Torrance, Merchant of Montreal, and for David Rose, of Montreal, Esquire. David Lewis Macpherson, of Montreal, Proxy and Attorney for Alexander Tulloch Galt, of Sherbrooke, Esq., and of Thomas Galt, Toronto, Esq.

The Meeting was organized; on motion of William Molson, Esquire, That Luther Hamilton Holton do take the Chair, and that William McDougall be named Secretary of the Meeting.—Carried unanimously.

It was then moved by David Lewis Macpherson, and seconded by George Edward Jacques, That the Shareholders assembled, together with such Proxies as are now present, do choose nine persons, each being a Shareholder of twenty or more Shares in this undertaking, out of whom any five or more shall be a Committee, and the following nine persons be so named and chosen for managing the affairs of the said Company until the due appointment of Directors, as provided by the said Act, viz:—Luther Hamilton Holton, Alexander Tulloch Galt, David Lewis Macpherson, John Torrance, William Molson, John Rose, Thomas Galt, George Edward Jacques, William McDougall.—Carried unanimously.

It was then moved by William Molson, and seconded by William McDougall, That a general meeting of the Shareholders for the purpose of putting the said Act into effect be in accordance with the thirteenth Section of the said Act, held in the office of Messrs. Rose and Monk, Advocates in the City of Montreal, on Monday, the 28th day of September, one thousand eight hundred and fifty-two, at ten of the clock in the forenoon—at which said General Meeting the Shareholders assembled, together with such Proxies as shall be present, shall choose nine persons, each being a Shareholder of not less than twenty shares in this undertaking, to be Directors of this Company in manner as provided by this Act, and that any five of the said Committee give notice thereof as provided by law.

Dated at Montreal, this sixth day of September, 1852, at Circuit Court Room, in the Court House, in the City of Montreal.

(Signed,)

L. H. HOLTON,

Chairman.

WILLIAM McDOUGALL,

Secretary.

Minutes of a General Meeting of the Shareholders of the Montreal and Kingston Railway Company, called in accordance with the provisions contained in the Act of the Legislature of this Province, passed in the Session thereof, held in the 14th and 15th years of Her Majesty's Reign, intituled, An Act to incorporate the Montreal and Kingston Railway Company," being chapter 143, said meeting being held in the office of Messrs. Rose and Monk, Advocates, No. 23, Little St. James Street, in the City of Montreal, this twenty-eighth day of September, one thousand eight hundred and fifty-two, at ten o'clock in the forenoon, in pursuance of public notice to that effect, published for fifteen days and upwards in the "Canada Gazette" and in the "Montreal Herald," published in the City of Montreal, and in the "British Whig," in the City of Kingston, and divers other papers published in both of the said Cities as follows:—

(COPY OF ADVERTISEMENT OF 6TH SEPTEMBER.)

PRESENT:

David Lewis Macpherson, William Molson, Luther Hamilton Holton, John Torrance,

John Rose, Shareholders; David Lewis Macpherson, of Montreal, Proxy of Alexander T. Galt, and of Thomas Galt, and of William McDougall: Luther H. Holton, Attorney and Proxy of Henry N. Janes, and of George Edward Jacques.

The Meeting was organized; on motion of William Molson, Esquire, seconded by John Torrance, Esquire, That Luther Hamilton Holton do take the Chair, and that David Lewis Macpherson, Esquire, be named the Secretary of the Meeting.—Carried unanimously.

It was then moved by John Torrance, Esquire, and seconded by David Lewis Macpherson, That the Shareholders assembled, together with such Proxies as are now present do choose nine persons, each being a Shareholder of twenty or more shares in this undertaking, to be Directors of the said Company as provided by law, and that the following nine persons be so named and chosen Directors of the said Company, viz:—

Luther Hamilton Holton, Alexander Tulloch Galt, David Lewis Macpherson; John Torrance, William Molson, John Rose, Thomas Galt, George Edward Jacques, William McDougall.—Carried unanimously.

Dated at Montreal, this twenty-eighth day of September, 1852, at the office of Messrs, Rose and Monk, Advocates, 23 Little St. James Street.

(Signed)

L. H. HOLTON,

Chairman.

D. L. MACPHERSON,

Secretary.

Minutes of first General Meeting of the Directors of the Montreal and Kingston Railway Company, held this thirtieth day of September, 1852, at their temporary office, No. 23, Little St. James Street.

PRESENT:

Luther H. Holton, David L. Macpherson, John Torrance, William Molson, John Rose, George E. Jacques, and William McDougall.

It was then moved by Mr. Molson, and seconded by John Torrance, That Luther H. Holton be President, and Alexander T. Galt, Vice-President of this Company, and the said Luther H. Holton and Alexander T. Galt were accordingly unanimously chosen and elected, that is to say,—the said Luther Holton, President, and Alexander T. Galt, Vice-President.

The said Luther H. Holton thereupon took the Chair.

It was then moved by David L. Macpherson, and seconded by John Torrance, and resolved unanimously, That the President and Vice-President do take means to obtain the services of a competent Secretary.

It was further moved by John Torrance, and seconded by William Molson, and resolved unanimously, That the President be authorized to take such means as he may deem expedient, to oppose, and protect the rights of this Company with reference to, the provisions of a Bill now introduced by Mr. Cartier, to incorporate certain persons to construct a Grand Trunk Railway from Toronto to Montreal.

The Meeting then adjourned.

(Signed,)

L. H. HOLTON,

Chairman.

Minutes of a meeting of the Directors of the Montreal and Kingston Railway Company, held this seventh day of October, 1852, at their temporary Office, No. 23, Little St. James Street.

PRESENT:

Luther H. Holton, President, Alexander T. Galt, Vice-President; David L. Macpherson, John Torrance, William Molson and John Rose.

The President and Vice-President reported that they had secured the services of Frederick W. Torrance, as temporary Secretary and Treasurer of this Company, and that the rate of Salary should be left to the future consideration of the Board.

It was then moved by William Molson, and seconded by David L. Macpherson, That the arrangement with Mr. Frederick W. Torrance, as Secretary and Treasurer of this Company be confirmed, and the said Frederick W. Torrance is accordingly unanimously chosen and named Secretary and Treasurer. The said Frederick W. Torrance thereupon entered and took on himself the duties as Secretary and Treasurer.

It was then moved by David L. Macpherson, seconded by John Torrance, and resolved unanimously, That a call of ten per centum be made on the Capital Stock subscribed in this Company, and that such call be made payable at the Commercial Bank of the Midland District in this City, on or before the tenth day of November next, and that interest be allowed on such amount as may be paid in to the Stockholder paying the same from the date of payment of each sum respectively.

(Signed,)

L. H. HOLTON,  
Chairman.

F. W. TORRANCE,  
Secretary and Treasurer.

I certify the foregoing contains true copies of the minutes of the proceedings of the Montreal and Kingston Railway Company.

L. H. HOLTON,  
President.

Quebec, 13th October, 1852,

## No. 8.

### *Treasurer's Receipts for first Instalment of ten per cent. on Capital Stock.*

#### MONTREAL AND KINGSTON RAILWAY COMPANY.

£19,900 Currency.

Received from D. L. Macpherson, Esq., the sum of £19,900, being the first call of ten per cent. on the number of 7960 Shares of Stock owned by him in this Company, said call being made on the 7th October, 1852, and made payable on the 10th of November next.

F. W. TORRANCE,  
Secretary and Treasurer.

Montreal, 9th October, 1852.

#### MONTREAL AND KINGSTON RAILWAY COMPANY.

£ Received from L. H. Holton, Esq., the sum of £19,900, being the first call of ten per cent. on the number of 7960 Shares of Stock owned by him in this Company, said call being made on the 7th October, 1852, and made payable on the 10th November next.

F. W. TORRANCE,  
Secretary and Treasurer.

Montreal, 9th October, 1852.

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**MONTREAL AND KINGSTON RAILWAY COMPANY.**

£

Received from A. T. Galt, Esq., the sum of £19,850, being the first call of ten per cent. on the number of 7940 Shares of Stock owned by him in this Company, said call being made on the 7th October, 1852, and made payable on the 10th November next.

Montreal, 9th October, 1852.

F. W. TORRANCE,  
Secretary and Treasurer.

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**MONTREAL AND KINGSTON RAILWAY COMPANY.**

£50.

Received from Thomas Galt, Esq., the sum of fifty pounds, being the first call of ten per cent. on the number of twenty Shares of Stock owned by him in this Company, said call being made on the 7th October, 1852, and made payable on the 10th November next.

Montreal, 9th October, 1852.

F. W. TORRANCE,  
Secretary and Treasurer.

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**MONTREAL AND KINGSTON RAILWAY COMPANY.**

£50 Currency.

Received from William Macdougall, Esq., the sum of fifty pounds, being the first call of ten per cent. on the number of twenty Shares of Stock owned by him in this Company, said call being made on the 7th October, 1852, and made payable on the 10th November next.

Montreal, 9th October, 1852.

F. W. TORRANCE,  
Secretary and Treasurer.

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**MONTREAL AND KINGSTON RAILWAY COMPANY.**

£50.

Received from H. N. Janes, Esquire, the sum of £50, being the first call of ten per cent. on the number of twenty Shares of Stock owned by him in this Company, said call being made on the 7th day of October, 1852, and made payable on the tenth day of November next.

Montreal, 9th October, 1852.

F. W. TORRANCE,  
Secretary and Treasurer.

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**MONTREAL AND KINGSTON RAILWAY COMPANY.**

£

Received from G. E. Jacques, Esquire, the sum of fifty pounds, currency, being the first call of ten per cent. on the twenty Shares of Stock owned by him in this Company, said call being made on the seventh day of October, 1852, and made payable on the tenth day of November next.

Montreal, 9th October, 1852.

F. W. TORRANCE,  
Secretary and Treasurer.

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**MONTREAL AND KINGSTON RAILWAY COMPANY.**

£50.

Received from William Molson, Esq., the sum of £50, being the first call of ten per cent. on the number of twenty Shares of Stock owned by him in this Company, said call be-



ing made on the 7th day of October, 1852, and made payable on the tenth day of November next.

Montreal, 9th October, 1852.

F. W. TORRANCE,  
Secretary and Treasurer.

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MONTREAL AND KINGSTON RAILWAY COMPANY.

£50.

Received from John Rose, Esq., the sum of fifty pounds, being the first call of ten per cent. on the number of twenty Shares of Stock owned by him in this Company, said call being made on the 7th October 1852, and made payable on the tenth day of November next.

F. W. TORRANCE,  
Secretary and Treasurer.

Montreal, 9th October, 1852.

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MONTREAL AND KINGSTON RAILWAY COMPANY.

£50.

Received from John Torrance, Esq., the sum of £50, being the first call of ten per cent. on the number of twenty Shares of Stock owned by him in this Company, said call being made on the 7th October, 1852, and made payable on the tenth day of November next.

F. W. TORRANCE,  
Secretary and Treasurer.

Montreal, 9th October, 1852.

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No. 9.

LETTER FROM CASHIER OF COMMERCIAL BANK.

COMMERCIAL BANK, M. D.

Montreal, 12th October, 1852.

F. W. TORRANCE, Esquire,  
Secretary and Treasurer.

Sir,—In reply to your letter of this date, enquiring the amount standing at credit of the Montreal & Kingston Railroad Company on the Books of this Office of the Commercial Bank, M. D. I beg to state that the balance at their credit is sixty thousand pounds currency—(£60,000.)

I am, Sir,

Your most obedient Servant,

H. L. CAMPBELL,  
Cashier.

Montreal & Kingston Railroad Company.

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Messrs. Galt and Holton then withdrew with a request that they might be considered in future as principals; and respectfully craved the right to know what evidence may be taken before the Committee relating to the Bill to incorporate the Grand Trunk Railway, that they may have the opportunity of answering or confuting the same.

Henry LeMesurier, Esquire, again called in; and examined:—

Q. 38. Did you sign a petition to obtain a new charter for that part of the Main Trunk Line of Railroad from Montreal to Toronto?—I did not, to the best of my recollection.

Q. 39. Were you aware that the same Proclamation which declared the Quebec and Richmond Road part of the Main Trunk Line, also declared that the Montreal and Kingston, and Kingston and Toronto, part of the same Main Trunk Line?—Yes.

Q. 40. You stated yesterday, that to finish and complete the St. Lawrence and Atlantic Railroad, a sum of £2,000 per mile would yet be required—will you state to the Committee, upon what grounds you form this opinion?—I allude to that part of the line from St. Hyacinthe to Montreal, which I am informed has cost £7,000 per mile, and that it will require £2,000 more to make it a good Road including ballasting, &c. I believe my informant was well able to form a correct judgment.

Q. 41. How often have you passed over the Road, and did you ever do so except when the cars were under the usual speed?—I think I have travelled over the Road but twice or three times, and always under steam, and on the last occasion I think the speed was slackened before crossing the St. Hilaire Bridge.

Q. 42. Have you ever walked over the Road and examined particularly its structures, its general construction, the ties, chairs, sleepers, rails, &c., and from your experience in Railway construction, do you think it possible to form a correct opinion of any road, except by such particular examination?—I have never walked over the road, or examined it particularly. I do not think it possible to form a correct opinion of any road except by such particular examination.

Q. 43. In giving your opinion that it will require £2000 per mile to finish the St. Lawrence and Atlantic Railroad, would you state to the Committee the names of the Engineers who informed you as to the state of that work?

An objection was raised to the last question being put to the witness; on which the Committee divided:

For putting the question:—Messrs. Christie, (Wentworth,) Stuart, and Young,—3.

Against putting the question:—Messrs. Cauchon, Crawford, Egan, Macdonald, (of Kingston,) Sir Allan N. MacNab, Robinson, Smith, Stuart, and Taché,—9.

So it was decided that the question should not be put.

The witness then withdrew.

The Hon. Mr. Hincks moved that it be Resolved, That it is the opinion of this Committee, that it is unnecessary for the applicants for the Bill for incorporating the Grand Trunk Railway Company to adduce any evidence in support of their claim for a Charter, until the question shall be determined whether there are any existing private or corporate rights to prevent the Committee from considering the Bill now before them;

Upon which a discussion ensued; and the Yeas and Nays being called for, were taken down, as follows:—

Yeas:

Messrs. Cauchon, Christie, (Wentworth,) Crawford, Hincks, Sir Allan N. MacNab, Robinson, Smith (Durham,) and Stuart,—8.

Nays:

Messrs. Macdonald, (Kingston,) and Young,—2.

So it was carried in the affirmative.

On motion of the Hon. Mr. Hincks, Ordered, That Messrs. Holton and Galt be called in, and that they be asked by the Chairman, whether they have any further statements to make, or papers to put in, with regard to their opposition to the Bill before the Committee for incorporating the Grand Trunk Railway Company.

And Messrs. Holton and Galt were called in, and the foregoing Resolution being read to them, they replied as follows:—

We do not desire in the present stage of the proceedings, to adduce any further evidence of the corporate existence of the Company; but if any evidence be required in support of the authenticity of the documents given in, we request the privilege of submitting it, and of being heard by Counsel should our interests appear to demand it.

Ordered, That the Montreal and Kingston Railway Company be heard by Counsel on Friday morning, at ten of the clock, A. M.

Adjourned until ten o'clock to-morrow.

*Thursday, 14th October, 1852.*

PRESENT:

Sir ALLAN N. MACNAB in the Chair.

Messrs. Cartier, Cauchon, Christie, of Wentworth, Crawford, Hincks, Macdonald of Kingston, Robinson, Smith, of Durham, Stuart, Taché, and Young.

Ordered, That the proceedings, together with the minutes and evidence of the Committee, be printed, and that the Clerk do cause the same to be commenced forthwith.

Adjourned until to-morrow, at ten o'clock.

*Friday, 15th October, 1852.*

PRESENT:

Sir ALLAN N. MACNAB in the Chair.

Messrs. Cartier, Cauchon, Christie, of Wentworth, Egan, Hincks, Macdonald of Kingston, Robinson, Sicotte, Smith of Durham, Stuart, Taché, and Young.

The Chairman instructed the Clerk to inform Mr. Galt that the Committee were ready to hear Counsel.

At a quarter before Eleven o'clock, Mr. Galt appeared, and stated to the Committee, that Counsel on the part of the Montreal and Kingston Railway Company, could not be prepared in time for this morning, he therefore, on the part of the Company, threw himself on the mercy of the Committee, and craved their indulgence by extending the time until Tuesday next.

Mr. Galt then withdrew.

Ordered, That the Committee do not conceive it expedient to extend the time.

Mr. Galt was again called in, and being present, The Chairman informed him with the decision of the Committee.

Whereupon he begged permission of the Committee to be heard on the part of the Montreal and Kingston Railway Company, and that T. C. Keefer, Esquire, Chief Engineer of that Company, might be allowed to be present.

Ordered, That Mr. Galt be heard, and that T. C. Keefer, Esquire, be allowed to attend him.

They being present, Mr. Galt addressed the Committee against the bill to incorporate the Montreal and Kingston Railway Company, referred to them.

Mr. Galt having concluded his address, withdrew.

Ordered, That the room be cleared of all, except the members of the Committee and the Clerk.

The Hon. Mr. Hincks applied to the Committee, for leave to put in the following statement, and have the same entered on its minutes; which was agreed to, and read as follows:—

To SIR ALLAN MACNAB,

Chairman of the Standing Committee on Railroads, Canals and Telegraphs.

Sir,—My name having been brought under the notice of the Committee in certain letters laid before it, by Messrs. Holton and Galt, I claim the privilege of making a statement to the Committee, and shall enter at some length into the history of the proceedings of the Government since the year 1849, in relation to the Trunk Line of Railway. In that year an Act was passed by the Legislature authorizing the guarantee of the Province to be given on certain conditions to Railway Companies incorporated to construct roads exceeding 75 miles in length, and also to grant certain aid towards the construction of the Quebec and Halifax Railroad. It was at that time hoped that the section of The Great Trunk Line east of Quebec would be undertaken by the Imperial Government. In the year 1850, the Hon. Mr. Howe of Nova Scotia, visited England, with the view of obtaining Imperial aid towards the construction of Railways in Nova Scotia, and after some correspondence with the Secretary of State for the Colonies, a despatch was written by Earl

Grey, stating the terms on which Imperial assistance would be afforded. During Mr. Howe's residence in London he entered into correspondence with Messrs. Jackson, Peto, Brassey and Betts, eminent Railway Contractors, who have constructed some of the most important Railroads in England and on the continent of Europe, and when some time afterwards the proposition made by Earl Grey was rejected by the Legislature of New Brunswick, those gentlemen made propositions for the construction of the Line on terms to which it was supposed New Brunswick would agree. In the mean time it was determined that Mr. Howe and Mr. Chandler should visit Canada, and endeavor, in co-operation with this Province, to arrange some plan which would meet the concurrence of the Imperial Government. Unfortunately owing to a misunderstanding on the part of Mr. Howe of Earl Grey's intentions, it became necessary to abandon the scheme then contemplated, and fresh negotiations were entered on last winter, with the view of obtaining the Imperial guarantee in aid of the construction of the Trunk Line from Halifax to Quebec, and thence westward as far as the funds would admit. The result of these negotiations was the adoption of the Valley of the St. John Line, which was the only one to which New Brunswick would lend assistance on the plan proposed by Earl Grey. I was deputed to proceed to England, to co-operate with Mr. Chandler and Mr. Howe on the part of the sister Provinces, in advocating the new proposition. I should observe that, during the Session of Parliament held in 1851, an Act was passed limiting the guarantee of the Province to the Main Trunk Line. When in England in 1849, I found that great dissatisfaction existed owing to the indefinite character of the guarantee to be given in aid of Railways, and that as there appeared no limit to the issues, it was likely to be prejudicial to the character of Canadian securities. It was therefore deemed of great importance that a limit should be placed on the issues of bonds for Railways, and Parliament concurred with the Government in confining the guarantee to the Main Trunk Line. At the same time Parliament refused to grant charters to Companies for the construction of the sections of the Grand Trunk Line east of Toronto without suspending clauses, so as to enable the Government to carry out that policy which might be found most advantageous to the public. Being strongly impressed with the belief that it is of the highest importance to the interests of Canada as well as to those of the sister Provinces, that the Great Trunk Line through British Territory from Halifax to the western frontier, should be constructed in the best manner, and should be as much as possible under one control, I think that it was a wise precaution to entrust the Government with a controlling influence over the arrangements to be carried out. I need not advert to the negotiations in England with her Majesty's Government, as they have no immediate bearing on the question before the Committee, but shall proceed to relate what passed between Mr. Jackson and myself on the subject of the construction of our Main Trunk Line. I procured an introduction to that gentleman soon after my arrival in London, having been assured on reliable authority, that he was fully authorized to act on behalf of Messrs. Peto, Brassey and Betts, in conjunction with himself, and having also been assured that any contracts or engagements entered into by Messrs. Jackson, Peto, Brassey and Betts would be faithfully performed. After some interviews with Mr. Jackson, I wrote to Mr. Young, then the Commissioner of Public Works, and I think to Mr. Morin also, pointing out the importance of securing, if possible, the construction of our line by the above-named Contractors, and asking the sanction of my colleagues to an arrangement which I proposed effecting, under which they would send out competent Engineers to survey the line, with a view of estimating and tendering for its construction. I asked authority to agree to pay the preliminary expenses to be incurred, in case it was not deemed advantageous to accept the tender for the work. That authority was promptly given, and as soon as I became convinced that I should not be able to succeed in the object of my mission, owing to the three Provinces being unable to agree to the propositions of the Imperial Government, I again sought an interview with Mr. Jackson. In the meantime, the agent of the Quebec and Richmond Railroad Company, William Chapman, Esquire, of London, had put himself in communication with me, in order to know whether the Government would co-operate with the Company in case they entered into a contract with Messrs. Jackson, Peto, Brassey and Betts. I consulted frequently with Mr. Chapman, who displayed the utmost zeal in carrying out his object. I assured him of my individual support in carrying out his arrangements, which appeared to me most satisfactory, and I entered into negotiations with Mr. Jackson on the same basis. I submit to the Committee a copy of my correspondence with Mr. Jackson. On my return to Canada, all my proceedings in this matter were approved of by my colleagues. It must be evident to the Committee that the basis of the agreement was,

that Mr. Jackson was to send out Engineers, and to estimate and tender for the line, and that if his terms were deemed satisfactory, that the proposed arrangement should be carried into effect. On this understanding Mr. Jackson came to Canada, having sent out previously Mr. Ross a Civil Engineer, to estimate for the work. The Quebec and Richmond Railway Company co-operated cordially with the Government in all their arrangements, and having obtained a tender, proceeded, with the consent of the Government, to enter into a contract for the construction of their line. It was necessary, in order to carry out my arrangement with Mr. Jackson, that a Company should be organized, with whom the contract should be made, as Canadian Municipalities or individuals were to take one-tenth of the Stock. I had more than one interview on the subject of the arrangement with Mr. Holton. I clearly explained to him the nature of the agreement with Mr. Jackson, and he admitted to me that, without the co-operation and sanction of the Government, the arrangements which he desired to effect could not be carried out. Mr. Holton, on all occasions, expressed himself decidedly hostile to the arrangement with Mr. Jackson, which he stated would not be advantageous to the country. He was well aware that I was of a different opinion, and he learned from me that my views would be sustained by the Government. I think that the spirit and letter of the Act, known generally as the Railway Guarantee Act, contemplated that the Government should have a controlling influence in the arrangements, and I think that such influence was deemed necessary to protect the public interests from improvident contracts on the part of companies. I think that the entire success of our Railroad policy depends on the Great Trunk Line being made superior to all American roads, the working expense of which are from 15 to 20 per cent. higher than they ought to be, owing to their inferior character. I believe that the English Contractors will make a better road than any on this Continent, and it is important, as they are likely to have the greater portion of the Trunk Line to construct, that an important section of it should not be placed under entirely different control. I think, therefore, that it would have been a policy most injurious to the Country, to have excluded Mr. Jackson and his friends from the section of the line between Montreal and Kingston, and it was evidently the intention of the parties to the Articles of Agreement before the Committee, to defeat the well known policy of the Government. The pretence set up of chartered rights is, in my opinion, under the circumstances, wholly unsustainable. I may observe to the Committee, that the Honorable Mr. Chandler, of New Brunswick, entered into negotiations with Mr. Jackson, at the same time that I did, and on substantially the same basis. His arrangements have been since confirmed, and a contract has been entered into for the construction of a line from the Main Frontier to Miramichi with Messrs. Jackson, Peto, Brassey, and Betts. I think that it is now quite practicable to secure the entire line to Halifax with very little cost to the Province, and I believe such a line will favorably compete with any line on the Continent for Western trade. I am of opinion, that in view of all the circumstances of the case, no chartered right can be said to exist in the petitioners against the present Bill, but if any had existed, I maintain that it was voluntarily surrendered by Mr. Holton. I have no hesitation in saying, that the general opinion of all who have read the correspondence between that gentlemen and members of the Government, fully understood that the Company waived upon certain conditions, any legal rights which they might have. I have endeavored faithfully to adhere to the spirit of the agreement, and am sorry to find that Mr. Holton has withdrawn from it altogether. I find in a paper laid before the Committee, signed by Messrs. Holton & Galt, an allegation that their abandonment of their pledge is justified on the ground; that I stated before the Committee that "the Government had determined to make a contract with Messrs. Jackson & Co., for £7,600 sterling, or about £10,000 currency, per mile, and that they were prepared to carry this, as a Government measure, through Parliament." Without entering into the question as to the propriety of the petitioners having addressed a letter to the Chairman, referring to the remarks of members of the Committee, made in their presence, I must declare that I made no such statement as the petitioners have alleged, and that consequently all the conclusions professedly founded on that statement are without a shadow of foundation. The position of the question I take to be this: a Bill was introduced to incorporate the Grand Trunk Railway Company; a petition was presented against it by Mr. Holton, as Chairman of the Montreal and Kingston Railway Company, objecting to the Bill, on the ground of its interference with chartered rights. On no other ground could Mr. Holton, or the Company represented by him, have come before the Committee to object to the Bill. In his correspondence with me, he waived his legal claim altogether, and consequently I expected that no opposition would be made to the principle, but solely to the

details, and I would have afforded every facility to Mr. Holton on this point, which could have been accomplished through the medium of the Committee. Mr. Holton expressly reserves a power to object to the details, "when the Bill is before the Committee," and yet the Government is charged with a breach of faith in supporting the principle of the Bill, and the petitioners, without notice of any kind, and in violation of a distinct pledge, come before the Committee to object to the principle. I confess that I felt much indignation at so gross a breach of faith, but the words imputed to me are as untrue as they are absurd, for the Government could not have entered into a contract with Messrs. Jackson and Company, on any terms. I desire, in conclusion, to state to the Committee, that when the Books of the projected Company had been opened several days without a share being subscribed, I entered into fresh negotiations with Mr. Jackson, and induced him to agree to be responsible that the entire Stock in the proposed Company should be taken, instead of the half as formerly contemplated, thus relieving the Province entirely from taking any Stock, and only incurring a nominal liability, and which has been admitted to be nominal by many of the opponents of the Bill. On the very day that Mr. Jackson had agreed to be responsible that the entire Stock in the Company would be taken, and that he and his partners would construct the Road, taking the Bonds of the Province, for £3,000 sterling per mile, and raising all the rest of the funds, the Articles of Agreement before the Committee were entered into, and the attempt made to frustrate what I believe to be not only the opinion of Parliament and of the Government, but of the Province at large.

I have the honor to be, Sir,

Your most obedient Servant,

F. HINCKS.

Mr. Crawford moved the following Resolution:—

Resolved, That the Petitioners against the Bill for incorporating the Grand Trunk Railway Company, having had full opportunity of being heard in support of the allegations in their Petition, that they conceive that their rights may be seriously and prejudicially affected by the passage of any Bill empowering other persons or bodies politic, to construct another Road between Kingston and Montreal, it is the opinion of this Committee that they have failed to establish such a case as should prevent the adoption of the preamble of the Bill under the consideration of the Committee, for the following reasons:—

1st. Because it is the opinion of this Committee, that the manner in which the Stock was subscribed, articles of agreement having been previously entered into by three parties to take £596,500 of Stock amongst them, and to procure seven other subscriptions of £500 each, with the other provisions of the said articles of agreement, affords conclusive evidence that such subscription of Stock was not *bonâ fide*, but that such Stock was taken with a design of controlling, if possible, under the pretence of having obtained certain chartered rights, the Legislature and Government of the Country, without whose co-operation it is impossible that the Grand Trunk Railway can be completed within a reasonable time.

2nd. Because there is evidence before the Committee that the Petitioner, in his capacity of Chairman of the Montreal and Kingston Railway Company, voluntarily proposed to the Government to surrender their Charter which had previously been brought into existence by Proclamation upon certain conditions, in order to enable the Government to carry into effect certain arrangements for the construction of the whole Trunk Line from Toronto to the Eastern portion of the Province, which conditions had no particular reference to the private interests of the Shareholders, but to the general interests of the public, interests which, in the opinion of this Committee, may be safely entrusted to the care of the Legislature.

3rd. Because it appears from the letter of Mr. Inspector General Hincks, that after the Subscription Books had been opened a considerable time without any Stock having been taken, a fact admitted in the articles of agreement referred to in a previous Resolution, he on the part of the Government entered into fresh negotiations with Mr. Jackson, acting on behalf of eminent British Contractors, the result of which was an agreement on Mr. Jackson's part, that his Firm would construct the whole Line at a price to be fixed, and be responsible for taking the entire Stock of the Company, on obtaining the Government guarantee for the sum of £3000 sterling per mile.

4th. Because it is apparent that the spirit and letter of the Acts of Parliament passed during the last Session, contemplated that the Government of the Country, acting with a view to protect the interest of the public at large, should have a controlling influence over the construction of the Grand Trunk Line of Railway, and because it has been shewn to the satisfaction of the Committee, that Mr. Inspector General Hincks, acting with the concurrence of the Government, and in co-operation with the Honorable Mr. Chandler, acting on behalf of the Government of the sister Province of New Brunswick, entered into preliminary arrangements to secure the construction by eminent British Capitalists of the entire line between Toronto and Montreal, with a view to the ultimate completion of the line to Halifax by the same influence and means, and in order that the various sections of the Great Trunk Line in Canada, should, as much as possible, be under the same influence and management as the sections in New Brunswick and Nova Scotia, and constructed in a manner superior to American roads, so as to afford to it every chance of obtaining the through traffic from the West, and because it would be highly inexpedient under such circumstances to obstruct an arrangement calculated to be of essential benefit to the Province.

Ordered, That the said Resolution be printed forthwith.

The Honorable Mr. Hincks moved the following Resolution:—

Resolved, That the pretensions of the petitioners to any vested rights such as to prevent the Legislature acting in concurrence with the Government, from adopting such measures to ensure the construction of the Trunk, is wholly at variance with the 26th Clause of the Act of Incorporation 14 and 15 Vic. cap. 143, which provides "That the Provincial Government may at any time, after the commencement of the said Railway, assume the possession and property thereof, and of all the property which the said Company is empowered to hold and shall then have, and of all the rights, privileges and advantages vested in the said Company, all of which shall after such assumption be vested in Her Majesty, on the said Government giving to the Company six months notice of their intention to assume the same," that period being clearly intended to secure the control of the Government over the construction of the Road.

Ordered, That the said Resolution be printed forthwith.

Adjourned until 10 o'clock, to-morrow.

*Saturday, 16th October, 1852.*

PRESENT :

Sir ALLAN NAPIER MACNAB in the Chair.

Messieurs Cauchon, Cartier, Christie of Wentworth, Crawford, Egan, Hincks, Macdonald of Kingston, Robinson, Sicotte, Smith of Durham, Stuart, Taché, and Young.

The Chairman handed to the Clerk a document received by him, containing a letter and detailed estimate of the cost of Kingston and Toronto Railway, from T. C. Keefer, Esquire, which are as follows:—

MONTREAL, 1st October, 1852.

To Sir A. N. MACNAB,

Chairman Standing Committee on Railroads, &c.

Sir,—I have the honor to comply with your request (conveyed to me by the Honorable Mr. McKay,) that I would furnish the Standing Committee with the data upon which I made the estimate for the Grand Trunk Line between Montreal and Toronto.

My estimate for the Montreal and Kingston Line was presented in detail. I presume, therefore, your query has reference principally to the line between Toronto and Kingston, the estimate for which was made, in the shape published, at the request of one of the Directors.

The survey of the Kingston and Toronto Line was made for the Towns and Municipalities along the route, in view of the original Railway Facility Bill, and in view of the fact, that the necessary funds were to be provided chiefly through the credit of certain agricultural districts. There was therefore every reason to study the greatest economy in projecting an undertaking so extensive, and depending so much on delicate contingency of direct taxation. There was also to be considered the competition of the Lake and other ques-

tions which, in my judgment, rendered the success of this section less certain than that of others in the Upper Province. Believing it to be the duty of an Engineer, under such circumstances, to propose the cheapest mode (consistent with efficiency,) of effecting the desired object, I assumed a class of Road which, while it would meet every local want, could be built in the cheapest and most expeditious manner, and by being started upon a proper basis could be gradually made as permanent and substantial as any road in America.

Much stress has been laid upon the cost of bridging this line, and objections have been started to the employment of "trestle-work" by those who are not familiar with the subject. The remarkably favorable characteristics of the line as to grading, &c., have been overlooked. A line which shews earthwork not exceeding twenty thousand yards per mile, of the easiest kind of excavation, can bear a heavy expenditure per mile upon bridges without becoming an expensive road. The surface is so level, and there is such an absence of excavation, that it is cheaper, in crossing valleys, to employ timber than earth. This policy, under similar circumstances, is universal throughout America, and would be so in England had they the timber there as abundant and cheap as we have. Timber is employed freely in the more recent English roads, which have been warned by the extravagance and sunken capital of the earlier ones; and this same policy is pursued on our best roads. The Great Western, for instance, at Fairchild's Creek and other places, where it proves not only the cheapest but the most expeditious mode to secure ultimate permanency. It has never to my knowledge been questioned, until the argument against it was mooted in order to raise the per mile cost of our line with reference to a contract. A good trestle-work is as safe as a new bank, it husbands the funds of the Company, but what is more important, it expedites the opening of the road, thereby saving interest upon all hitherto expended, and putting the road in a position to sustain and complete itself at the earliest possible moment.

With respect to the bridging, it is well known that this is an item, the expense of which may be increased or diminished almost indefinitely at the option or caprice of the Engineer, and I freely admit that I would desire to see more money expended upon it than I felt warranted in proposing to the parties for whom I acted.

In "land damages" the route is highly favorable. All the towns are passed so as to do the least injury to valuable property, and for terminus grounds public property is available. Also, as this line will have but a limited business in connection with the Lake at either terminus, the cost of wharfing is a minimum.

In the abundance of gravel and coarse sand along the line, great economy is secured in the usually expensive item of ballasting.

It will be seen that I have provided for the item of bridging, one hundred and eighty-two thousand pounds (£182,000,) or about eleven hundred pounds per mile, so that whatever representations may be made to the Committee it must be admitted that this item has not been wholly overlooked.

I append to this letter a detailed estimate of this Line.

The estimate for the Montreal and Kingston Road was made under different auspices and for a different class of road. While the estimate for the Toronto and Kingston Line amounted to only £4,425 per mile—that for the Montreal and Kingston Line is £5,340. The increased cost of the lower line is not the result of greater natural difficulties, because with the same class of road and equipment the Montreal and Kingston Line might be made the cheaper of the two—although the route is remarkably smooth, (nearly as much so as the Kingston and Toronto one,) yet as it is more exposed to snow, I have provided for a more elevated road bed. It will have a little more rock, a tougher earth excavation generally, be much better ballasted and much less expensively bridged, than the Kingston and Toronto Line. The increase of the estimate is chiefly due to provision for a better track, a larger amount of Rolling Stock, and more extensive accommodation at the termini.

My estimate for this Road I consider sufficient to secure such a road as the route requires, and equal in every essential feature to any road in America. More money may be expended upon termini, way stations, purchase of land, which items admit of indefinite extension. Iron bridges may be substituted for wood with advantage to the road, if dividends are unimportant, or if capital can be procured below the usual rate of interest. But there is a limit to all this; and with as exalted an opinion of the capabilities of the route between Montreal and Toronto, as is entertained by any one, I would not take the responsibility of very much increasing the amount of my estimate, even with unlimited means at my control;



because I believe it to be the true policy of Canada to build cheap and paying roads, for which her unequalled surface, cheapness of timber, stone and food, and her facilities of access for delivery of materials, through her water and land communications render her pre-eminently calculated.

I beg to call the attention of Your Honorable Committee to the proviso clearly expressed in my estimates :—viz, that they embrace only the cash value of the road ;—and were based on the supposition of the widest competition in the contracts. The distinction is important, because a mode of estimating has been pursued before the Committee which abandons every natural facility we possess, that is, by measuring the cost of our Trunk Line by that of the Ogdensburgh or other expensive American roads, traversing mountainous districts instead of plains, whilst the opposite extreme of cheapness such as the Caghnavaga, Rome and Cape Vincent, and Oswego and Syracuse Roads—have not been allowed their due weight.

|                                                                                          |                 |
|------------------------------------------------------------------------------------------|-----------------|
| The Ogdensburgh Road has paid for interest and loss on sale of bonds<br>the sum of.....  | £1425 per mile. |
| For Engines and Cars.....                                                                | 1375            |
| Buildings, Wharves, &c.....                                                              | 719             |
| And for extra cost of iron over that estimated for Kingston and Toronto<br>Railroad..... | 700             |
|                                                                                          | ————— £4,219    |
| I have provided for Engines, Cars and Buildings only.....                                | £690 per mile.  |
|                                                                                          | ————— £3,529    |
| And my estimate is.....                                                                  | £4425           |
|                                                                                          | —————           |
| Making a cost of.....                                                                    | £7954 per mile. |

for the Kingston and Toronto Line, if estimated on the Ogdensburgh principle. Now if it be admitted that the Kingston and Toronto Line does not require the same expenditure for engines, cars and wharves, and that the saving in the price of iron is legitimate, and bearing in mind that my estimate leaves the “money allowance” an open question, it must be considered as good a one as that of the Ogdensburgh Road at about £8000 per mile. There remains then the difference in the characteristics of the two roads, and the “increased cost of doing work, consequent on the failure of several Contractors” as stated by their Engineer. There was as much excavation in the 118 miles of the Ogdensburgh Road as there need be to grade the 165 miles between Toronto and Kingston, and the quality of this excavation on the former, was much more expensive. The bridging on the Ogdensburgh Line was heavy, but in this item, only the Toronto and Kingston Line will exceed it, every other item of construction, and the per mile cost of construction being heavier than need be on the Canadian Road.

Again, in order to depreciate my estimates, the high reported cost of Railways in the State of New York generally is cited. This cost is in many instances fictitious, not being allowed to declare more than a certain per centage of dividends, the Directors invest their surplus annually in extensions and improvements, and much of what is strictly “Repairs” is charged to “Construction” Account in order to increase the amount of capital invested on which to declare the next year’s dividend.

As a key to the value of the Montreal and Kingston Line, I beg to refer to the estimate of Mr. Stanley, a perfectly competent Engineer (and one who was engaged for a long time upon the Ogdensburgh Road, for the Bytown and Prescott Railway. This road crosses the ridges, and has two summits, while the Trunk Line follows in the valley of the St. Lawrence. Mr. Stanley estimates the cost of this road at £3,628 per mile, exclusive only of Rolling Stock, for which Mr. Stanley provides £450 per mile, making the entire cost £4,078 per mile; or £1,262 per mile less than I have provided for a road running through similar country. I would remark that Mr. Stanley’s estimate contemplated payment in Stock to the extent of 20 per cent; and that the prices at which the work has been let and the grading nearly completed, fully sustain this estimate.

As a parallel to the Kingston and Toronto Line I would cite the Toronto, Simcoe, and Huron Road. This line, I am informed from reliable sources, will not exceed an average of 20,000 yards of excavation per mile; the bridging is very light, and the superstructure under £1,200 per mile. The actual cost of the line, therefore, to the Contractors, in cash, will be about the amount of the Government guarantee, probably less than the proceeds of

that guarantee at the present rates of premium; and about £1,000 per mile *less* than my estimate for the Toronto and Kingston Line.

I trust the Committee may see fit to refer by estimate to competent and disinterested Engineers—to the Chief Engineer of the Great Western, the Toronto and Guelph, or the Ogdensburgh Railroad, but I have a right to challenge the evidence of Engineers who may fairly be presumed to be in a position to desire or to submit to my estimates being set aside. I have explained fully upon what principles my estimates have been based, and will cheerfully afford the Committee every information on a subject to which I have given so much attention; but I have felt it due to myself that I should enter into the foregoing explanations, in order that, after having surveyed and estimated for a line of Railway according to the wants and wishes of the country at one period. If after this, other counsels prevail, I shall not be unjustly charged with having deceived my employers, or be sacrificed professionally to a sudden discovery in our Railway history, which it was impossible for my unpretending estimates to foresee.

I have the honor to be, Sir,

Your obedient Servant,

THOS. C. KEEFER.

APPROXIMATE ESTIMATE of the cost of the Kingston and Toronto Railway:—

|                                                                                                                              |                                                                                                                                                                                                                                           |   |         |   |   |
|------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---------|---|---|
| 1.—Land, &c., 2000 acres, average £10 .....                                                                                  | £20,000                                                                                                                                                                                                                                   | 0 | 0       |   |   |
| Cattle Guards and Passes .....                                                                                               | 5,000                                                                                                                                                                                                                                     | 0 | 0       |   |   |
| (The average value of a "Cattle Guard" may be set down at £15,<br>and "Cattle Passes" at £45.)                               |                                                                                                                                                                                                                                           |   |         |   |   |
| Road and Farm Crossings .....                                                                                                | 7,200                                                                                                                                                                                                                                     | 0 | 0       |   |   |
| (Road Crossings "on a level" cost £15, and run up to £500. This<br>line being very level, nearly all are "level crossings.") |                                                                                                                                                                                                                                           |   |         |   |   |
| Fencing .....                                                                                                                | $\left. \begin{array}{l} 640 \text{ rods at } 2\text{s. } 6\text{d.} \dots\dots\dots \text{£}80 \\ \text{at Farm Crossings, about } 15 \\ \text{at Road do do about } 4 \end{array} \right\} \text{£}99 \text{ per mile} \dots\dots\dots$ |   | 16,300  | 0 | 0 |
|                                                                                                                              |                                                                                                                                                                                                                                           |   | £49,500 | 0 | 0 |

(Or an average of £300 per mile.)

|                                          |        |    |            |   |   |
|------------------------------------------|--------|----|------------|---|---|
| 2.—Clearing 685 acres, at £3 10s.....    | £2,397 | 10 | 0          |   |   |
| Grubbing 30,000 square rods, at 5s ..... | 7,500  | 0  | 0          |   |   |
|                                          |        |    | Say £9,900 | 0 | 0 |

(Or an average of £60 per mile.)

|                                                              |          |   |          |   |   |
|--------------------------------------------------------------|----------|---|----------|---|---|
| 3.—Grading 3,300,000 cubic yards light excavation, 8½d ..... | £116,875 | 0 | 0        |   |   |
| 80,000 cubic yards limestone rock, 2s. 6d.....               | 10,000   | 0 | 0        |   |   |
| Masonry 43,000 cubic yards bridge masonry, 30s .....         | 64,500   | 0 | 0        |   |   |
| 9,500 cubic yards culvert, 10s. ....                         | 4,500    | 0 | 0        |   |   |
| Bridging 13,000 lineal feet bridging, 1st class, 125s .....  | 81,250   | 0 | 0        |   |   |
| 13,000 do do 2nd class and tresling, 30s .....               | 19,500   | 0 | 0        |   |   |
| Foundations for Masonry . .....                              | 16,875   | 0 | 0        |   |   |
|                                                              |          |   | £313,500 | 0 | 0 |

(Or an average of £1,900 per mile.)

4.—Ballasting, 350,000 cubic yards, at 1s ..... £16,500 0 0  
 Being £275 per mile on the sixty miles requiring it, or an average  
 of £100 per mile for the whole distance.

5.—Superstructure, (on one mile of road):—

|                                                           |            |
|-----------------------------------------------------------|------------|
| 2,200 ties, at 1s .....                                   | £110 0 0   |
| 15,000 lbs. cast chairs, 1 $\frac{3}{4}$ d .....          | 109 7 6    |
| 6,000 lbs. spikes, 1 $\frac{1}{2}$ d .....                | 37 10 0    |
| (a) 100 tons of iron, £8 .....                            | 800 0 0    |
| Laying track per mile .....                               | 75 0 0     |
| Hauling and distributing materials .....                  | 60 0 0     |
| Subsills were required (average for whole distance) ..... | 20 0 0     |
| Frogs, slide blocks, switchwork, &c.....                  | 38 2 6     |
| (Average per mile.)                                       | £1,250 0 0 |

6.—Wood and Water Stations, and Sidings and Way Stations:—

|                                           |             |
|-------------------------------------------|-------------|
| 16 wood and water stations, at £250 ..... | £4,000 0 0  |
| 16 way stations, at £375 .....            | 6,000 0 0   |
| Sidings .....                             | 4,850 0 0   |
| (Average £90 per mile.)                   | £14,850 0 0 |

7.—Furniture, &c.:—

|                                            |             |
|--------------------------------------------|-------------|
| 10 Locomotives at £2000 each.. .....       | £20,000 0 0 |
| 12 passenger cars at £500 each .....       | 6,000 0 0   |
| 100 covered freight do, at £155 each ..... | 15,500 0 0  |
| 100 platform do, at 130 each .....         | 13,000 0 0  |
| 100 gravel do, at 70 each .....            | 7,000 0 0   |
| 200 hand do, at 25 each .....              | 5,000 0 0   |
| Machinery for machine shop.....            | 2,500 0 0   |
| Engine houses, termini, &c .....           | 30,000 0 0  |
|                                            | £99,000 0 0 |

Or an average of £600 per mile.

8.—Engineering, £125 per mile.

THOS. C. KEEFER.

Montreal, 1st October, 1852.

(a.) The Iron was estimated at the market rates in June, 1851. That this was an ample estimate is proved by the fact that in June, 1852, the Montreal and New York Railroad Company got their Iron delivered at the wharf, Caughnawaga, at £7 per ton.

N.B.—The Iron for the "Sidings" is provided for in the allowance of 100 tons per mile in the "Superstructure," (No. 5), which requires only 94 $\frac{1}{2}$  tons of 60 lbs. rail for one mile of main track.

Mr. Crawford's Resolution, proposed yesterday, was again read, and moved for adoption.

Honorable Mr. Young moved in amendment, That all after the word "Resolved" be expunged, and the following inserted:—That the Petitioners against the Bill incorporating the Grand Trunk Railway Company, having had opportunity of being heard in support of the allegation in the Petition, that they conceive that their rights may be seriously and prejudicially affected by the passage of any Bill empowering other persons or bodies politic to construct another Road between Kingston and Montreal, it is the opinion of this Committee, that they have established such a case as should prevent the adoption of the preamble of the Bill under the consideration of the Committee, for the following reasons:—

1st. Because the interests of the Province imperatively require the immediate construction of a line of Railway from Toronto to Montreal. Because in view of the great importance of securing the establishment of the various branches of industry within the Province, connected with the construction and equipment of the Railway, giving employment to our own mechanics—increasing the vitality of those works now in existence, and causing the introduction of many new and important establishments—it is most desirable that the construction of the said Railway should be intrusted to Provincial Companies—managed and controlled by residents within the Province. Because, the Legislature has, consistently with this policy, granted two several Charters, 14 & 15 Vic. cap. 143 and 146, for the construction of the said Railway, and because, in the absence of the means heretofore anticipated, that the said works could be built by the Province itself with the aid of the Imperial credit—the Governor in Council has declared the said Acts to be in force, and that they form part of the Grand Trunk Railway of this Province—and because the remaining sections of the said Grand Trunk Railway have been so constructed and controlled.

2nd. Because it appears, from the following cases and opinions of the Honorable L. H. Lafontaine, and the Honorable Henry Black, and John Rose, Esquire, that the subscription of Stock made on the 23rd August, 1852, in the Montreal and Kingston Railway Company, and the subsequent action taken therein, has been in strict accordance with law, and constitutes the said Company part of the Grand Trunk Railway of Canada, thereby entitling them, in compliance with the requirements of law, to the guarantee of this Province:—

MONTREAL AND KINGSTON RAILWAY COMPANY,

Quebec, 13th October, 1852.

The Honorable HENRY BLACK, Q.C., Quebec.

Sir,—I herewith place before you copy of letter of 12th instant, addressed to the Railroad Committee on behalf of the Montreal and Kingston Railway Company, with the evidence therein referred to, as bearing upon their position as opponents of the proposed Bill for incorporating the Grand Trunk Railway of Canada. And I request your opinion on the following points:—

First.—Do the preliminary articles signed by Mr. Holton, Mr. McPherson, and Mr. Galt, before the subscription of Stock, make their subsequent subscription of Stock in any way conditional as affects the rights of any except themselves. And do those articles affect in any way the legal existence of the Company?

Secondly.—Does the letter of Mr. Holton, as Chairman of the Company, dated 4th October, amount to a withdrawal of the rights and resignation of the Charter of the Company?

Thirdly.—Has the Company, in your opinion, a legal existence as claimed by us? And does it, in fact, form part of the Grand Trunk Railway of Canada, and thereby entitled to the guarantee of the Province?

I have the honor to be, Sir,  
Your most obedient Servant,

A. T. GALT,  
Vice-President M. and K. R. R. C.

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 OPINION.
 

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Upon the first question, I am of opinion that the preliminary articles do not make the subsequent subscriptions of Messrs. Holton, McPherson, and Galt conditional,—The agreement contained in those articles is binding upon the signers as among themselves, but does not affect the unconditional obligation they contracted with the Corporation by their subsequent subscription for Stock. Nor can I see that these articles in any way affect the legal existence of the Corporation.

Upon the second question, I am of opinion that the letter of Mr. Holton, dated 4th October, and signed by him as President of the Company, does not in law amount to a surrender of the Corporation rights of the Company; how far that letter if written with the knowledge and assent of all the other members of the Corporation may impose on them moral obligation to assent to the repeal of their corporate rights by the Legislature, upon the terms mentioned in the letter, rest with them to determine.

Upon the third question, I think the Company has a legal existence; and assuming the Proclamation of the 7th August last, to be regular and valid. I think the Railway which the Company is authorized to construct, if made upon the line which the Governor in Council shall have determined and appointed, as best adapted to promote the general interests of the Province, will be part of the Main Trunk Line of Railway, and that the Company upon complying with the requirements of the law, will be entitled to the guarantee of the Province.

(Signed,) H. BLACK.

Quebec, 14th October, 1852.

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I certify the foregoing to be a true copy of the original document.

THOS. C. KEEFER.

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 CASE.
 

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Messrs. Holton, Galt and McPherson entered into the agreement, which is here submitted, regarding their contemplated subscription to the Montreal and Kingston Railway Company. They subsequently, with seven others, to the extent of £500 Currency, each, signed unconditionally the Subscription Book, which had been kept open for several days:—  
 Messrs. Galt & Holton for                      shares each, and Mr. McPherson for                      shares,

The opinion of the Counsel is now required.

1st. Whether the subscription by these three gentlemen, under the circumstances, was a legal subscription for the Stock, vesting them thereby with it, and entitling them with the others to organize the Company; and whether, under such a subscription, assuming the subsequent proceedings to be regular as to the appointment of a Committee and Directors, the Company have a legal corporate existence.

Having further reference to the letter of the Honorable Francis Hincks, and the reply of Luther H. Holton, both herewith submitted, the opinion of Counsel is further requested.

2ndly. Whether, assuming Mr. Holton to be legally the President of the Company, that letter involves a legal surrender of its corporate rights.

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 COPY OF OPINION OF HON. L. H. LAFONTAINE,
 

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MONTREAL, 15th August, 1852.

Sir,—I have examined the case which you have submitted for my opinion on the part of

the Montreal and Kingston Railway Company; also the agreement and correspondence therein referred to.

To the first question I answer "Yes!" The private agreement alluded to as having been entered into by Messrs. Holton, Galt, and McPherson, can not affect in a legal point of view, their subscription for the Stock, and their liability consequent thereon towards the said Company and the other members thereof.

To the second question I answer "No!" Any such letter from the President cannot involve a legal surrender unless duly authorized by the Company.

I have the honor to be,

Your most obedient Servant,

(Signed,)

L. H. LAFONTAINE,  
Advocate.

I certify the above to be a true copy of the original.

THOS. C. KEEFER.

COPY OF THE OPINION OF JOHN ROSE, Esq.

The private agreement between the three Subscribers in no way controlled the legal effect of the subscription. At most it was but an undertaking as between each other, which could neither involve them in obligations towards or relieve them from their liability to the Corporation or third parties. The act of subscription, by the terms of the law, gave certain rights and involved certain public responsibilities which no private agreement could lessen or affect. I am therefore of opinion, assuming a compliance with other prescribed formalities, that the persons mentioned were fully entitled to organize the Company, and that acts done under the subscription were valid to affect a legal constitution of the Corporation.

On the 2nd Question:—It is quite manifest that the President had no legal power without the formal assent of every Stockholder to surrender the corporate rights, and even if that assent had been given the mere expression by letter is entirely inoperative to accomplish the object.

No surrender by corporate bodies created by Act of Parliament would be valid without Legislative action.

(Signed,) JOHN ROSE.

13th September, 1852.

I certify the above to be a true copy of the original.

THOS. C. KEEFER.

3rd. Because the grant of a Charter to other parties for the same purposes as those contemplated by the Montreal and Kingston Railroad Company, and the proposal to give them the guarantee of the Province, is a most dangerous violation of vested rights involving the most serious injury to the best interests of the Province, and tending to bring into contempt all Charters granted by the Legislature of Canada, destroying confidence in the good faith of the people, and reducing their credit to a par with that of those countries which have repudiated their most solemn engagements, and departed from those strict principles of national faith and honor, which are, and ought to be, regarded as the most sacred trust committed to the protection of the Legislature.

4th. Because no reason of public policy demands the surrender of the Charter of the Montreal and Kingston Railway Company, nor justifies, in the slightest degree, any interference with the rights acquired under that Charter. Because the said Company have never waived rights nor admitted their inability to proceed with the work, but have uniformly, through their Chairman, affirmed the contrary, while they have expressed their willingness,

after being heard, to place their charter at the disposal of the Legislature. Because, although a hearing has been accorded them, they have not been permitted to adduce evidence on their behalf, notwithstanding the fact that they have satisfied this Committee of their ability by three several tenders from perfectly responsible parties, accompanied by ample security, to complete the Railway in 1855, in the most substantial manner, at prices varying from £6250 currency to £6000 sterling per mile, including every charge, and have offered to limit their claim for Provincial aid to a sum not exceeding £2500 sterling per mile, being £500 per mile less than claimed by the parties applying for a Charter, and because they are fully prepared to proceed at once with the work, having already paid up £60,000 of their Capital.

5th. Because it appears from the evidence of Mr. Inspector General Hincks, that the applicants for a Charter, propose to contract for the construction of their Railway, with certain English Contractors for the large sum of £7,600 sterling per mile, placing the entire Stock in their hands, whereby all the indirect advantages arising from the control and management being in the Province will be lost, and no sufficient protection afforded to the future Stockholders against an excessive price being paid, to their great individual loss, and to the future withdrawal of all confidence in Provincial undertakings, as profitable investments. Because an examination of the terms of the contract for the Quebec and Richmond Railroad, which also forms part of the Grand Trunk Railway, has fully satisfied the Committee, that the pretensions of the said Contractors of building a Railroad of superior character to American Roads are delusive and unwarranted, inasmuch as the specifications for that Road, do no permit the possibility of its being a road even equal in character and capacity to other Roads now in this Province and adjoining States. Because the Committee believe the price proposed to be given under the proposed Charter, so far as evidence has been adduced, is excessive and is in itself a sufficient reason for withholding an Act of Incorporation from the parties. And because there have been no attempts made by the applicants to satisfy this Committee that the guarantee of the Province of £3000 sterling per mile, would be protected, by sufficient specifications ensuring the construction of a road of character equal to that contemplated by the Montreal and Kingston Railroad Company.

6th. Because the Montreal and Kingston Railway Company are prepared and ought to be permitted at once to proceed with their Railroad, and because it would be highly inexpedient, under such circumstances, to obstruct the immediate prosecution of a work of such essential benefit to this Province.

7th. Because no evidence has been adduced to show that either the applicants or the Contractors named by the Governor General have the ability to construct the work. And because they demand an entire year before they undertake to commence the work, and place its completion one year later than is required by the Montreal and Kingston Railroad Company.

And the Question being put on the Amendment, the Committee divided.

Yeas :

Messrs. Macdonald (of Kingston), and Young,—2.

Nays :

Messrs. Cartier, Cauchon, Christie (of Wentworth,) Crawford, Egan, Hincks, Robinson, Smith (of Durham), Stuart, and Taché,—10.

So it passed in the Negative.

The Question being then put on Mr. Crawford's Resolutions, the Committee divided.

Yeas :

Messrs. Cartier, Cauchon, Crawford, Egan, Hincks, Smith (of Durham), and Taché,—7.

Nays :

Messrs. Christie (of Wentworth,) Macdonald (of Kingston,) Robinson, Stuart, and Young,—5.

So it was carried in the Affirmative.

The Honorable Mr. Young moved that it be Resolved, That in the absence of Engineers and Contractors intimately acquainted with the construction of Railroads, further evidence, as to the cost of Roads should be placed before the Committee, and that therefore the following parties should be summoned as witnesses:—Mr. Shlatter, Engineer of the Ogdensburgh Railroad, the Engineer of the Rutland Railroad, the Engineer of the Vermont and Central Railroad, the President of the Vermont and Central Railroad, the President of the

Rutland Railroad, the President of the Ogdensburgh Railroad, the Engineer of the Montreal and New York Railroad, and the President of the Montreal and New York Railroad.

And the Question being put; the Committee divided :—

Yeas :

Messieurs Macdonald of Kingston, and Young,—2.

Nays :

Messieurs Cartier, Cauchon, Crawford, Egan, Hincks, Robinson, Smith of Durham Stuart, and Taché,—9.

So it passed in the Negative.

The Committee then proceeded to take up the Bill to incorporate the Grand Trunk Railway Company of Canada.

William Jackson, Esquire, M.P. ; Alexander Ross, Esquire, Civil Engineer, and A. C. Morton, Esquire, Civil Engineer, were called in.

The Preamble of the Bill was adopted.

Clause 1, amended (by more particularly defining the route).

Clauses 2 and 3, agreed to.

Clause 4, (declaring amount of capital) was read.

A. C. Morton, Esquire, examined :—

Q. 44. You have seen the specifications prepared by Mr. Jackson for the proposed Main Trunk Railway; and would such a Road as they describe be a First Class Road?—These specifications provide for a Road of a most superior character, and much above the standard of the New England Railroads, which are considered the best in the United States.

Q. 45. Do you know anything of "Annual Report of the State Engineer and Surveyor of the Railroad Statistics of the State of New York," now shewn to you?—I know it to be an authentic document, and am acquainted with the writer.

Q. 46. What is the average cost of the various Railroads in the State of New York according to that Report?—The average is about \$43,000 or £11,000 Currency, per mile; some of these Roads have a double track, but reducing the whole to a single track, would make them average about \$40,000 or £10,000 per mile.

Q. 47. Are the bridges upon these Railroads constructed of wood or of iron?—They are all wooden bridges.

Q. 48. Do you know anything of the cost of the Railroads in the New England State?—The Cheshire Road cost upwards of \$50,000 per mile, and the Western Road about \$66,000.

Clause 4, was then amended, and agreed to.

Clauses 6, 9, 15, 17, to 21, 23 and 24, were agreed to, without amendment.

Clause 8 (authorizing the Company to increase their Capital Stock if required), was expunged.

Clauses 5, 7, 10 to 14, 16, 22, 25, 26 and 27, were amended.

Clause A. (allowing Directors to vote by proxy) inserted after the thirteenth Clause.

Clause B. (empowering the Company to renounce the Government guarantee if they see fit at any future time) inserted after the last Clause.

The draft of a Report upon the said Bill was submitted by the Chairman, agreed to by the Committee, and ordered to be presented to the House.



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# R E T U R N

To an Address from the Legislative Assembly to the Governor General, dated 20th September, 1852; praying His Excellency to cause to be laid before the House,—1st. A Return of the number of Actions instituted, and the number adjudicated on, before the Commissioners' Courts in Lower Canada, for the year past, if the Government has been able to procure the same; specifying at the same time in what County, Parish, or Township such Actions were respectively instituted or adjudicated on, together with the number of Commissioners at present acting as such, in such Parish or Township. 2nd. Copies of the Tariff or Tariffs of the Circuit and Superior Courts, and Court of Appeals, respectively, as directed to be made by the Act 12 Vic. caps. 38 and 40, before 1st January, 1851, and by what Judges such Tariff or Tariffs were signed; and a Statement as to whether or not Tariffs have been separately made for Circuit or District Courts. 3rd. Copies of all Tariffs made to this date for any of the said Courts since the 1st January, 1851, if any such have been made, either amending the one existing previously, or remodelling it entirely; and by what Judges they were signed, either for Circuit or District Courts, generally or individually. 4th. Copies of any Tariff or Tariffs made by virtue of the Act 14 & 15 Vic. cap. 95, and by what Judge or Judges such Tariffs were signed in the Judicial Districts respectively of Canada East.

By Command.

A. N. MORIN,

Secretary.

Secretary's Office,

18th October, 1852.

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ABSTRACT of STATEMENTS of CASES brought before the COMMISSIONERS' COURTS in LOWER CANADA, from the 1st May, 1851, to the 1st May, 1852.

| DISTRICT.   | COUNTY.       | PARISH or TOWNSHIP.                         | Number of Summons issued.         | Number of Cases returned into Court. | Number of Judgments rendered. | Number of Executions issued. | Number of Commissioners. |   |
|-------------|---------------|---------------------------------------------|-----------------------------------|--------------------------------------|-------------------------------|------------------------------|--------------------------|---|
| QUEBEC      | Saguenay      | Parish of St. Etienne de la Malbaite        | 110                               | 85                                   | 73                            | 30                           | 7                        |   |
|             |               | Township of Bagot                           | 83                                | 62                                   | 48                            | 9                            | 6                        |   |
|             |               | Parish of Eboutiens                         | 20                                | 13                                   | 7                             | 4                            | 5                        |   |
|             | Quebec        | do                                          | St. Ambroise de Jeune Lorette     | 55                                   | 82                            | 82                           | .....                    | 3 |
|             |               | do                                          | Cap Santé                         | 119                                  | 83                            | 51                           | 11                       | 5 |
|             |               | do                                          | Deschambault                      | 90                                   | 81                            | 60                           | 3                        | 6 |
|             | Portneuf      | do                                          | Ste. Catherine                    | 122                                  | 79                            | 68                           | 6                        | 3 |
|             |               | do                                          | St. Anne de la Pérade             | 73                                   | 29                            | 23                           | .....                    | 3 |
|             |               | do                                          | St. Geneviève de Batiscan         | 230                                  | 192                           | 143                          | 34                       | 4 |
|             | THREE RIVERS. | Champlain                                   | do                                | St. Anne d'Yamachiche                | 49                            | 41                           | 33                       | 8 |
| do          |               |                                             | St. Antoine de la Rivière du Loup | 57                                   | 11                            | 85                           | 3                        | 4 |
| do          |               |                                             | St. Joseph de Maskinongé          | 90                                   | 74                            | 41                           | 9                        | 5 |
| St. Maurice |               | do                                          | St. Ursule                        | 76                                   | 40                            | 35                           | 4                        | 4 |
|             |               | do                                          | St. Barnabé                       | 14                                   | 4                             | 3                            | .....                    | 3 |
|             |               | do                                          | St. Léon LeGrand                  | 91                                   | 52                            | 43                           | .....                    | 3 |
|             |               | do                                          | St. Bernier                       | 87                                   | 60                            | 53                           | 8                        | 5 |
|             |               | do                                          | St. Barthelomy                    | 51                                   | 30                            | 26                           | 2                        | 3 |
|             |               | do                                          | St. Cuthbert                      | 54                                   | 28                            | 20                           | 5                        | 3 |
|             |               | do                                          | St. Elizabeth                     | 78                                   | 49                            | 47                           | 10                       | 5 |
| Berthier    | do            | St. Paul de Lavallrie                       | 32                                | 19                                   | 14                            | 2                            | 3                        |   |
|             |               | St. Charles Borromée du Village d'Industrie | 176                               | 112                                  | 112                           | 9                            | 3                        |   |
|             |               | St. Ambroise de Kildare                     | 62                                | 54                                   | 46                            | 5                            | 5                        |   |
|             | do            | St. Felix de Valois                         | 163                               | 124                                  | 107                           | 17                           | 3                        |   |
|             |               | St. Gabriel de Brandon                      | 176                               | 157                                  | 134                           | 55                           | 3                        |   |
|             |               | St. Joseph de Lanoraie                      | 40                                | 19                                   | 18                            | .....                        | 3                        |   |
|             |               | St. Thomas de North Jersey                  | 6                                 | 6                                    | 7                             | 1                            | 5                        |   |
|             |               | L'Assomption                                | 33                                | 8                                    | 6                             | 2                            | 2                        |   |
|             |               | do                                          | St. Jacques                       | 203                                  | 72                            | 68                           | 6                        | 3 |

| DISTRICT.  | COUNTY. | TOWNSHIP or PARISH.                             | Number of Summons issued.   | Number of Cases returned into Court. | Number of Judgments rendered. | Number of Executions issued. | Number of Commissioners. |   |
|------------|---------|-------------------------------------------------|-----------------------------|--------------------------------------|-------------------------------|------------------------------|--------------------------|---|
| LEINSTER   | do      | Township of Rawdon                              | 128                         | 90                                   | 69                            | 14                           | 5                        |   |
|            |         | Parish of St. Roch l'Achigan                    | 41                          | 27                                   | 27                            | 6                            | 2                        |   |
|            |         | do                                              | St. Esprit                  | 43                                   | 68                            | 50                           | 5                        | 4 |
|            | do      | do                                              | St. Henri de Mascouche      | 57                                   | 37                            | 24                           | 6                        | 3 |
|            |         | do                                              | St. Lin                     | 147                                  | 90                            | 48                           | 15                       | 4 |
|            |         | do                                              | St. Rose de Lima            | 144                                  | 119                           | 105                          | 7                        | 4 |
|            |         | do                                              | St. Anne des Plaines        | 50                                   | 44                            | 32                           | 3                        | 3 |
|            |         | do                                              | St. Thérèse de Blainville   | 79                                   | 65                            | 60                           | 17                       | 3 |
|            |         | do                                              | St. Jérôme                  | 470                                  | 308                           | 252                          | 28                       | 5 |
|            |         | do                                              | St. Janvier de Blainville   | 59                                   | 47                            | 29                           | 6                        | 5 |
| TERREBONNE | do      | Lacorne                                         | 31                          | 24                                   | 23                            | 1                            | 4                        |   |
|            |         | St. Eustache                                    | 300                         | 128                                  | 98                            | 17                           | 3                        |   |
|            |         | St. Scholastique                                | 88                          | 54                                   | 50                            | 9                            | 3                        |   |
|            | do      | St. Benoit                                      | 95                          | 65                                   | 51                            | 6                            | 4                        |   |
|            |         | St. Hermas                                      | 42                          | 36                                   | 34                            | 3                            | 3                        |   |
|            |         | St. Marie Magdeleine d'Argenteuil               | 85                          | 67                                   | 54                            | 10                           | 3                        |   |
|            |         | St. Jevusalem d'Argenteuil                      | 49                          | 37                                   | 37                            | 10                           | 4                        |   |
|            |         | Township of Chatham                             | 63                          | 62                                   | 36                            | 5                            | 4                        |   |
|            |         | do                                              | Grenville & Union           | 50                                   | 33                            | 31                           | 4                        | 3 |
|            |         | do                                              | Notre Dame de Bonsecours    | 77                                   | 51                            | 49                           | 17                       | 3 |
| MONTREAL   | do      | Township of Lochaber                            | 138                         | 114                                  | 101                           | 18                           | 4                        |   |
|            |         | do                                              | Buckingham                  | 24                                   | 23                            | 23                           | 3                        | 8 |
|            |         | do                                              | Hull                        | 65                                   | 54                            | 38                           | 12                       | 5 |
|            | do      | do                                              | Clarendon                   | 71                                   | 51                            | 44                           | 7                        | 5 |
|            |         | do                                              | Bristol                     | 41                                   | 29                            | 29                           | 7                        | 5 |
|            |         | do                                              | Wakefield                   | 42                                   | 14                            | 32                           | 3                        | 5 |
|            |         | do                                              | Calumette Island            | 60                                   | 53                            | 31                           | 2                        | 3 |
|            |         | Township of Masham                              | 24                          | 17                                   | 17                            | 2                            | 3                        |   |
|            |         | Parish of St. Joseph de la Rivière des Prairies | 83                          | 50                                   | 27                            | 2                            | 3                        |   |
|            |         | do                                              | St. Michel de Lachine       | 72                                   | 50                            | 50                           | 12                       | 2 |
| MONTREAL   | do      | do                                              | St. Geneviève               | 69                                   | 58                            | 49                           | 13                       | 4 |
|            |         | do                                              | Sault au Recollet           | 87                                   | 56                            | 43                           | 13                       | 3 |
|            |         | do                                              | Vaudreuil                   | 106                                  | 73                            | 70                           | 17                       | 4 |
|            | do      | do                                              | Rigaud                      | 140                                  | 109                           | 88                           | 17                       | 3 |
|            |         | do                                              | St. Ignace du Coteau du Lac | 94                                   | 72                            | 68                           | 27                       | 4 |
|            |         | do                                              | St. Zotique                 | 149                                  | 133                           | 94                           | 11                       | 5 |
|            |         | do                                              | St. Polcarpe                | 111                                  | 107                           | 61                           | 9                        | 6 |
|            |         | do                                              | Township of Dundee          | 154                                  | 112                           | 77                           | 25                       | 1 |
|            |         | do                                              | St. Anicet                  | 25                                   | 24                            | 16                           | 7                        | 5 |
|            |         | do                                              | St. Anicet                  | 77                                   | 42                            | 41                           | 8                        | 3 |

ABSTRACT of STATEMENTS of CASES brought before the COMMISSIONERS' COURTS in LOWER CANADA, &c.—(Continued.)

| DISTRICT.                               | COUNTY.                      | PARISH or TOWNSHIP.                 | Number of Summonses issued. | Number of Cases returned into Court. | Number of Judgments rendered. | Number of Executions issued. | Number of Commissioners. |
|-----------------------------------------|------------------------------|-------------------------------------|-----------------------------|--------------------------------------|-------------------------------|------------------------------|--------------------------|
| MONTREAL—<br>(Continued.)               | Beauharnois—<br>(Continued.) | Township of Hinchinbrooke           | 63                          | 56                                   | 41                            | 10                           | 5                        |
|                                         |                              | do Hemmingford                      | 85                          | 76                                   | 38                            | 9                            | 3                        |
|                                         |                              | Parish of St. Jean Chrysostome      | 272                         | 252                                  | 137                           | 19                           | 4                        |
|                                         |                              | do St. Timothée                     | 453                         | 390                                  | 256                           | 97                           | 5                        |
|                                         |                              | do St. Clément                      | 388                         | 281                                  | 233                           | 38                           | 4                        |
|                                         |                              | Township of Godmanchester           | 69                          | 68                                   | 32                            | 12                           | 5                        |
|                                         |                              | Parish of Ste. Martine              | 408                         | 462                                  | 240                           | 22                           | 6                        |
|                                         |                              | do St. Louis de Gonzague            | 363                         | 324                                  | 219                           | 48                           | 3                        |
|                                         |                              | Township of Elgin                   | 110                         | 20                                   | 84                            | 27                           | 3                        |
|                                         |                              | Parish of St. Joachim de Chateaugay | 110                         | 110                                  | 71                            | 1                            | 6                        |
|                                         |                              | do St. Remy                         | 113                         | 80                                   | 48                            | 21                           | 2                        |
|                                         |                              | do St. Philippe                     | 216                         | 165                                  | 145                           | 19                           | 5                        |
|                                         |                              | do St. Edouard                      | 181                         | 166                                  | 139                           | 20                           | 2                        |
|                                         |                              | Seignior of Lacolle                 | 57                          | .....                                | 39                            | 6                            | 5                        |
|                                         |                              | Parish of St. Valentin              | 273                         | 158                                  | 133                           | 25                           | 4                        |
| do St. Cyprien                          | 74                           | 56                                  | 38                          | 5                                    | 5                             |                              |                          |
| do Ste. Philomene de Chateaugay         | 17                           | 10                                  | 8                           | 1                                    | 1                             |                              |                          |
| do St. François Xavier, Sault St. Louis | 52                           | 40                                  | 24                          | 8                                    | 5                             |                              |                          |
| Township of St. Patrick de Sherrington  | 210                          | 170                                 | 146                         | 16                                   | 5                             |                              |                          |
| Parish of L'Acadie                      | 57                           | 38                                  | 31                          | 2                                    | 5                             |                              |                          |
| do St. Isidore                          | 150                          | 85                                  | 75                          | 18                                   | 3                             |                              |                          |
| do La Prairie                           | 12                           | 11                                  | 11                          | .....                                | 3                             |                              |                          |
| do St. Luc                              | 68                           | 26                                  | 26                          | 4                                    | 5                             |                              |                          |
| do Longueuil                            | 178                          | 114                                 | 114                         | 35                                   | 3                             |                              |                          |
| do St. John's                           | 219                          | 148                                 | 148                         | 37                                   | 3                             |                              |                          |
| Chambly                                 | 41                           | 28                                  | 21                          | .....                                | 2                             |                              |                          |
| do Roucherville                         | 86                           | 73                                  | 70                          | 8                                    | 5                             |                              |                          |
| do Varennes                             | 181                          | 91                                  | 77                          | 5                                    | 4                             |                              |                          |
| do Belœil                               | 43                           | 24                                  | 21                          | 3                                    | 3                             |                              |                          |
| do Verchères                            | 40                           | 16                                  | 24                          | 3                                    | 4                             |                              |                          |
| do St. Antoine                          | .....                        | .....                               | .....                       | 1                                    | 4                             |                              |                          |

|                              |           |                                  |     |       |     |       |   |
|------------------------------|-----------|----------------------------------|-----|-------|-----|-------|---|
| ST. FRANCIS                  | Richelieu | Sorel                            | 137 | 88    | 84  | 12    | 6 |
|                              |           | do St. Aimé                      | 221 | 132   | 98  | 9     | 4 |
|                              |           | do St. Ours                      | 57  | 42    | 22  | 5     | 4 |
|                              |           | do St. Jude                      | 55  | 36    | 27  | 6     | 3 |
|                              |           | do St. Denis                     | 52  | 20    | 9   | 4     | 3 |
|                              |           | do St. Charles                   | 62  | 39    | 31  | 4     | 3 |
|                              |           | do Ste. Victoire                 | 5   | 4     | 3   | ..... | 4 |
|                              |           | do St. Hugues                    | 90  | 83    | 37  | 5     | 3 |
|                              |           | do St. Pie                       | 184 | 128   | 98  | 16    | 4 |
|                              |           | do St. Hyacinthe                 | 367 | 248   | 206 | 41    | 5 |
|                              |           | do St. Danase                    | 41  | 25    | 24  | 6     | 3 |
|                              |           | do St. Césaire                   | 316 | 284   | 172 | 20    | 3 |
|                              |           | do St. Simon                     | 29  | 14    | 14  | 4     | 3 |
|                              |           | do St. Jean Baptiste de Rouville | 127 | 2     | 54  | 10    | 4 |
|                              |           | do St. Marie de Monnoir          | 218 | 182   | 123 | 19    | 4 |
| do St. Grégoire LeGrand      | 158       | 127                              | 59  | 14    | 3   |       |   |
| do Ste. Brigitte de Monnoir  | 92        | 82                               | 54  | 6     | 4   |       |   |
| do St. Athanase              | 265       | 235                              | 132 | 44    | 3   |       |   |
| do St. George de Henryville  | 294       | 272                              | 155 | 23    | 5   |       |   |
| do St. George, Clarenceville | 160       | 154                              | 110 | 4     | 4   |       |   |
| do St. Thomas                | 28        | 27                               | 13  | 4     | 2   |       |   |
| Township of Milton           | 135       | 127                              | 121 | 32    | 5   |       |   |
| do Shefford                  | 98        | 78                               | 65  | 20    | 2   |       |   |
| do Stukely                   | 281       | 203                              | 164 | 24    | 2   |       |   |
| do Farnham                   | 196       | 142                              | 142 | 41    | 5   |       |   |
| do Roxton                    | 79        | 59                               | 51  | 17    | 7   |       |   |
| do Stanbridge                | 148       | 114                              | 73  | 10    | 4   |       |   |
| do Dunham                    | 82        | 62                               | 49  | 9     | 2   |       |   |
| Parish of St. Armand, West   | 134       | 130                              | 130 | 120   | 3   |       |   |
| do St. Armand, East          | 40        | 45                               | 36  | 8     | 4   |       |   |
| Township of Potton           | 107       | 95                               | 64  | 26    | 4   |       |   |
| do Stanstead                 | 101       | 82                               | 69  | 27    | 6   |       |   |
| do Barnston                  | 124       | 115                              | 87  | 24    | 3   |       |   |
| do Ascot                     | 216       | 159                              | 148 | 37    | 5   |       |   |
| do Eaton                     | 38        | 35                               | 30  | 1     | 3   |       |   |
| do Bury                      | 15        | 12                               | 12  | ..... | 4   |       |   |
| do Lingwick                  | 11        | 11                               | 9   | ..... | 4   |       |   |
| do Shipton                   | 126       | 93                               | 77  | 6     | 3   |       |   |

ABSTRACT of STATEMENTS of CASES brought before the COMMISSIONERS' COURTS in LOWER CANADA, &c.—(Continued.)

| DISTRICT.     | COUNTY.                                   | PARISH or TOWNSHIP.             | Number of Summonses issued. | Number of Cases returned into Court. | Number of Judgments rendered. | Number of Executions issued. | Number of Commissioners. |   |
|---------------|-------------------------------------------|---------------------------------|-----------------------------|--------------------------------------|-------------------------------|------------------------------|--------------------------|---|
| THREE RIVERS. | Drummond                                  | Township of Kingsley            | 111                         | 97                                   | 77                            | 10                           | 4                        |   |
|               |                                           | do Durham                       | 5                           | 209                                  | 148                           | 20                           | 5                        |   |
|               |                                           | do Arthabaska                   | 235                         | 112                                  | 98                            | 33                           | 5                        |   |
|               | Yamaska                                   | Parish of Drummondville         | do                          | 31                                   | 20                            | 20                           | 3                        | 4 |
|               |                                           |                                 | do St. Guillaume d'Repton   | 40                                   | 20                            | 25                           | 2                        | 4 |
|               |                                           | do St. Michel d'Yamaska         | 95                          | 34                                   | 34                            | 4                            | 5                        |   |
|               |                                           | do St. David                    | 150                         | 127                                  | 94                            | 4                            | 5                        |   |
|               |                                           | do La Baie du Febvre            | 116                         | 47                                   | 30                            | 15                           | 4                        |   |
|               | Nicolet                                   | do St. Jean Baptiste de Nicolet | 107                         | 57                                   | 67                            | 14                           | 5                        |   |
|               |                                           | do St. Edouard de Gentilly      | 122                         | 44                                   | 44                            | 1                            | 5                        |   |
|               | QUEBEC                                    | Lotbinière                      | Parish of Ste. Croix        | 60                                   | 20                            | 20                           | 21                       | 0 |
|               |                                           |                                 | do St. Antoine de Tilly     | 30                                   | 22                            | 16                           | 3                        | 5 |
| do St. Gilles |                                           |                                 | 8                           | 8                                    | 6                             | 3                            | 4                        |   |
| Mégantic      |                                           | do St. Sylvester                | 49                          | 24                                   | 24                            | 4                            | 4                        |   |
|               |                                           | Township of Somerset            | 170                         | 140                                  | 110                           | 30                           | 5                        |   |
|               |                                           | do Halifax                      | 121                         | 112                                  | 71                            | 6                            | 5                        |   |
|               |                                           | do Ireland                      | 106                         | 87                                   | 80                            | 6                            | 5                        |   |
| Dorchester    |                                           | Parish of St. Nicolas           | 64                          | 28                                   | 28                            | 2                            | 3                        |   |
|               |                                           | do St. Henri de Lauzon          | 133                         | 75                                   | 40                            | 5                            | 3                        |   |
|               |                                           | do St. Joseph de la Beauce      | 224                         | 148                                  | 108                           | 7                            | 5                        |   |
| Bellechasse   |                                           | do St. Marie de la Beauce       | 194                         | 113                                  | 99                            | 7                            | 5                        |   |
|               |                                           | do St. Anselme                  | 172                         | 107                                  | 60                            | 6                            | 3                        |   |
|               | do St. Gervais and Profais                | 160                             | 109                         | 100                                  | 7                             | 3                            |                          |   |
|               | do St. Valer                              | 110                             | 73                          | 35                                   | 0                             | 3                            |                          |   |
|               | do St. François de Sales, Rivière du Sud* | 55                              | 31                          | 25                                   | 10                            | 2                            |                          |   |
| L'Islet       | do Cap St. Ignace                         | 63                              | 35                          | 25                                   | 6                             | 7                            |                          |   |
|               | do L'Islet                                | 95                              | 30                          | 24                                   | 4                             | 4                            |                          |   |
|               | do St. Jean Port Joly                     | 111                             | 88                          | 47                                   | 0                             | 4                            |                          |   |
|               | do St. Roch des Aulnets                   | 45                              | 20                          | 17                                   | 14                            | 5                            |                          |   |
|               |                                           | do St. Thomas                   | 68                          | 44                                   | 37                            | 1                            | 4                        |   |

|             |                         |                                      |     |     |    |    |   |
|-------------|-------------------------|--------------------------------------|-----|-----|----|----|---|
| KAMOURASKA. | Kamouraska              | Parish of Ste. Anne de la Pocatière  | 91  | 54  | 32 | 3  | 4 |
|             |                         | do Rivière Ouelle                    | 75  | 57  | 52 | 4  | 3 |
|             |                         | do St. Denis                         | 42  | 25  | 25 | 4  | 3 |
|             | Rimouski                | do St. Louis de Kamouraska           | 33  | 22  | 16 | 10 | 3 |
|             |                         | do St. Paschal                       | 55  | 43  | 34 | 4  | 3 |
|             |                         | do St. André                         | 92  | 73  | 50 | 18 | 4 |
|             |                         | do Ste. Helène                       | 67  | 51  | 36 | 2  | 3 |
|             |                         | do St. Patrice de la Rivière du Loup | 90  | 62  | 55 | 9  | 4 |
|             | Gaspé                   | do St. George de Cacana              | 48  | 41  | 23 | 5  | 3 |
|             |                         | do St. Jean Baptiste de l'Isle Verte | 187 | 101 | 86 | 54 | 7 |
|             |                         | do Trois Pistoles                    | 113 | 57  | 57 | 4  | 3 |
|             |                         | do Rimouski                          | 61  | 88  | 41 | 22 | 7 |
| Gaspé       | do Ste. Lucie           | 111                                  | 82  | 40  | 9  | 3  |   |
|             | do St. Jerome de Matane | 80                                   | 63  | 51  | 8  | 3  |   |
|             | do St. Arsène de Cacana | 82                                   | 53  | 45  | 10 | 3  |   |
| Gaspé       | Township of Carleton    | 28                                   | 20  | 26  | 2  | 4  |   |
|             | do Hamilton             | 25                                   | 22  | 9   | 3  | 5  |   |
|             | do Hope                 | 34                                   | 34  | 32  | 1  | 3  |   |
|             |                         | do Fox                               | 40  | 30  | 20 | 1  | 4 |

\* From the 20th June, 1851, to the 12th August, 1852.

TABLE OF FEES.—LOWER CANADA—SUPERIOR COURT. It is ordered that the following FEES be allowed to the undermentioned Officers:—

| ACTIONS NOT CONTESTED.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | CLASS I.              |       |                       |       | CLASS II.             |       |                       |       | CLASS III.            |       |                       |       |    |   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-------|-----------------------|-------|-----------------------|-------|-----------------------|-------|-----------------------|-------|-----------------------|-------|----|---|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Plaintiff's Attorney. |       | Defendant's Attorney. |       | Plaintiff's Attorney. |       | Defendant's Attorney. |       | Plaintiff's Attorney. |       | Defendant's Attorney. |       |    |   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | £                     | s. d. | £                     | s. d. | £                     | s. d. | £                     | s. d. | £                     | s. d. | £                     | s. d. |    |   |
| 1. If the action be settled after the taking out of the Writ, but before the Return.....                                                                                                                                                                                                                                                                                                                                                                                                                                            | 4                     | 3     | 4                     |       | 3                     | 0     | 8                     |       | 2                     | 10    | 0                     |       |    |   |
| 2. If the action be settled after default recorded for want of appearance, or after foreclosure for want of a Plea, but before the opening of the <i>Enquête</i> , where an <i>Enquête</i> is necessary, and before the Inscription for Judgment, where no <i>Enquête</i> is necessary; or if the action be settled before Plea to the Merits, when the Defendant has appeared and has not been foreclosed from pleading; or if the Defendant confess Judgment before pleading to the merits or being foreclosed from pleading..... | 4                     | 6     | 8                     |       | 3                     | 10    | 0                     |       | 2                     | 13    | 4                     |       |    |   |
| 3. If the action be settled after the opening, but before the closing of the <i>Enquête</i> ; or if the action be settled after the Inscription for Judgment, where no <i>Enquête</i> is necessary; or if Judgment be rendered on such Inscription.....                                                                                                                                                                                                                                                                             | 0                     | 5     | 0                     |       | 5                     | 0     | 0                     |       | 3                     | 15    | 0                     |       |    |   |
| 4. If the action be settled after <i>Enquête</i> closed, or if Judgment be rendered in such action (after <i>Enquête</i> ).....                                                                                                                                                                                                                                                                                                                                                                                                     | 8                     | 0     | 8                     |       | 0                     | 13    | 4                     |       | 5                     | 0     | 0                     |       |    |   |
| 5. In any of the above cases in which the Defendant may have appeared by Attorney—to Defendant's Attorney.....                                                                                                                                                                                                                                                                                                                                                                                                                      |                       |       |                       | 2     | 0                     | 8     |                       | 2     | 0                     | 0     |                       | 1     | 13 | 4 |

T A B L E I.

ACTIONS NOT CONTESTED.

1. If the action be settled after the taking out of the Writ, but before the Return.....
2. If the action be settled after default recorded for want of appearance, or after foreclosure for want of a Plea, but before the opening of the *Enquête*, where an *Enquête* is necessary, and before the Inscription for Judgment, where no *Enquête* is necessary; or if the action be settled before Plea to the Merits, when the Defendant has appeared and has not been foreclosed from pleading; or if the Defendant confess Judgment before pleading to the merits or being foreclosed from pleading.....
3. If the action be settled after the opening, but before the closing of the *Enquête*; or if the action be settled after the Inscription for Judgment, where no *Enquête* is necessary; or if Judgment be rendered on such Inscription.....
4. If the action be settled after *Enquête* closed, or if Judgment be rendered in such action (after *Enquête*).....
5. In any of the above cases in which the Defendant may have appeared by Attorney—to Defendant's Attorney.....

| ACTIONS CONTESTED.                                                                                                | Plaintiff's Attorney.                                                                                                                                            |       | Defendant's Attorney. |       | Plaintiff's Attorney. |       | Defendant's Attorney. |       |   |   |   |    |    |   |    |   |
|-------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-----------------------|-------|-----------------------|-------|-----------------------|-------|---|---|---|----|----|---|----|---|
|                                                                                                                   | £                                                                                                                                                                | s. d. | £                     | s. d. | £                     | s. d. | £                     | s. d. |   |   |   |    |    |   |    |   |
|                                                                                                                   | 6. If the action be dismissed on any Plea other than a Plea to the Merits; or if the action be settled after Plea to the Merits, but before <i>Enquête</i> ..... | 6     | 5                     | 0     | 0                     | 5     | 0                     | 0     | 4 | 0 | 0 | 3  | 15 | 0 | 3  | 0 |
| 7. If the action be settled after the opening of the <i>Enquête</i> , but before final hearing on the Merits..... | 9                                                                                                                                                                | 7     | 6                     | 0     | 7                     | 10    | 0                     | 6     | 0 | 0 | 5 | 17 | 6  | 4 | 10 | 0 |
| 8. If the action be settled after final hearing on the Merits, or if Judgment be rendered on such hearing.....    | 12                                                                                                                                                               | 10    | 0                     | 0     | 10                    | 0     | 0                     | 8     | 0 | 0 | 7 | 10 | 0  | 0 | 0  | 0 |

ACTIONS CONTESTED.

6. If the action be dismissed on any Plea other than a Plea to the Merits; or if the action be settled after Plea to the Merits, but before *Enquête*.....
7. If the action be settled after the opening of the *Enquête*, but before final hearing on the Merits.....
8. If the action be settled after final hearing on the Merits, or if Judgment be rendered on such hearing.....

ACTIONS *en revendication* for moveables to be classed according to the value of the thing claimed.

Hypothecary actions and actions for seigniorial dues, where the title of the Plaintiff as Seigneur is not contested, are to be considered, in respect of costs, as merely personal actions. In any case where there are more Defendants than one, and where they sever in their defence, to Plaintiff's Attorney, on each additional issue, one-half of the sum which he would have received, had there been but one issue, the whole amount payable in equal proportions by the party or parties to each issue.

## ADDITIONAL FEES TO TABLE I., when the cases may occur.

|                                                                                                                                                                                                                                                                                                                                                                                                                                            | £ | s. | d. |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| 9. For the second and every additional Copy of the Plaintiff's Declaration.....                                                                                                                                                                                                                                                                                                                                                            | 0 | 5  | 0  |
| 10. Affidavit to obtain <i>Capias ad Respondendum, Saisie Arrêt, Saisie Revendication</i> or <i>Saisie Gagerie</i> , when Affidavit required .....                                                                                                                                                                                                                                                                                         | 0 | 10 | 0  |
| On every <i>Exception déclinatoire, dilatoire</i> or <i>péremptoire à la forme</i> , and on every <i>défense au fonds en droit</i> , rejected,—                                                                                                                                                                                                                                                                                            |   |    |    |
| 11. To the Plaintiff's Attorney .....                                                                                                                                                                                                                                                                                                                                                                                                      | 1 | 10 | 0  |
| 12. To the Defendant's Attorney .....                                                                                                                                                                                                                                                                                                                                                                                                      | 1 | 3  | 4  |
| If the Plaintiff be permitted to amend his Declaration, after fying of an <i>Exception à la forme</i> ,—                                                                                                                                                                                                                                                                                                                                   |   |    |    |
| 13. To the Defendant's Attorney .....                                                                                                                                                                                                                                                                                                                                                                                                      | 1 | 15 | 0  |
| If the Plaintiff be permitted to amend his Declaration after fying of a <i>défense au fonds en droit</i> ,—                                                                                                                                                                                                                                                                                                                                |   |    |    |
| 14. To the Defendant's Attorney .....                                                                                                                                                                                                                                                                                                                                                                                                      | 2 | 6  | 8  |
| On every <i>Exception dilatoire</i> maintained,—                                                                                                                                                                                                                                                                                                                                                                                           |   |    |    |
| 15. To the Defendant's Attorney .....                                                                                                                                                                                                                                                                                                                                                                                                      | 2 | 6  | 8  |
| 16. To the Plaintiff's Attorney .....                                                                                                                                                                                                                                                                                                                                                                                                      | 1 | 3  | 4  |
| For all proceedings on any application, either before or after Judgment, to liberate any person arrested for debt otherwise than by giving bail, or to obtain a <i>scellé</i> , or the removal thereof,—                                                                                                                                                                                                                                   |   |    |    |
| 17. If not contested—to each Attorney.....                                                                                                                                                                                                                                                                                                                                                                                                 | 1 | 3  | 4  |
| 18. If contested—to each Attorney .....                                                                                                                                                                                                                                                                                                                                                                                                    | 2 | 6  | 8  |
| 19. For all proceedings on any Petition, Motion or Rule, not specially provided for, upon which Costs are ordered to be paid, to the party to whom Costs are awarded .....                                                                                                                                                                                                                                                                 | 0 | 11 | 8  |
| Fee for Counsel at <i>Enquête</i> in any Contested Cause: this fee not to be allowed unless an Appearance be fyled by the Counsel retained,—                                                                                                                                                                                                                                                                                               |   |    |    |
| 20. To each Attorney—If action of first class .....                                                                                                                                                                                                                                                                                                                                                                                        | 2 | 6  | 8  |
| 21. To each Attorney—If action of second class .....                                                                                                                                                                                                                                                                                                                                                                                       | 1 | 15 | 0  |
| 22. To each Attorney—If action of third class .....                                                                                                                                                                                                                                                                                                                                                                                        | 1 | 6  | 8  |
| 23. This fee to be allowed in Actions tried by Jury in like manner as in other Actions.<br>For all proceedings in an Action <i>en Reprise d'Instance</i> —one-third of the fee that would be allowed on the original demand.                                                                                                                                                                                                               |   |    |    |
| 24. For all proceedings in an Action to have Judgment declared executory—same as in an Action <i>Reprise d'Instance</i> .<br>On any rehearing ordered by the Court in a contested action,—                                                                                                                                                                                                                                                 |   |    |    |
| 25. If action be of first class—to each Attorney .....                                                                                                                                                                                                                                                                                                                                                                                     | 2 | 6  | 8  |
| 26. If action be of second class—to each Attorney .....                                                                                                                                                                                                                                                                                                                                                                                    | 1 | 15 | 0  |
| 27. If action be of third class—to each Attorney .....                                                                                                                                                                                                                                                                                                                                                                                     | 1 | 6  | 8  |
| 28. For all proceedings on the suing out of a Writ of Execution<br>For all proceedings on the suing out of a Writ of <i>Saisie Arrêt</i> after Judgment,—                                                                                                                                                                                                                                                                                  | 0 | 6  | 8  |
| 29. If Declaration of <i>Tiers Saisi</i> be not contested—to the Plaintiff's Attorney.....<br>If contested, the costs the same as in an original demand of the same class—to be determined by the amount of the Judgment against the <i>Tiers Saisi</i> ,—<br>For all proceedings for a <i>folle Enchère</i> , or for a Writ of Possession, or for a <i>Contrainte par Corps</i> , except in the case hereinafter expressly provided for,— | 1 | 3  | 4  |
| 30. To Attorney Moving.....                                                                                                                                                                                                                                                                                                                                                                                                                | 1 | 3  | 4  |
| 31. To Attorney Shewing Cause .....                                                                                                                                                                                                                                                                                                                                                                                                        | 1 | 0  | 0  |
| For all proceedings for a <i>Contrainte par Corps</i> against any person for injuring real property under seizure,—                                                                                                                                                                                                                                                                                                                        |   |    |    |
| 32. If not contested—To each Attorney .....                                                                                                                                                                                                                                                                                                                                                                                                | 1 | 3  | 4  |
| 33. If contested—To each Attorney .....                                                                                                                                                                                                                                                                                                                                                                                                    | 2 | 0  | 0  |
| 34. For prosecuting to Judgment a Report of Distribution, not contested .....                                                                                                                                                                                                                                                                                                                                                              | 2 | 10 | 0  |
| For all proceedings upon a contestation of a Report of Distribution which shall not be withdrawn before the Inscription for final hearing on the Merits—when the amount of the collocation contested is above £250,—                                                                                                                                                                                                                       |   |    |    |
| 35. To the Attorney of the party contesting.....                                                                                                                                                                                                                                                                                                                                                                                           | 4 | 3  | 4  |

ADDITIONAL FEES to TABLE I., &c.—(Continued.)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | £ | s. | d. |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| 36. To the Attorney of the creditor claiming<br>If the amount of the collocation contested exceed £100, and do not exceed £250,—                                                                                                                                                                                                                                                                                                                                           | 3 | 6  | 8  |
| 37. To the Attorney of the party contesting.....                                                                                                                                                                                                                                                                                                                                                                                                                           | 3 | 6  | 8  |
| 38. To the Attorney of the creditor claiming<br>If the amount of the collocation contested exceed £50, and do not exceed £100,—                                                                                                                                                                                                                                                                                                                                            | 2 | 10 | 0  |
| 39. To the Attorney of the party contesting.....                                                                                                                                                                                                                                                                                                                                                                                                                           | 2 | 10 | 0  |
| 40. To the Attorney of the creditor claiming<br>If the amount of the collocation contested exceed £25, and do not exceed £50,—                                                                                                                                                                                                                                                                                                                                             | 2 | 0  | 0  |
| 41. To the Attorney of the party contesting.....                                                                                                                                                                                                                                                                                                                                                                                                                           | 1 | 16 | 8  |
| 42. To the Attorney of the creditor claiming<br>If the amount of the collocation contested do not exceed £25,—                                                                                                                                                                                                                                                                                                                                                             | 1 | 6  | 8  |
| 43. To the Attorney of the party contesting.....                                                                                                                                                                                                                                                                                                                                                                                                                           | 1 | 10 | 0  |
| 44. To the Attorney of the creditor claiming<br>If the contestation be withdrawn before the Inscription for hearing on the Merits—one-half of the above Fees according to the class,—<br>For all proceedings after Judgment, ordering account to be rendered in any Action <i>en reddition de compte</i> —if the account be acquiesced in without <i>debats</i> ,—                                                                                                         | 1 | 3  | 4  |
| 45. To each Attorney<br>If the account be contested, the costs to be the same as in a contested personal action, the class to be determined by the amount for which the <i>rendant compte</i> shall be held accountable, if the costs be payable by the <i>rendant compte</i> ; and by the amount claimed by the <i>oyant compte</i> ,—<br>In Actions <i>en séparation de corps et de bien</i> —For all proceedings to liquidate the Matrimonial rights of the Plaintiff,— | 2 | 6  | 8  |
| 46. If not contested—To each Attorney.....                                                                                                                                                                                                                                                                                                                                                                                                                                 | 2 | 6  | 8  |
| 47. If contested—To each Attorney<br>In Actions <i>en séparations de biens</i> —For all proceedings to liquidate the Matrimonial rights of the Plaintiff,—                                                                                                                                                                                                                                                                                                                 | 5 | 0  | 0  |
| 48. To Plaintiff's Attorney.....                                                                                                                                                                                                                                                                                                                                                                                                                                           | 2 | 6  | 8  |
| 49. For all proceedings to cause Curator to be appointed to <i>délaissement</i> in any hypothecary action.....                                                                                                                                                                                                                                                                                                                                                             | 1 | 3  | 4  |

(And to Curator, £1 3s. 4d.)

INSCRIPTIONS DE FAUX.

When cause settled after the *moyens de faux* are declared pertinent,—

|                                                                                         |   |    |   |
|-----------------------------------------------------------------------------------------|---|----|---|
| 50. To the Attorney of the Plaintiff, <i>en faux</i> .....                              | 2 | 6  | 8 |
| 51. To the Attorney of the Defendant, <i>en faux</i> .....                              | 1 | 3  | 4 |
| When cause settled after answer to the <i>moyens</i> and before <i>Enquête</i> ,—       |   |    |   |
| 52. To the Attorney of the Plaintiff, <i>en faux</i> .....                              | 2 | 6  | 8 |
| 53. To the Attorney of the Defendant, <i>en faux</i> .....                              | 1 | 13 | 4 |
| When cause settled after <i>Enquête</i> ,—                                              |   |    |   |
| 54. To the Attorney of the Plaintiff, <i>en faux</i> .....                              | 3 | 10 | 0 |
| 55. To the Attorney of the Defendant, <i>en faux</i> .....                              | 2 | 6  | 8 |
| When cause settled after final hearing, or where Judgment is rendered on such hearing,— |   |    |   |
| 56. To the Attorney of Plaintiff, <i>en faux</i> .....                                  | 5 | 16 | 8 |
| 57. To the Attorney of Defendant, <i>en faux</i> .....                                  | 3 | 10 | 0 |
| Incidental Cross-demands; one-half of the Fees allowed on the original demand,—         |   |    |   |

INTERVENTIONS.

Costs on Interventions to be the same as on Original demands of the same Class.

ADDITIONAL FEES to TABLE I., &c.—(Continued.)

| <i>OPPOSITIONS AFIN DE CONSERVER.</i>                                                                                                                                                                                                               | £ | s. | d. |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| If not contested,—                                                                                                                                                                                                                                  |   |    |    |
| 58. If sum due do not exceed £20.....                                                                                                                                                                                                               | 1 | 5  | 0  |
| 59. If it exceed £20, and do not exceed £50 .....                                                                                                                                                                                                   | 2 | 0  | 0  |
| 60. If it exceed £50, and do not exceed £100.....                                                                                                                                                                                                   | 2 | 10 | 0  |
| 61. If it exceed £100 .....                                                                                                                                                                                                                         | 3 | 0  | 0  |
| If contested,—                                                                                                                                                                                                                                      |   |    |    |
| Costs to be the same as in a contested personal action for the same amount, excepting that the costs of any opposition for a sum less than £50, if contested shall be the same as in a contested action of the highest class in the Circuit Court,— |   |    |    |
| 62. Oppositions <i>afin de distraire</i> , <i>afin d'annuller</i> or <i>afin de charge</i> , if not contested. If contested, costs same as in actions of the second class.                                                                          | 3 | 0  | 0  |
| <b>RATIFICATION OF TITLE.</b>                                                                                                                                                                                                                       |   |    |    |
| For all proceedings to obtain a Sentence of Ratification of Title,—                                                                                                                                                                                 |   |    |    |
| 63. To the Petitioner's Attorney if purchase money be under £250.....                                                                                                                                                                               | 3 | 10 | 0  |
| 64. If purchase money exceed £250, and do not exceed £500 .....                                                                                                                                                                                     | 5 | 0  | 0  |
| 65. If purchase money exceed £500 .....                                                                                                                                                                                                             | 6 | 5  | 0  |
| Fees on Oppositions to Sentences of Ratification of Title and upon contestations thereof, to be the same as on Oppositions to Executions and contestations thereof.                                                                                 |   |    |    |
| <b>PROCEEDINGS UNDER 12 VIC. CAP. 41.</b>                                                                                                                                                                                                           |   |    |    |
| The Costs upon proceedings, under any Writ, (excepting Writs of <i>Certiorari</i> ) sued out under the provisions of this Statute to be the same as in actions of the third class.                                                                  |   |    |    |
| <b>WRITS OF CERTIORARI.</b>                                                                                                                                                                                                                         |   |    |    |
| If settled before the Motion to file any such Writ,—                                                                                                                                                                                                |   |    |    |
| 66. To Petitioner .....                                                                                                                                                                                                                             | 2 | 6  | 8  |
| If not settled before such Motion,—                                                                                                                                                                                                                 |   |    |    |
| 67. To Petitioner .....                                                                                                                                                                                                                             | 3 | 10 | 0  |
| 68. To Respondent .....                                                                                                                                                                                                                             | 2 | 10 | 0  |
| <b>HABEAS CORPUS.</b>                                                                                                                                                                                                                               |   |    |    |
| For all proceedings upon any Writ of <i>Habeas Corpus</i> which shall not be settled before the Motion to file the same,—                                                                                                                           |   |    |    |
| 69. To the Petitioner .....                                                                                                                                                                                                                         | 1 | 3  | 4  |
| 70. To the Respondent.....                                                                                                                                                                                                                          | 1 | 0  | 0  |
| For the like if settled before the Motion to file the same,—                                                                                                                                                                                        |   |    |    |
| 71. To the Petitioner .....                                                                                                                                                                                                                         | 0 | 13 | 4  |
| 72. To the Respondent .....                                                                                                                                                                                                                         | 0 | 11 | 8  |
| <b>COMMISSION ROGATOIRE.</b>                                                                                                                                                                                                                        |   |    |    |
| To the Attornies engaged at the place where the Writ is executed,—                                                                                                                                                                                  |   |    |    |
| 73. To the Attorney prosecuting such Commission.....                                                                                                                                                                                                | 1 | 3  | 4  |
| 74. To the Respondent .....                                                                                                                                                                                                                         | 0 | 11 | 8  |
| 75. For the examination in chief, or cross-examination of any witness .....                                                                                                                                                                         | 0 | 3  | 4  |
| 76. For all proceedings to obtain Probate of any Will .....                                                                                                                                                                                         | 2 | 10 | 0  |
| <b>EVOCATIONS.</b>                                                                                                                                                                                                                                  |   |    |    |
| If the Evocation be maintained, costs to be as in an action of the third class, which costs shall include all service in both Courts,—                                                                                                              |   |    |    |
| 77. If Evocation be rejected—To each party .....                                                                                                                                                                                                    | 1 | 3  | 4  |



## ADDITIONAL FEES TO TABLE I., &amp;c.—(Continued.)

| APPEALS FROM BANKRUPT COURT.                                                              |  | £ | s. | d. |
|-------------------------------------------------------------------------------------------|--|---|----|----|
| On every contested Appeal which shall be prosecuted to final Judgment, or final hearing,— |  |   |    |    |
| 78. To Attorney of Appellant.....                                                         |  | 7 | 10 | 0  |
| 79. To Attorney of Respondent.....                                                        |  | 6 | 0  | 0  |
| If Appeal be not contested,—                                                              |  |   |    |    |
| 80. To Attorney of Appellant.....                                                         |  | 5 | 16 | 8  |
| If Appeal be dismissed, or settled before final hearing,—                                 |  |   |    |    |
| 81. To Attorney of Appellant.....                                                         |  | 3 | 10 | 0  |
| 82. To Attorney of Respondent.....                                                        |  | 2 | 6  | 8  |

| APPEALS FROM CIRCUIT COURT.                                                        | If Judgment appealed from amount to £25, or exceed that sum. |    |    | If Judgment appealed from do not amount to £25. |    |    |
|------------------------------------------------------------------------------------|--------------------------------------------------------------|----|----|-------------------------------------------------|----|----|
|                                                                                    | £                                                            | s. | d. | £                                               | s. | d. |
| On every contested Appeal which shall be prosecuted to final Judgment or hearing,— |                                                              |    |    |                                                 |    |    |
| 83. To the Attorney for Appellant.....                                             | 3                                                            | 10 | 0  | 2                                               | 6  | 8  |
| 84. To the Attorney for Respondent.....                                            | 2                                                            | 6  | 8  | 1                                               | 13 | 4  |
| If Appeal be discontinued or dismissed before final hearing,—                      |                                                              |    |    |                                                 |    |    |
| 85. To Appellant.....                                                              | 1                                                            | 15 | 0  | 1                                               | 3  | 4  |
| 86. To Respondent.....                                                             | 1                                                            | 3  | 4  | 0                                               | 16 | 8  |
| If Appeal be not contested,—                                                       |                                                              |    |    |                                                 |    |    |
| 87. To Appellant's Attorney prosecuting Appeal to final Judgment.....              | 1                                                            | 15 | 0  | 1                                               | 3  | 4  |

To the SHERIFF for his FEES on the following Proceedings, exclusive of Disbursements.

|                                                                                                                                                                                       | £ | s. | d. |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| 88. For a copy of any Writ of Summons addressed to the Sheriff, and Warrant return included.....                                                                                      | 0 | 5  | 0  |
| 89. For each additional copy.....                                                                                                                                                     | 0 | 5  | 0  |
| 90. For all his proceedings on the execution of any <i>Capias ad respondendum</i> ....                                                                                                | 1 | 0  | 0  |
| 91. For each additional Defendant.....                                                                                                                                                | 0 | 10 | 0  |
| 92. For all his proceedings on the execution of any Writ of Attachment, or <i>Saisie arrêt</i> before Judgment, or of any Writ of <i>Saisie revendication</i> .....                   | 1 | 0  | 0  |
| 93. For each additional Defendant.....                                                                                                                                                | 0 | 5  | 0  |
| 94. For all his proceedings on the execution of any Writ of <i>Saisie Gagerie</i> .....                                                                                               | 0 | 11 | 8  |
| 95. For each additional Defendant.....                                                                                                                                                | 0 | 5  | 0  |
| 96. For the return to any Writ issued under the authority of the Provincial Statute, 12 Vic. cap. 38, sec. 63, and ordered to be returned by the Sheriff into the Superior Court..... | 0 | 10 | 0  |
| 97. For all his proceedings on the execution of any Writ of monition.....                                                                                                             | 1 | 0  | 0  |
| 98. For every additional copy.....                                                                                                                                                    | 0 | 5  | 0  |
| 99. For the execution of any order for the delivery of goods seized, or for the discharge of a prisoner, return included.....                                                         | 0 | 3  | 4  |
| 100. For all his proceedings to Summon a Jury under a Writ of <i>Venire facias</i> , return included.....                                                                             | 1 | 0  | 0  |
| 101. For his warrant on any Writ of Execution.....                                                                                                                                    | 0 | 5  | 0  |
| 102. For each return to any Writ of Execution.....                                                                                                                                    | 0 | 5  | 0  |
| 103. On every Opposition filed in his hands, including return.....                                                                                                                    | 0 | 5  | 0  |
| 104. Drawing advertisements for sale of Real Estate under Writ of Execution, copies for Printers, &c.....                                                                             | 0 | 16 | 8  |
| 105. Drawing conditions of Sale.....                                                                                                                                                  | 0 | 6  | 8  |

## ADDITIONAL FEES TO TABLE I., &amp;c.—(Continued.)

|                                                                                                                                                                                      | £ | s. | d. |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| 106. For all his proceedings on any Writ of possession .....                                                                                                                         | 0 | 10 | 0  |
| 107. Receiving and enregistering Bond, under 41 Geo. III, cap. 7, sec. 15.....                                                                                                       | 0 | 10 | 0  |
| 108. For every other Bail Bond.....                                                                                                                                                  | 0 | 5  | 0  |
| 109. Assignment of same, if required .....                                                                                                                                           | 0 | 5  | 0  |
| 110. For every Search of Records for one year or less .....                                                                                                                          | 0 | 1  | 0  |
| 111. For every general Search .....                                                                                                                                                  | 0 | 2  | 6  |
| 112. For every Official Certificate .....                                                                                                                                            | 0 | 1  | 0  |
| 113. For any office copy of any document, per hundred words.....                                                                                                                     | 0 | 0  | 6  |
| 114. For every Deed of Sale of immoveable estate, not exceeding £100, including Registry of Deed .....                                                                               | 1 | 0  | 0  |
| 115. For the like, where the consideration exceeds £100 .....                                                                                                                        | 1 | 10 | 0  |
| 116. For all his proceedings for the arrest of a Defendant under a Writ of <i>cap. ad sat.</i> ; or under a Judgment ordering a <i>contrainte par corps</i> , including return ..... | 1 | 0  | 0  |

The above Fees to be payable in all cases (excepting when herein otherwise provided for) when the officer is required to perform the duty for which the Fee is chargeable.

## TO THE BAILIFFS.

|                                                                                                                                     | £ | s. | d. |
|-------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| 117. For every service of a Writ of Summons and return .....                                                                        | 0 | 2  | 0  |
| 118. For every service of a Writ of Subpœna, copy of Judgment, Rule of Court, Notice, or other paper, including return .....        | 0 | 1  | 0  |
| 119. For all proceedings on the arrest of any person .....                                                                          | 0 | 10 | 0  |
| 120. For all proceedings on any seizure or attachment, including <i>procès verbal</i> , not exceeding 300 words.....                | 0 | 12 | 6  |
| 121. For every additional 100 words.....                                                                                            | 0 | 0  | 4  |
| 122. For every publication in both languages at the Church Door, including <i>affiches</i> , affixing same, &c. ....                | 0 | 2  | 0  |
| 123. For the sale of goods and chattels.....                                                                                        | 0 | 7  | 6  |
| 124. For a return of no goods or no lands .....                                                                                     | 0 | 2  | 6  |
| 125. For a return of <i>rebellion à Justice</i> .....                                                                               | 0 | 5  | 0  |
| 126. For all services executing a Writ of possession .....                                                                          | 0 | 10 | 0  |
| 127. For a <i>Recors</i> , when required .....                                                                                      | 0 | 2  | 0  |
| 128. For attendance on Jury Trials under direction of the Sheriff, per diem .....                                                   | 0 | 5  | 0  |
| 129. Mileage to be allowed in all cases, excepting for the first mile, per league out and in (exclusive of Tolls and Ferrics) ..... | 0 | 1  | 6  |

Whenever a Bailiff is the bearer of several Writs to be executed at the same time, the charge of mileage to be paid by the Defendants in equal proportions.

In Appealable Cases in the Circuit Court, the like Fees as above.

## TO THE CRIER, INCLUDING THE TIPSTAFF.

|                                                                                                                               | £ | s. | d. |
|-------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| 130. On the return into Court of any action (this Fee to be paid at the time of the return) .....                             | 0 | 3  | 9  |
| 131. On each contested cause inscribed for <i>Enquête</i> .....                                                               | 0 | 5  | 0  |
| 132. On each cause, not contested, inscribed for <i>Enquête</i> .....                                                         | 0 | 2  | 6  |
| (These Fees to be paid at the time of the inscription.)                                                                       |   |    |    |
| 133. In every cause in which a Jury Trial shall be ordered (to be paid at the time of taking out of the <i>Venire</i> ) ..... | 0 | 6  | 8  |
| 134. For all proceedings in a case of <i>licitation</i> of one <i>héritage</i> or more .....                                  | 1 | 0  | 0  |

(Signed,) EDWD. BOWEN, CHIEF JUSTICE S.C.

D. MONDELET, J.S.C.,  
G. VANFELSON, J.S.C.,  
J. DUVAL, J.S.C.,

CHARLES MONDELET, J.S.C.,  
E. BACQUET, J.S.C.,  
W. C. MEREDITH, J.S.C.

Quebec, 17th December, 1850.

TABLE OF FEES.—LOWER CANADA—CIRCUIT COURT. It is ordered that the following FEES be allowed to the undermentioned Officers:—

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 1ST CLASS.                                                                              |    |                       |   | 2ND CLASS.                                                                                                                 |    |                       |    |    |   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|----|-----------------------|---|----------------------------------------------------------------------------------------------------------------------------|----|-----------------------|----|----|---|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Actions in which the sum of money or value of the thing demanded exceeds £25, currency. |    |                       |   | Actions in which the sum of money or value of the thing demanded exceeds £15, currency, and does not exceed £25, currency. |    |                       |    |    |   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Plaintiff's Attorney.                                                                   |    | Defendant's Attorney. |   | Plaintiff's Attorney.                                                                                                      |    | Defendant's Attorney. |    |    |   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | £                                                                                       | s. | d.                    | £ | s.                                                                                                                         | d. | £                     | s. | d. |   |
| T A B L E I.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                         |    |                       |   |                                                                                                                            |    |                       |    |    |   |
| FEES TO BE TAKEN BY ATTORNEYS IN APPEALABLE CASES.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                         |    |                       |   |                                                                                                                            |    |                       |    |    |   |
| ACTIONS NOT CONTESTED.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                         |    |                       |   |                                                                                                                            |    |                       |    |    |   |
| 1. If the action be settled after the taking out of the Writ, but before the Return .....                                                                                                                                                                                                                                                                                                                                                                                                                                           | 2                                                                                       | 0  | 0                     | 1 | 13                                                                                                                         | 4  | 1                     | 10 | 0  | 0 |
| 2. If the action be settled after default recorded for want of appearance, or after foreclosure for want of a Plea, but before the opening of the <i>Enquête</i> , where an <i>Enquête</i> is necessary, or before the Inscription for Judgment, where no <i>Enquête</i> is necessary; or if the action be settled before Plea to the Merits, when the Defendant has appeared and has not been foreclosed from pleading; or if the Defendant confess Judgment before pleading to the merits or being foreclosed from pleading ..... | 2                                                                                       | 15 | 0                     | 2 | 5                                                                                                                          | 0  | 2                     | 5  | 0  | 0 |
| 3. If the action be settled after the opening, but before the closing of the <i>Enquête</i> ; or if the action be settled after the Inscription for Judgment, when no <i>Enquête</i> is necessary; or if Judgment be rendered on such Inscription .....                                                                                                                                                                                                                                                                             | 3                                                                                       | 13 | 4                     | 3 | 0                                                                                                                          | 0  | 3                     | 0  | 0  | 0 |
| 4. If the action be settled after <i>Enquête</i> closed, or if Judgment be rendered after <i>Enquête</i> . . . . . In any of the above cases in which the Defendant may have appeared by Attorney—to Defendant's Attorney .....                                                                                                                                                                                                                                                                                                     | 1                                                                                       | 8  | 4                     | 1 | 8                                                                                                                          | 4  | 1                     | 0  | 0  | 0 |
| ACTIONS CONTESTED.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                         |    |                       |   |                                                                                                                            |    |                       |    |    |   |
| 5. If the action be dismissed on any Plea other than a Plea to the Merits; or if the action be settled after Plea to the Merits, but before <i>Enquête</i> .....                                                                                                                                                                                                                                                                                                                                                                    | 2                                                                                       | 15 | 0                     | 2 | 0                                                                                                                          | 0  | 2                     | 5  | 0  | 0 |
| 6. If the action be settled after the opening of the <i>Enquête</i> , but before final hearing on the Merits .....                                                                                                                                                                                                                                                                                                                                                                                                                  | 4                                                                                       | 2  | 6                     | 3 | 0                                                                                                                          | 0  | 3                     | 7  | 6  | 6 |
| 7. If the action be settled after final hearing on the Merits, or if Judgment be rendered after such hearing .....                                                                                                                                                                                                                                                                                                                                                                                                                  | 5                                                                                       | 10 | 0                     | 4 | 0                                                                                                                          | 0  | 4                     | 10 | 0  | 0 |

In any case where there are more Defendants than one, and where they sever in their defence—to Plaintiff's Attorney, on each additional issue, one-half of the sum which he would have received, had there been but one issue, the whole amount payable in equal proportions by the party or parties to each issue.

## ADDITIONAL FEES TO TABLE I.—APPEALABLE CASES.

|                                                                                                                                                                                                                      | £ | s. | d. |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| 8. For the second and every additional Copy of the Plaintiff's Declaration . . . . .                                                                                                                                 | 0 | 3  | 4  |
| 9. For Affidavit to obtain <i>Copais ad Respondendum, Saisie Arrêt, Saisie Revendication, or Saisie Gagerie</i> , when Affidavit required . . . . .                                                                  | 0 | 7  | 6  |
| On every <i>Exception déclinatoire, dilatoire, or péremptoire à la forme</i> ,<br>and on every <i>défense au fonds en droit</i> , rejected,—                                                                         |   |    |    |
| 10. To Plaintiff's Attorney . . . . .                                                                                                                                                                                | 1 | 0  | 0  |
| 11. To Defendant's Attorney . . . . .                                                                                                                                                                                | 0 | 15 | 0  |
| If the Plaintiff be permitted to amend his Declaration, after the filing of<br>an <i>Exception à la forme</i> ,—                                                                                                     |   |    |    |
| 12. To the Defendant's Attorney . . . . .                                                                                                                                                                            | 0 | 15 | 0  |
| If the Plaintiff be permitted to amend his Declaration, after the filing of<br>a <i>Défense au fonds en droit</i> ,—                                                                                                 |   |    |    |
| 13. To the Defendant's Attorney . . . . .                                                                                                                                                                            | 1 | 5  | 0  |
| 14. To the Defendant's Attorney on any <i>Exception dilatoire</i> maintained . . . . .                                                                                                                               | 1 | 5  | 0  |
| 15. To Plaintiff's Attorney . . . . .                                                                                                                                                                                | 0 | 12 | 6  |
| 16. For all proceedings on any Petition, Motion or Rule, not specially provided<br>for, upon which Costs are ordered to be paid—To the party to whom<br>Costs are awarded . . . . .                                  | 0 | 6  | 8  |
| For all proceedings on any Action <i>en Reprise d'Instance</i> —one-third of<br>the Fees that would be allowed on the original demand, according to<br>the stage of the proceedings.                                 |   |    |    |
| For all proceedings in an Action to have Judgment declared executory,<br>same Fees as in an Action <i>en Reprise d'Instance</i> ,—                                                                                   |   |    |    |
| 17. For all Fees on the suing out of a Writ of Execution . . . . .                                                                                                                                                   | 0 | 3  | 4  |
| For all proceedings on suing out a Writ of <i>Saisie Arrêt</i> after Judgment,—                                                                                                                                      |   |    |    |
| 18. If the declaration of the <i>Tiers Saisi</i> be not contested . . . . .                                                                                                                                          | 0 | 11 | 8  |
| If contested, Costs same as in an original Action for the same amount.<br>For all proceedings for a <i>Contrainte par corps</i> ,—                                                                                   |   |    |    |
| 19. To Attorney Moving . . . . .                                                                                                                                                                                     | 0 | 13 | 4  |
| 20. To Attorney Shewing Cause . . . . .                                                                                                                                                                              | 0 | 10 | 0  |
| 21. For prosecuting to Judgment a Report of Distribution, not contested . . . . .                                                                                                                                    | 1 | 0  | 0  |
| For all proceedings upon a contestation of a Report of Distribution which<br>shall not be withdrawn before the Inscription for hearing on the merits<br>—when the amount of the collocation contested is above £25,— |   |    |    |
| 22. To the Attorney contesting . . . . .                                                                                                                                                                             | 1 | 16 | 8  |
| 23. To the Attorney of party claiming . . . . .                                                                                                                                                                      | 1 | 6  | 8  |
| When the amount of the collocation contested does not exceed £25,—                                                                                                                                                   |   |    |    |
| 24. To the Attorney contesting . . . . .                                                                                                                                                                             | 1 | 10 | 0  |
| 25. To the Attorney of the party claiming . . . . .                                                                                                                                                                  | 1 | 3  | 4  |
| If the contestation be withdrawn before the Inscription for hearing on the<br>merits, one-half of the above Fees according to the class,—                                                                            |   |    |    |
| For all proceedings after Judgment ordering account to be rendered in<br>any action <i>en reddition de compte</i> ,—If the Account be contested,—                                                                    |   |    |    |
| 26. To the party contesting the Account . . . . .                                                                                                                                                                    | 2 | 6  | 8  |
| 27. To the opposite party . . . . .                                                                                                                                                                                  | 1 | 3  | 4  |
| 28. For all proceedings to cause Curator to be appointed to <i>délaissement</i> in<br>any hypothecary Action . . . . .                                                                                               | 0 | 11 | 8  |
| 29. And to Curator . . . . .                                                                                                                                                                                         | 0 | 11 | 8  |
| <i>INSCRIPTIONS DE FAUX.</i>                                                                                                                                                                                         |   |    |    |
| To the Attorney of Plaintiff, <i>en faux</i> .                                                                                                                                                                       |   |    |    |
| 30. When the <i>moyens de faux</i> are declared pertinent . . . . .                                                                                                                                                  | 1 | 10 | 0  |
| 31. To the Attorney of Defendant, <i>en faux</i> . . . . .                                                                                                                                                           | 0 | 15 | 0  |
| When cause settled after answer to the <i>moyens de faux</i> ,—                                                                                                                                                      |   |    |    |
| 32. To the Attorney of Plaintiff, <i>en faux</i> . . . . .                                                                                                                                                           | 1 | 10 | 0  |
| 33. To the Attorney of Defendant, <i>en faux</i> . . . . .                                                                                                                                                           | 1 | 0  | 0  |
| When cause settled after <i>Enquête</i> ,—                                                                                                                                                                           |   |    |    |
| 34. To the Attorney of Plaintiff, <i>en faux</i> . . . . .                                                                                                                                                           | 2 | 6  | 8  |
| 35. To the Attorney of Defendant, <i>en faux</i> . . . . .                                                                                                                                                           | 1 | 10 | 0  |

## ADDITIONAL FEES TO TABLE I., &amp;c.—(Continued.)

|                                                                                                                                                                                                                                                                                     | £ | s. | d. |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| When cause settled after final hearing, or when Judgment is rendered on such hearing,—                                                                                                                                                                                              |   |    |    |
| 36. To the Attorney of Plaintiff, <i>en faux</i> .....                                                                                                                                                                                                                              | 3 | 10 | 0  |
| 37. To the Attorney of the Defendant, <i>en faux</i> .....                                                                                                                                                                                                                          | 2 | 6  | 8  |
| Incidental cross demands—one-half of the Fees allowed on the original demand.                                                                                                                                                                                                       |   |    |    |
| INTERVENTIONS.                                                                                                                                                                                                                                                                      |   |    |    |
| 38. Costs on Interventions to be the same as on original demands of same class.                                                                                                                                                                                                     |   |    |    |
| OPPOSITIONS.                                                                                                                                                                                                                                                                        |   |    |    |
| 39. On any Opposition <i>afin de distraire, afin d'annuller, or afin de conserver</i> , not contested .....                                                                                                                                                                         | 1 | 0  | 0  |
| 40. On all Oppositions, excepting Oppositions <i>afin de conserver</i> , when contested, the same Fees as in the original actions to which the same shall be incident.                                                                                                              |   |    |    |
| 41. On Oppositions <i>afin de conserver</i> , if contested, same Fees as in original Actions for like sums, excepting that the costs of the contestation of any Opposition for a less sum than £15, shall be the same as in a contested non-applicable Action of the highest class. |   |    |    |
| APPEALS.                                                                                                                                                                                                                                                                            |   |    |    |
| 42. On any Appeal in the Circuit Court—To each Attorney .....                                                                                                                                                                                                                       | 2 | 6  | 8  |

## FEES to be taken by the CLERK.—In APPEALABLE CASES.

|                                                                                                                                                                                                                             | £ | s. | d. |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| Actions first Class above £25.—Actions second Class £25 and under.                                                                                                                                                          |   |    |    |
| 43. On the Return of any action of first class, the Plaintiff shall pay .....                                                                                                                                               | 0 | 12 | 6  |
| 44. On the Return of any action of the second class, the Plaintiff shall pay .....                                                                                                                                          | 0 | 10 | 0  |
| 45. In Action of first class, Defendant shall pay, on filing Plea, either to the instance or to the action .....                                                                                                            | 0 | 10 | 0  |
| 46. In Action of second class, Defendant shall pay, on filing Plea, either to the instance or to the action .....                                                                                                           | 0 | 7  | 6  |
| 47. If Defendants sever in their defence, each Defendant pleading shall pay the above Fee.                                                                                                                                  |   |    |    |
| 48. For each and every Writ—(the Writ of Subpcena alone excepted).....                                                                                                                                                      | 0 | 2  | 6  |
| 49. For each additional Copy when required .....                                                                                                                                                                            | 0 | 1  | 0  |
| 50. For every Writ of Subpcena wherein shall not be inserted the names of more than four Witnesses.....                                                                                                                     | 0 | 1  | 0  |
| 51. And for each Copy if required .....                                                                                                                                                                                     | 0 | 0  | 6  |
| 52. On every Witness examined above the number of two.....                                                                                                                                                                  | 0 | 1  | 3  |
| 53. For each and every office copy of a Judgment, not exceeding 200 words .....                                                                                                                                             | 0 | 2  | 0  |
| 54. And for every additional 100 words .....                                                                                                                                                                                | 0 | 0  | 6  |
| 55. For each and every office copy of a Rule of Court .....                                                                                                                                                                 | 0 | 1  | 0  |
| 56. For each and every office Certificate .....                                                                                                                                                                             | 0 | 1  | 0  |
| 57. For a Search beyond a year from the period of making the search.....<br>No allowance is made to the Clerk for a Search within the year, reckon-<br>ing as above, nor for a Search upon issuing any Writ of Execution.   | 0 | 1  | 0  |
| 58. For every Recognizance or Bail Bond taken in or out of Court .....                                                                                                                                                      | 0 | 2  | 0  |
| 59. For a <i>Projet de Distribution</i> or Collocation, where the Creditors collocated do not exceed four in number, exclusive of the Attorneys and Officers of the Court, if the <i>Projet</i> be <i>homologated</i> ..... | 0 | 10 | 0  |

ADDITIONAL FEES TO TABLE I., &c.—(Continued.)

|                                                                                                                                                                                                                                                                                                                        | £ | s. | d. |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| 60. For the like between more than four Creditors, exclusive of the Attorneys and Officers of the Court, if the <i>Projet</i> be homologated . . . . .                                                                                                                                                                 | 1 | 0  | 0  |
| 61. Upon every Opposition <i>afin de distraire, afin d'annuller, or afin de conserver,</i> and upon every <i>Inscription de faux</i> or Incidental demand, there shall be paid to the Clerk, by the Opposant or the party making the Inscription or Intervention, as the case may be . . . . .                         | 0 | 5  | 0  |
| 62. If contested, the party contesting shall pay at time of filing contestation . . . . .                                                                                                                                                                                                                              | 0 | 5  | 0  |
| 63. For all Fees on a contestation of a Report of distribution or collocation—to be paid by the party contesting at time of filing contestation . . . . .                                                                                                                                                              | 0 | 5  | 0  |
| 64. For the Execution of a <i>Commission Rogatoire</i> . . . . .                                                                                                                                                                                                                                                       | 0 | 5  | 0  |
| 65. For every Deposition taken in virtue of such Commission . . . . .                                                                                                                                                                                                                                                  | 0 | 2  | 0  |
| 66. For a <i>Commission Rogatoire,</i> or Commission in the nature of a <i>Commission Rogatoire,</i> including all the necessary forms to be annexed thereto . . . . .                                                                                                                                                 | 0 | 3  | 0  |
| 67. For preparing a List of Jurors . . . . .                                                                                                                                                                                                                                                                           | 0 | 2  | 0  |
| 68. For attendance and striking a Jury . . . . .                                                                                                                                                                                                                                                                       | 0 | 2  | 0  |
| 69. For all Fees upon the Probate of a last Will and Testament (exclusive of Registering) . . . . .                                                                                                                                                                                                                    | 0 | 11 | 8  |
| 70. For affixing and taking off seals of safe custody ( <i>scellés</i> ), the Clerk or Commissioner shall be entitled to a Fee of 5s. for each and every <i>Vacation</i> not exceeding two <i>Vacations per diem</i> (to be paid by the <i>Poursuivant</i> previous to the closing of each <i>Vacation</i> ) . . . . . | 0 | 5  | 0  |
| 71. For every copy of any paper in his custody, the Clerk shall be allowed 1s. 6d. for the first two hundred words, including certificate, and 6d. for each and every additional 100 words.                                                                                                                            |   |    |    |
| 72. For his Fee on making up a Record on a Writ of Appeal and returning the Writ, exclusive of Transcript to be paid for as a copy under this Tariff . . . . .                                                                                                                                                         | 0 | 10 | 0  |
| 73. For every <i>Acte</i> of <i>Avis de Parents</i> , including the order for convening the <i>Assemblée</i> , and copy of the <i>Acte</i> . . . . .                                                                                                                                                                   | 0 | 5  | 0  |
| 74. Upon an <i>Avis de Parents</i> taken in the Country parts by a Sub-delegate, including the <i>Acte</i> of <i>Homologation</i> and copy, the Clerk shall be entitled to receive (three shillings) . . . . .                                                                                                         | 0 | 3  | 0  |
| 75. For every attendance out of his office, the Clerk shall be entitled to receive 7s. 6d. for each <i>Vacation</i> not exceeding two <i>Vacations per diem,</i> exclusive of travelling expenses . . . . .                                                                                                            | 0 | 7  | 0  |
| 76. For a <i>Clôture d'Inventaire</i> . . . . .                                                                                                                                                                                                                                                                        | 0 | 3  | 0  |
| 77. For the safe keeping and payment of all monies deposited with the Clerk, he shall be entitled to receive one <i>per centum.</i>                                                                                                                                                                                    |   |    |    |
| 78. For Enregistering a renunciation to a community or succession, or donation, or any other document to be enregistered, for every 100 words . . . . .                                                                                                                                                                | 0 | 0  | 6  |
| 79. For each Bill of Costs, and Certificate if demanded . . . . .                                                                                                                                                                                                                                                      | 0 | 1  | 0  |
| 80. On every Appeal there be paid to the Clerk, by the Appellant, on return of the Appeal . . . . .                                                                                                                                                                                                                    | 0 | 12 | 6  |
| 81. By the Respondent, on filing appearance . . . . .                                                                                                                                                                                                                                                                  | 0 | 6  | 3  |

The above Fees to be payable in all cases (excepting when herein otherwise provided for) when the Officer is required to perform the service for which the Fee is chargeable.

TO THE CRIER.

|                                                                                | £ | s. | d. |
|--------------------------------------------------------------------------------|---|----|----|
| 82. On every Action, Opposition, or Intervention returned into Court . . . . . | 0 | 1  | 0  |

TO THE TIPSTAFF.

|                                                                                | £ | s. | d. |
|--------------------------------------------------------------------------------|---|----|----|
| 83. On every Action, Opposition, or Intervention returned into Court . . . . . | 0 | 0  | 6  |

The Fees of the Crier and Tipstaff to be paid into the Office of the Clerk, before the return.

NON-APPEALABLE CASES.—TABLE OF FEES.

TO THE ATTORNEY.

- 84. On all proceedings in actions settled before return (except those on which additional Fees are hereinafter allowed) to the Plaintiff's Attorney . . . . .
- 85. On all proceedings (except as aforesaid) in action settled after return, and before contestation, or in which Judgment shall be given on confession or by default, or *Exparte*, without *Enquête*, that is to say, without the examination in Court of any witness or party, to the Plaintiff's Attorney . . . . .
- 86. And to the Defendant's Attorney . . . . .
- 87. On the same, if the Judgment be given by default or *Exparte*, but with *Enquête*—to the Plaintiff's Attorney . . . . .
- 88. And to the Defendant's Attorney . . . . .
- 89. On the same, in actions discontinued after contestation—to the Plaintiff's Attorney . . . . .
- 90. And to the Defendant's Attorney . . . . .
- 91. On the same, when the Judgment shall be given after contestation, to the Plaintiff's Attorney . . . . .
- 92. And to the Defendant's Attorney . . . . .
- 93. In all hypothecary actions, or mixed actions, an additional Fee of 15s. currency; (To Plaintiff's Attorney).
- 94. On each Opposition, *afin de désavouer* or *afin d'annuller*, *afin de conserver* or intervention not contested . . . . .
- 95. On all Oppositions (excepting Oppositions *afin de conserver*) and Interventions, when contested, the same Fee as in the original actions to which the same shall be incident.
- 96. On Oppositions *afin de conserver*, if contested, same Fees as in original actions for like sums.
- 97. On a *Saisie Arrêt* after Judgment, when there is no contestation . . . . .
- 98. If Declaration of *Tiers Seizé* be contested, same Fees as in an original action for a like sum.
- 99. On suing out any Writ of *Saisie Cligerie*, *Saisie Revendication*, or *Saisie Arrêt*, before Judgment, on any special declaration, in any personal action required by the Court—(to Plaintiff's Attorney) . . . . .
- 100. For each Copy, more than one, of any Declaration, Petition in Intervention, or Opposition . . . . .
- 101. In all incidental Cross-demands, half the Fees allowed in original actions for a like sum.
- 102. For each Plea in writing, ordered by the Court, including Copy—(To Defendant's Attorney) . . . . .
- 103. On each Proceeding to take up the instance, or to declare a Judgment executory, or for *Contrainte par Corps*, to the Attorney prosecuting the same . . . . .
- 104. And when over-ruled, to the Attorney resisting the application . . . . .

| 1st Class.<br>Actions under<br>£15, but above<br>£10, currency. | 2nd Class.<br>Actions £10, or<br>under, but above<br>£6 5s. |       | 3rd Class.<br>Actions £6 5s.<br>or under. |       |
|-----------------------------------------------------------------|-------------------------------------------------------------|-------|-------------------------------------------|-------|
|                                                                 | £                                                           | s. d. | £                                         | s. d. |
| 0                                                               | 10                                                          | 0     | 0                                         | 3 4   |
| 0                                                               | 15                                                          | 0     | 0                                         | 5 0   |
| 0                                                               | 10                                                          | 0     | 0                                         | 2 6   |
| 1                                                               | 0                                                           | 0     | 0                                         | 7 6   |
| 0                                                               | 10                                                          | 0     | 0                                         | 2 6   |
| 1                                                               | 0                                                           | 0     | 0                                         | 5 0   |
| 0                                                               | 15                                                          | 0     | 0                                         | 5 0   |
| 1                                                               | 5                                                           | 0     | 0                                         | 7 6   |
| 1                                                               | 0                                                           | 0     | 0                                         | 5 0   |
| 0                                                               | 12                                                          | 0     | 0                                         | 5 0   |
| 0                                                               | 7                                                           | 0     | 0                                         | 2 6   |
| 0                                                               | 7                                                           | 0     | 0                                         | 2 6   |
| 0                                                               | 2                                                           | 0     | 0                                         | 1 3   |
| 0                                                               | 5                                                           | 0     | 0                                         | 1 3   |
| 0                                                               | 12                                                          | 0     | 0                                         | 5 0   |
| 0                                                               | 7                                                           | 0     | 0                                         | 2 6   |

NON-APPEALABLE CASES.—(Continued.)

|                                                                                             | TO THE ATTORNEY.—(Continued.)                                                                                       |    |    | 1ST CLASS,<br>Actions under<br>£10, but above<br>£5, currency. |    |    | 2ND CLASS,<br>Actions £10, or<br>under, but above<br>£6 ss. |    |    | 3RD CLASS,<br>Actions £0 ss,<br>or under. |    |    |
|---------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|----|----|----------------------------------------------------------------|----|----|-------------------------------------------------------------|----|----|-------------------------------------------|----|----|
|                                                                                             | £                                                                                                                   | s. | d. | £                                                              | s. | d. | £                                                           | s. | d. | £                                         | s. | d. |
|                                                                                             | 105. On a <i>Commission Rogatoire</i> , and on all proceedings relative thereto, to the Attorney suing out the same | 0  | 10 | 0                                                              | 0  | 5  | 0                                                           | 0  | 0  | 0                                         | 0  | 2  |
| 106. And to the Attorney of the opposite party                                              | 0                                                                                                                   | 5  | 0  | 0                                                              | 2  | 0  | 0                                                           | 0  | 0  | 0                                         | 1  | 8  |
| 107. To the Attorney employed by either party to attend to the execution of such Commission | 0                                                                                                                   | 10 | 0  | 0                                                              | 10 | 0  | 0                                                           | 0  | 0  | 0                                         | 10 | 0  |

TO THE CLERK.

|                                                                                                                                                                                              |   |    |   |   |    |   |   |   |   |   |    |   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|---|---|----|---|---|---|---|---|----|---|
| 108. For every Writ of Summons or Attachment ( <i>Saisie Arrêt, Saisie Gagerie, Saisie Revendication</i> , or <i>Copies</i> ) filing the <i>Præcipe</i> , and furnishing a Copy of such Writ | 0 | 0  | 0 | 0 | 0  | 0 | 0 | 0 | 0 | 0 | 0  | 0 |
| 109. For every original Subpoena                                                                                                                                                             | 0 | 1  | 0 | 0 | 1  | 0 | 0 | 0 | 0 | 0 | 0  | 0 |
| 110. On the entry of any Cause or the filing of any Intervention, <i>Requête Civile</i> , Opposition, or Incident <i>demandé</i>                                                             | 0 | 5  | 0 | 0 | 2  | 0 | 0 | 0 | 0 | 0 | 1  | 3 |
| 111. On the contestation of the same, to be paid by the party contesting it                                                                                                                  | 0 | 5  | 0 | 0 | 2  | 0 | 0 | 0 | 0 | 0 | 1  | 3 |
| 112. For each <i>Commission Rogatoire</i> , and the proceedings relative thereto                                                                                                             | 0 | 2  | 0 | 0 | 2  | 0 | 0 | 0 | 0 | 0 | 1  | 3 |
| 113. For each Rule for <i>Faits et articles, Serment décisive, Reprise d'instance</i> or other rule of like nature                                                                           | 0 | 0  | 0 | 0 | 1  | 0 | 0 | 0 | 0 | 0 | 0  | 0 |
| 114. For each Copy of a Subpoena or Rule, and for each Copy more than one of any Writ (if required)                                                                                          | 0 | 0  | 0 | 0 | 0  | 0 | 0 | 0 | 0 | 0 | 0  | 0 |
| 115. For an Office Copy of any Document, including the Certificate, per hundred words                                                                                                        | 0 | 0  | 0 | 0 | 0  | 0 | 0 | 0 | 0 | 0 | 0  | 0 |
| 116. For each Appeal Bond, and on each Evocation, including attendance and the making up and transmission of the Record                                                                      | 0 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 | 10 | 0 |
| 117. For each Writ of Execution                                                                                                                                                              | 0 | 2  | 0 | 0 | 1  | 0 | 0 | 0 | 0 | 0 | 1  | 0 |
| 118. For each Bill of Costs and Certificate, if demanded                                                                                                                                     | 0 | 1  | 0 | 0 | 1  | 0 | 0 | 0 | 0 | 0 | 1  | 0 |
| 119. On the Execution of a <i>Commission Rogatoire</i> from any other Court                                                                                                                  | 0 | 3  | 4 | 0 | 3  | 4 | 0 | 0 | 0 | 0 | 3  | 4 |
| 120. On the examination and cross-examination (if any) of each witness under such <i>Commission Rogatoire</i>                                                                                | 0 | 2  | 0 | 0 | 2  | 0 | 0 | 0 | 0 | 0 | 2  | 0 |
| 121. For a Copy of any Judgment, whether Interlocutory or final, if demanded                                                                                                                 | 0 | 0  | 0 | 0 | 0  | 0 | 0 | 0 | 0 | 0 | 1  | 0 |
| 122. Drawing Report of Distribution                                                                                                                                                          | 0 | 10 | 0 | 0 | 7  | 0 | 0 | 0 | 0 | 0 | 5  | 0 |

The above Fees to be payable in all cases (excepting when herein otherwise provided for) when the officer is required to perform the service for which the Fee is chargeable.



TO THE CRIER.

|                                                                                                                                      |   |    |    |   |    |    |   |    |    |
|--------------------------------------------------------------------------------------------------------------------------------------|---|----|----|---|----|----|---|----|----|
| 123. On every Action, Opposition or Intervention returned into Court, to be paid into the Office of the Clerk before the return..... | £ | s. | d. | £ | s. | d. | £ | s. | d. |
|                                                                                                                                      | 0 | 1  | 0  | 0 | 1  | 0  | 0 | 1  | 0  |

TO THE TIPSTAFF.

|                                                                                                                                      |   |    |    |   |    |    |   |    |    |
|--------------------------------------------------------------------------------------------------------------------------------------|---|----|----|---|----|----|---|----|----|
| 124. On every Action, Opposition or Intervention returned into Court, to be paid into the Office of the Clerk before the return..... | £ | s. | d. | £ | s. | d. | £ | s. | d. |
|                                                                                                                                      | 0 | 0  | 6  | 0 | 0  | 6  | 0 | 0  | 6  |

TO THE BAILIFFS.

Mileage on the service or execution of a Writ or of Process of any kind, at the rate of sixpence per mile—without any further charge for mileage, or any other process to be served on the same party then in the hands of the Bailiff, and which shall be or might have been served at the same time (whether such process shall have been sued out by the same party or by any other) and without any charge for mileage in returnings, but exclusive of sums paid at toll-gates, ferrices, or Bridges.

|                                                                                                                                                 |   |    |    |   |    |    |   |    |    |
|-------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|---|----|----|---|----|----|
| 125. For the service, certificate, or return, of such Writ or Process .....                                                                     | £ | s. | d. | £ | s. | d. | £ | s. | d. |
| 126. For the seizure of goods and chattels, and all incidental trouble, but exclusive of mileage .....                                          | 0 | 1  | 6  | 0 | 0  | 0  | 0 | 1  | 0  |
| 127. For his <i>recors</i> .....                                                                                                                | 0 | 7  | 6  | 0 | 5  | 0  | 0 | 3  | 9  |
| 128. For the sale of goods and chattels, exclusive of mileage .....                                                                             | 0 | 1  | 8  | 0 | 1  | 8  | 0 | 1  | 8  |
| 129. For publishing the notices of the sale .....                                                                                               | 0 | 7  | 6  | 0 | 5  | 0  | 0 | 3  | 9  |
| 130. For the service of any notice, and the certificate and return .....                                                                        | 0 | 1  | 0  | 0 | 1  | 0  | 0 | 1  | 0  |
| 131. If the Writ be returnable into the Superior Court, the Fees to the Sheriff will be the same as if it had issued out of the Superior Court. | 0 | 1  | 0  | 0 | 1  | 0  | 0 | 1  | 0  |

(Signed,) EDWD. BOWEN, CHIEF JUSTICE, S.C.

CHS. D. DAY, J.S.C.,  
 G. VANFELSON, J.S.C.,  
 J. DUVAL, J.S.C.,  
 CHARLES MONDELET, J.S.C.,  
 E. BACQUET, J.S.C.,  
 W. C. MEREDITH, J.S.C.

QUEBEC, 17th December, 1850.

PROVINCE OF CANADA, }  
DISTRICT OF QUEBEC. } SUPERIOR COURT.

We, the undersigned, Joint Prothonotary for the District of Quebec, of the Superior Court for Lower Canada, do hereby certify, that the foregoing contain true copies "of the original Table of Fees of the Superior Court for Lower Canada, and, also, of the Table of Fees, Circuit Court for Lower Canada," respectively deposited of record in our office, and duly registered on the Twenty-first day of December, in the year of our Lord One thousand eight hundred and fifty, pursuant to the provisions of the Law in such case made and provided, the same exhibiting the names of the several Honorable Judges who concurred in and subscribed the said "Tariffs" of the said Superior and Circuit Courts, severally and respectively.

[L.S.] BURROUGHS & FISET, P.S.C.

PROTHONOTARY'S OFFICE,  
Quebec, 27th September, 1852.

COURT OF QUEEN'S BENCH.—Copies of the TARIFF of FEES made on the 12th July, 1850, and of the ADDITIONAL TARIFF of the 11th October, 1851.

PROVINCE OF CANADA, }  
LOWER CANADA. } IN THE COURT OF QUEEN'S BENCH.

Order of July Term, 1850.

It is ordered by the Court here, That the several Fees hereinafter specified be allowed to, and taken by, the Counsel and Attorneys, and other Officers of this Court, for the several services hereinafter mentioned; and that no other Fees be allowed or taken for the said services, or for any other services, without the order of this Court in this behalf made.

| BY COUNSEL AND ATTORNEYS.                                                                                                                  | Amount. |    |    |
|--------------------------------------------------------------------------------------------------------------------------------------------|---------|----|----|
|                                                                                                                                            | £       | s. | d. |
| Attendance and examining the Record and proceedings of the Court below, and taking instructions to prosecute or defend on Appeal . . . . . | 1       | 0  | 0  |
| Proceipe for Writ of Appeal or Writ of Error, and lodging it in the Office . . . . .                                                       | 0       | 5  | 0  |
| Attendance to obtain Writ . . . . .                                                                                                        | 0       | 5  | 0  |
| Engrossing Copy of Writ to be served on Respondent or Defendant, in error . . . . .                                                        | 0       | 2  | 6  |
| Drawing and engrossing Motion of putting in security in Appeal . . . . .                                                                   | 0       | 5  | 0  |
| Copy of Notice to be served . . . . .                                                                                                      | 0       | 2  | 6  |
| Attendance when security is put in . . . . .                                                                                               | 0       | 5  | 0  |
| Examining recognizance in Appeal . . . . .                                                                                                 | 0       | 11 | 8  |

## COURT OF QUEEN'S BENCH.—(Continued.)

| BY COUNSEL AND ATTORNEYS.—(Continued.)                                                                                        | Amount. |    |    |
|-------------------------------------------------------------------------------------------------------------------------------|---------|----|----|
|                                                                                                                               | £       | s. | d. |
| Attendance at the return of the Writ.....                                                                                     | 0       | 7  | 6  |
| Drawing appearance and attendance to file it.....                                                                             | 0       | 5  | 0  |
| Every attendance at the office to file proceedings or cases, or to obtain Rules....                                           | 0       | 5  | 0  |
| Attendance and making abstract of the Record.....                                                                             | 2       | 6  | 8  |
| Drawing and engrossing Reasons of Appeal, or assignment of Errors.....                                                        | 1       | 0  | 0  |
| Copy for the Respondent or Defendant in Error.....                                                                            | 0       | 10 | 0  |
| Drawing and engrossing Answers to Reasons or Joinder in Error.....                                                            | 1       | 0  | 0  |
| Copy for the Appellant or Plaintiff in Error.....                                                                             | 0       | 10 | 0  |
| Drawing Case.....                                                                                                             | 3       | 10 | 0  |
| Engrossing Copy for Printer, and correcting proof sheet.....                                                                  | 1       | 3  | 4  |
| Attendance and inscribing cause for hearing.....                                                                              | 0       | 10 | 0  |
| Drawing and engrossing Notice of Inscription.....                                                                             | 0       | 5  | 0  |
| Copy to be served.....                                                                                                        | 0       | 2  | 6  |
| Copy of every Rule to be served on the adverse party.....                                                                     | 0       | 2  | 6  |
| Every necessary attendance in Court.....                                                                                      | 0       | 7  | 6  |
| Every Motion in Court.....                                                                                                    | 0       | 7  | 6  |
| Every necessary attendance at the Office.....                                                                                 | 0       | 5  | 0  |
| Fee on the argument of every point of Law on Motion.....                                                                      | 0       | 11 | 8  |
| Fee on every Law Issue.....                                                                                                   | 1       | 3  | 4  |
| Fee on the Merits of a cause, whether one or more days.....                                                                   | 2       | 6  | 8  |
| Attendance and remitting the Record to the Court below.....                                                                   | 0       | 16 | 8  |
| Drawing and engrossing Bill of Costs.....                                                                                     | 0       | 12 | 6  |
| Copy for adverse party, and attendance at taxation.....                                                                       | 0       | 7  | 6  |
| BY THE CLERK.                                                                                                                 |         |    |    |
| Entering and filing a Præcipe for a Writ of Appeal, or a Writ of Error.....                                                   | 0       | 2  | 6  |
| Drawing, engrossing and sealing Writ.....                                                                                     | 0       | 12 | 6  |
| Entering and filing Return to Writ.....                                                                                       | 0       | 2  | 6  |
| Entering and filing appearance.....                                                                                           | 0       | 2  | 6  |
| Entering and filing Reasons of Appeal, Answer or other Pleading, each.....                                                    | 0       | 2  | 6  |
| Entering and filing every Petition, Affidavit, Case, or other paper (those accompanying the return of the Writ excepted)..... | 0       | 1  | 0  |
| Attendance affording communication of Record.....                                                                             | 0       | 11 | 8  |
| Attendance taking inscription of cause for hearing.....                                                                       | 0       | 2  | 6  |
| Reading any Petition, Affidavit, or written Document, when required to do so.....                                             | 0       | 1  | 0  |
| Copies of all Papers, per sheet of 100 words.....                                                                             | 0       | 0  | 6  |
| Entering every Motion.....                                                                                                    | 0       | 2  | 0  |
| Drawing and entering Order thereon.....                                                                                       | 0       | 3  | 0  |
| Copy of Motion and Order.....                                                                                                 | 0       | 2  | 6  |
| Entering a Rule in the Office.....                                                                                            | 0       | 2  | 6  |
| Entering every express and necessary continuance after the cause is at issue and set down for hearing.....                    | 0       | 3  | 0  |
| Attendance at the hearing of a cause, chargeable one-half against each of the parties.....                                    | 0       | 15 | 0  |
| Attendance at every consultation of the Judges, chargeable one-half against each party.....                                   | 0       | 5  | 0  |
| Drawing up and entering Judgment on every Law Issue or point of Law argued on Motion.....                                     | 0       | 11 | 8  |
| Drawing up and entering Final Judgment on the Merits.....                                                                     | 1       | 3  | 4  |
| Copy of Judgment.....                                                                                                         | 0       | 5  | 0  |
| Drawing and engrossing recognizance on Appeal to the Queen in Her Privy Council.....                                          | 0       | 10 | 0  |
| Entering and taking the acknowledgment of it.....                                                                             | 0       | 5  | 0  |
| Fee on remitting the Record.....                                                                                              | 0       | 10 | 0  |

## COURT OF QUEEN'S BENCH.—(Continued.)

| BY THE CRIER.                                                                                                          | Amount. |    |    |
|------------------------------------------------------------------------------------------------------------------------|---------|----|----|
|                                                                                                                        | £       | s. | d. |
| On every Writ of Appeal or Error .....                                                                                 | 0       | 10 | 0  |
| On every appearance filed by a Respondent .....                                                                        | 0       | 10 | 0  |
| BY BAILIFFS OF THE COURT.                                                                                              |         |    |    |
| For service of every Writ of Appeal, Motion, or Rule and Certificate thereof ....<br>For mileage, the accustomed rate. | 0       | 5  | 0  |

(Signed,) J. STUART, C.J.  
 “ J. R. ROLLAND, J.B.R.  
 “ PHI. PANET, J.B.R.  
 “ T. C. AYLWIN, J.

QUEBEC, 12th July, 1850.

True Copy.

J. U. BEAUDRY,  
 Clerk of Appeals.

PROVINCE OF CANADA, } IN THE COURT OF QUEEN'S BENCH.  
 LOWER CANADA. } (Appeal side.)

The 11th day of October, 1851.

The Court considering that it is right and proper to make the following additions and changes to the Tariff of Fees heretofore established.

It is hereby ordered, under the authority of the Statute in this behalf, That there be allowed :—

|                                                                                                                                                                                                      | £ | s. | d. |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| To the Attorney for the Respondent, for demand of Reasons of Appeal, and copy .....                                                                                                                  | 0 | 7  | 6  |
| To the Attorney for the Appellants, for drawing demand of Answers to Reasons of Appeal, and copy .....                                                                                               | 0 | 7  | 6  |
| To the Attorney for any party, for drawing every necessary Affidavit in support of Special Motions .....                                                                                             | 0 | 5  | 0  |
| For every Copy of Affidavit furnished to the opposite Attorney .....                                                                                                                                 | 0 | 2  | 6  |
| That there be allowed, in taxation, the Costs of Printing the Cases as disbursements.                                                                                                                |   |    |    |
| That there be allowed in each and every case, upon final hearing, to the Attorneys on each side, to cover Counsel's Fee and to meet Travelling Expenses in lieu of the former Fee of £2 6s. 8d. .... | 5 | 16 | 8  |

(Signed,) J. R. ROLLAND, J.B.R.  
 “ PHI. PANET, J.B.R.  
 “ T. C. AYLWIN, J.

True Copy.

J. U. BEAUDRY,  
 Clerk of Appeals.

TABLES OF FEES OF THE SUPERIOR COURT AND CIRCUIT COURT FOR LOWER CANADA.

It is hereby ordered, that the following Fees be allowed to the Counsel, Advocates, and Attorneys practising in the Superior Court in actions to be instituted, and upon other proceedings to be commenced from and after the day on which the present Tariff shall be entered by the Prothonotaries of this Court in the Registers of the same as by Law directed; and the Tariff of Fees for the Counsel, Advocates, and Attorneys practising in this Court, the original whereof was entered in the registers of the said Court, at the City of Quebec, on the twenty-first day of December, 1850, is hereby repealed in so far as regards actions to be instituted, and other proceedings to be commenced, from and after the day on which the present Tariff shall be so entered in the registers of this Court.

T A B L E.

ACTIONS NOT CONTESTED.

- No. 1. If the action be settled before the return.....
2. If the action be settled, or if Defendant confess judgment, on the day of the Return, or on the next following juridical day.....
3. If the action be settled, or if the Defendant confess judgment, after the delay mentioned in the next preceding number, but before plea filed, or inscription for *Enquête*, or inscription for final hearing on the merits where no *Enquête* is necessary.....
4. If the action be settled after the inscription on the *Roll des Enquêtes*, but before the closing of the *Enquête*, or if the action be settled after the inscription for final hearing on the merits, where no *Enquête* is necessary, or if judgment be rendered on such last mentioned inscription.....
5. If the action be settled after *Enquête* closed, or if judgment be rendered in such action after *Enquête*.....
6. In any of the above cases in which the Defendant may have appeared by Attorney to Defendant's Attorney.....

|    | 1ST CLASS.                                                                                                                                                                                                                   |                       | 2ND CLASS.                                                                                                                                                                                                                                                                              |                       |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
|    | In personal Actions if the matters in contest exceed £100; and in real and mixed Actions not otherwise specially provided for; and in Actions en <i>séparation de biens</i> , or en <i>séparation de corps et de biens</i> . |                       | In personal Actions if the matters in contest do not exceed £100; and are not otherwise provided for; and in Actions en <i>exhibition de titre</i> , also, in Actions en <i>déclaration de paternité</i> ; and upon petitions en <i>destitution de tutelle</i> or <i>de curatelle</i> . |                       |
|    | Plaintiff's Attorney.                                                                                                                                                                                                        | Defendant's Attorney. | Plaintiff's Attorney.                                                                                                                                                                                                                                                                   | Defendant's Attorney. |
| £  | 4                                                                                                                                                                                                                            | 3                     | 3                                                                                                                                                                                                                                                                                       | 0                     |
| s. | 8                                                                                                                                                                                                                            | 0                     | 0                                                                                                                                                                                                                                                                                       | 0                     |
| d. | 4                                                                                                                                                                                                                            | 0                     | 8                                                                                                                                                                                                                                                                                       | 0                     |
| £  | 5                                                                                                                                                                                                                            | 10                    | 4                                                                                                                                                                                                                                                                                       | 10                    |
| s. | 0                                                                                                                                                                                                                            | 0                     | 0                                                                                                                                                                                                                                                                                       | 0                     |
| d. | 0                                                                                                                                                                                                                            | 0                     | 0                                                                                                                                                                                                                                                                                       | 0                     |
| £  | 6                                                                                                                                                                                                                            | 5                     | 5                                                                                                                                                                                                                                                                                       | 0                     |
| s. | 10                                                                                                                                                                                                                           | 0                     | 10                                                                                                                                                                                                                                                                                      | 0                     |
| d. | 0                                                                                                                                                                                                                            | 0                     | 8                                                                                                                                                                                                                                                                                       | 0                     |
| £  | 7                                                                                                                                                                                                                            | 2                     | 5                                                                                                                                                                                                                                                                                       | 2                     |
| s. | 0                                                                                                                                                                                                                            | 0                     | 0                                                                                                                                                                                                                                                                                       | 0                     |
| d. | 0                                                                                                                                                                                                                            | 8                     | 0                                                                                                                                                                                                                                                                                       | 0                     |
| £  | 2                                                                                                                                                                                                                            | 0                     | 2                                                                                                                                                                                                                                                                                       | 0                     |
| s. | 0                                                                                                                                                                                                                            | 0                     | 0                                                                                                                                                                                                                                                                                       | 0                     |
| d. | 0                                                                                                                                                                                                                            | 0                     | 0                                                                                                                                                                                                                                                                                       | 0                     |

SUPERIOR COURT—LOWER CANADA.—(Continued.)

T A B L E.—(Continued.)

| ACTIONS CONTESTED.                                                                                                                                                                                                                                  | 1st CLASS.                                                                                                                                                                                                                   |    |                       |    | 2nd CLASS.                                                                                                                                                                                                                                                                               |    |                       |    |    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----------------------|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----------------------|----|----|
|                                                                                                                                                                                                                                                     | In personal Actions if the matters in contest exceed £100; and in real and mixed Actions not otherwise specially provided for; and in Actions <i>en séparation de biens</i> , or <i>en séparation de corps et de biens</i> . |    |                       |    | In personal Actions if the matters in contest do not exceed £100; and are not otherwise provided for; and in Actions <i>en exhibi-tion de titre</i> , also, in Actions <i>en déclaration de paternité</i> ; and upon petitions <i>en destitution de tutelle</i> or <i>de curatelle</i> . |    |                       |    |    |
|                                                                                                                                                                                                                                                     | Plaintiff's Attorney.                                                                                                                                                                                                        |    | Defendant's Attorney. |    | Plaintiff's Attorney.                                                                                                                                                                                                                                                                    |    | Defendant's Attorney. |    |    |
|                                                                                                                                                                                                                                                     | £                                                                                                                                                                                                                            | s. | d.                    | £  | s.                                                                                                                                                                                                                                                                                       | d. | £                     | s. | d. |
| No. 7. If the action be settled after the filing of any plea, other than a plea to the merits, and without <i>Enquête</i> on such plea, or if the action be dismissed on such plea and without <i>Enquête</i> .....                                 | 6                                                                                                                                                                                                                            | 5  | 0                     | 5  | 0                                                                                                                                                                                                                                                                                        | 0  | 5                     | 0  | 0  |
| 8. If there be an <i>Enquête</i> on any such plea, an additional fee of £2 10s. to each Attorney on the <i>Koll des Enquêtes</i> where an <i>Enquête</i> is necessary, but before the inscription for final hearing, or before the inscription..... | 8                                                                                                                                                                                                                            | 6  | 8                     | 6  | 13                                                                                                                                                                                                                                                                                       | 4  | 6                     | 13 | 4  |
| 9. If the action be settled after the inscription on the <i>Koll des Enquêtes</i> , but before the inscription for final hearing.....                                                                                                               | 9                                                                                                                                                                                                                            | 7  | 6                     | 7  | 10                                                                                                                                                                                                                                                                                       | 0  | 7                     | 10 | 0  |
| 10. If the action be settled after the inscription for final hearing, or if judgment be rendered on such hearing.....                                                                                                                               | 12                                                                                                                                                                                                                           | 10 | 0                     | 10 | 0                                                                                                                                                                                                                                                                                        | 0  | 10                    | 0  | 0  |

The costs in actions *en revendication* for moveables to be taxed as against the Plaintiff according to the value of the property claimed, and as against the Defendant according to the value of the property for which Judgment is rendered. Hypothecary actions, and actions for Seigniorial dues where the title of the Seignior is not contested, are to be considered in respect of costs as merely personal actions. The costs in actions *en reddition de compte*, to be taxed as against the Plaintiff, according to the amount demanded, and as against the Defendant, according to the amount for which he is accountable. In any action of ejectment under the lessors and lessees Act, 3 Wm. IV. cap. 1, the costs to be as in a personal action (in the Superior Court or Circuit Court, as the case may be,) for a sum of money equal to the rent of the premises leased for the year current at the time of the institution of the action, or if the lease shall have expired, then for the last year to which the lease extended; save and except cases in which the annual rent shall not exceed £15 in 16. which the costs shall be according to the 8rd class of appealable cases in the Circuit Court. In actions for sums of money under £50, instituted by Writ of *Capias ad resp.* in the Superior Court, the costs to be as in actions in the Circuit Court for like sums, excepting that if the sum for which a Writ of *capias ad respondendum* be sued out do not exceed £15 currency, the costs shall be as in an appealable action of the 8rd class in the Circuit Court. In actions of damages for personal wrongs (excepting in actions in which the Court or Jury shall find the damages to be under forty shillings sterling) the costs to be taxed as of the class to be determined by the Final Judgment. In any case where the Defendants sever in their defence, the Plaintiff's Attorney shall receive on each additional issue one-half of the sum which he would have received had there been but one issue, the whole amount to be payable in equal proportions by the party or parties to each issue.

## SUPERIOR COURT.—ADDITIONAL FEES.

|                                                                                                                                                                                 | £ | s. | d. |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| No. 11. For the second and every additional copy of the Plaintiff's declaration..                                                                                               | 0 | 5  | 0  |
| 12. Affidavit to obtain <i>Cap. ad resp.</i> — <i>Sa. rev.</i> — <i>Sa. ar.</i> —or <i>Saisie gagerie</i> , when affidavit required and action commenced by such process. . . . | 0 | 10 | 0  |
| 13. If a writ of <i>Capias ad respondendum</i> or any writ of attachment against moveables be sued out at any time after the institution of the action (affidavit included),—   |   |    |    |
| To the Attorney suing out same—if action of 1st class . . . . .                                                                                                                 | 3 | 0  | 0  |
| Do. do do —if action of 2nd class . . . . .                                                                                                                                     | 2 | 6  | 8  |
| 14. On any exception <i>déclinatoire</i> , <i>dilatoire</i> or <i>péremptoire à la forme</i> , or <i>défense au fonds en droit</i> overruled,—                                  |   |    |    |
| To the Plaintiff's Attorney . . . . .                                                                                                                                           | 1 | 10 | 0  |
| To the Defendant's Attorney . . . . .                                                                                                                                           | 1 | 8  | 4  |
| On any other plea overruled, after law issue raised upon it,—                                                                                                                   |   |    |    |
| 15. To the successful party . . . . .                                                                                                                                           | 1 | 10 | 0  |
| To the opposite party . . . . .                                                                                                                                                 | 1 | 8  | 4  |
| 16. On any exception <i>dilatoire</i> maintained,—                                                                                                                              |   |    |    |
| To the Defendant's Attorney . . . . .                                                                                                                                           | 3 | 10 | 0  |
| To the Plaintiff's Attorney . . . . .                                                                                                                                           | 2 | 6  | 8  |
| The fees allowed in the foregoing Nos. 14 & 16 are exclusive of the fee allowed where an <i>Enquête</i> takes place upon any preliminary plea.                                  |   |    |    |
| 17. If the Plaintiff be permitted to amend his declaration after the filing of an exception <i>à la forme</i> ,—                                                                |   |    |    |
| To the Defendant's Attorney . . . . .                                                                                                                                           | 1 | 15 | 0  |
| 18. If the Plaintiff be permitted to amend his declaration after the filing of a <i>défense au fonds en droit</i> ,—                                                            |   |    |    |
| To the Defendant's Attorney . . . . .                                                                                                                                           | 2 | 6  | 8  |
| 19. For all proceedings on any petition, motion or rule, not specially provided for, upon which costs are ordered to be paid,—                                                  |   |    |    |
| To the party to whom costs are awarded . . . . .                                                                                                                                | 0 | 11 | 8  |
| 20. For all proceedings respecting the putting in of security, in any case not otherwise provided for,—                                                                         |   |    |    |
| To each Attorney . . . . .                                                                                                                                                      | 0 | 11 | 8  |
| 21. Fee for counsel at <i>Enquête</i> in any contested cause whether tried by Jury or not, this fee not to be allowed unless an appearance be filed by the counsel retained,—   |   |    |    |
| To each,—if action of 1st class . . . . .                                                                                                                                       | 2 | 6  | 8  |
| Do —if action of 2nd class . . . . .                                                                                                                                            | 1 | 15 | 0  |
| 22. In cases to be tried by Jury,—                                                                                                                                              |   |    |    |
| To each Attorney for preparation of factums required by rule 72,—if action of 1st class. . . . .                                                                                | 1 | 10 | 0  |
| Do do do —if action of 2nd class.. . . .                                                                                                                                        | 1 | 0  | 0  |
| 23. On any re-hearing on the merits, ordered in a contested action,—                                                                                                            |   |    |    |
| To each Attorney,—if action of 1st class. . . . .                                                                                                                               | 2 | 6  | 8  |
| Do do —if action of 2nd class. . . . .                                                                                                                                          | 1 | 15 | 0  |
| 24. On any re-hearing ordered upon any pleading,—                                                                                                                               |   |    |    |
| To each Attorney . . . . .                                                                                                                                                      | 1 | 8  | 4  |
| 25. On any re-hearing ordered upon any rule or other proceeding not specially provided for,—                                                                                    |   |    |    |
| To each Attorney . . . . .                                                                                                                                                      | 0 | 11 | 8  |
| 26. For all proceedings on a <i>reprise d'instance</i> , by petition or motion of the <i>reprenant l'instance</i> ,—                                                            |   |    |    |
| To the Attorney <i>rept. l'instance</i> . . . . .                                                                                                                               | 2 | 6  | 8  |
| To the Attorney of adverse party . . . . .                                                                                                                                      | 1 | 8  | 4  |
| 27. Costs as in the principal action if the <i>reprise d'instance</i> be contested, or if it be made by action; and also on proceedings to have judgment declared executory,—   |   |    |    |
| 28. On every copy of Subpœna certified by the Attorney . . . . .                                                                                                                | 0 | 0  | 6  |
| 29. For all proceedings on suing out a Writ of Execution . . . . .                                                                                                              | 0 | 6  | 8  |
| 30. For all proceedings on suing out a Writ of <i>Saisie arrêt</i> after Judgment—                                                                                              |   |    |    |
| 31. If the declaration of the <i>Tiers Saisi</i> be not contested,—                                                                                                             |   |    |    |
| To the Attorney suing out same,—if action of 1st class. . . . .                                                                                                                 | 2 | 6  | 8  |
| Do do —if action of 2nd class. . . . .                                                                                                                                          | 1 | 15 | 0  |

## SUPERIOR COURT.—ADDITIONAL FEES.—(Continued.)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | £ | s. | d. |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| No. 32. For every <i>Tiers Saisi</i> above three, <i>ës.</i> each,—<br>If contested the costs to be the same as in a contested personal action; the class to be determined by the amount of the judgment against the <i>Tiers Saisi</i> , if the costs be payable by him; and by the amount claimed by the contestation, if the costs be payable by the party contesting the declaration.                                                                                                                                                          |   |    |    |
| 33. For all proceedings for a <i>contrainte par corps</i> , or for the imprisonment of any party, or for a Writ of possession, or for an order for a sale in consequence of a <i>folle enchère</i> , or for a <i>scellé</i> , or for the removal thereof, and for all proceedings on any application either before or after judgment to liberate any person arrested for debt otherwise than by giving bail, or to obtain possession of property seized under <i>mesne process</i> ,—<br>To the Attorney of applicant, if no cause shewn . . . . . | 1 | 0  | 0  |
| If cause shewn but without <i>Enquête</i> ,—<br>To the Attorney of applicant . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 1 | 10 | 0  |
| To the Attorney shewing cause . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 1 | 0  | 0  |
| 34. If an <i>Enquête</i> be necessary on any of the proceedings mentioned in the foregoing number or upon any other incidental proceeding not specially provided for,—<br>To each Attorney an additional Fee of £2 0 0 (to wit, two pounds.)                                                                                                                                                                                                                                                                                                       |   |    |    |
| 35. For prosecuting to Judgment a report of distribution not contested . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 2 | 10 | 0  |
| 36. For all proceedings upon a contestation of a report of distribution, if the contestation be not withdrawn or acquiesced in, before the inscription for final hearing on the merits, when the amount of the collocation contested is above £100,—<br>To the Attorney of the party contesting . . . . .                                                                                                                                                                                                                                          | 4 | 3  | 4  |
| To the Attorney of the creditor claiming . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 3 | 6  | 8  |
| 37. If the amount of the collocation contested exceed £50, and do not exceed £100,—<br>To the Attorney of the party contesting . . . . .                                                                                                                                                                                                                                                                                                                                                                                                           | 3 | 6  | 8  |
| To the Attorney of the creditor claiming . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 2 | 10 | 0  |
| 38. If the amount of the collocation contested, exceed £20, and do not exceed £50,—<br>To the Attorney of the party contesting . . . . .                                                                                                                                                                                                                                                                                                                                                                                                           | 2 | 10 | 0  |
| To the Attorney of the party claiming . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 2 | 0  | 0  |
| 39. If the amount of the collocation contested do not exceed £20,—<br>To the Attorney of the party contesting . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                            | 2 | 0  | 0  |
| To the Attorney of the party claiming . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 1 | 10 | 0  |
| 40. If the contestation be withdrawn or acquiesced in, before the inscription for final hearing on such contestation, one half of the above Fees according to the class.                                                                                                                                                                                                                                                                                                                                                                           |   |    |    |
| 41. For all the proceedings after Judgment ordering an account to be rendered in any action <i>en reddition de compte</i> , if the account be acquiesced in without <i>debats</i> ,—<br>To each Attorney . . . . .                                                                                                                                                                                                                                                                                                                                 | 2 | 6  | 8  |
| 42. If the account be contested, the costs to be the same as in a contested personal action; the class to be determined by the amount for which the <i>rendant compte</i> shall be declared accountable beyond the amount admitted to be due, by the account filed, if the cost be payable by the <i>rendant compte</i> , and by the amount claimed by the <i>debats de compte</i> , if the costs be payable by the <i>oyant compte</i> .                                                                                                          |   |    |    |
| 43. In actions <i>en séparation de biens</i> or <i>en séparation de corps et de biens</i> ,—<br>For all proceedings to liquidate the matrimonial rights of the Plaintiff,—<br>If not contested, to Plaintiff's Attorney . . . . .                                                                                                                                                                                                                                                                                                                  | 2 | 6  | 8  |
| If contested, to each Attorney . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 5 | 0  | 0  |
| 44. For all proceedings to cause a Curator to be appointed to a <i>délaissement</i> , in any hypothecary action . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                          | 1 | 3  | 4  |
| And to the Curator £1 3s. 4d.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |   |    |    |



## SUPERIOR COURT.—ADDITIONAL FEES.—(Continued.)

## INTERVENTIONS, &amp;c.

No. 45. Costs on interventions and incidental cross demands to be the same as on original demands of same class.

## OPPOSITIONS.

Oppositions *afin de conserver* not contested,—

|                                                                                                                                                                                                                                                                                                                                                           | £ | s. | d. |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| 46. If the sum do not exceed £20 .....                                                                                                                                                                                                                                                                                                                    | 2 | 0  | 0  |
| 47. If it exceed £20, and do not exceed £50 .....                                                                                                                                                                                                                                                                                                         | 2 | 6  | 8  |
| 48. If it exceed £50, and do not exceed £100 .....                                                                                                                                                                                                                                                                                                        | 2 | 16 | 8  |
| 49. If it exceed £100 .....                                                                                                                                                                                                                                                                                                                               | 3 | 6  | 8  |
| 50. If contested, costs to be the same as in a personal action for the same amount in the Superior Court or Circuit Court as the case may be, excepting that the costs upon the contestation of any opposition for a sum not exceeding £15, shall be the same as in contested actions of the <i>third</i> class of appealable cases in the Circuit Court. |   |    |    |
| 51. Oppositions <i>afin de distraire</i> , <i>afin d'annuller</i> , or <i>afin de charge</i> , if not contested .....                                                                                                                                                                                                                                     | 3 | 6  | 8  |
| 52. If contested, costs to be as in actions of the 2nd class.                                                                                                                                                                                                                                                                                             |   |    |    |

## RATIFICATIONS OF TITLE.

For all the proceedings to obtain a sentence of Ratification of Title,—

|                                                                                                                                                                       |   |    |   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|---|
| 53. To the Petitioner's Attorney, if purchase money do not exceed £100 ....                                                                                           | 3 | 10 | 0 |
| 54. If purchase money exceed £100, and do not exceed £250, or if the consideration be not of a pecuniary nature .....                                                 | 5 | 0  | 0 |
| 55. If purchase money exceed £250 .....                                                                                                                               | 6 | 5  | 0 |
| 56. Fees on Oppositions to sentence of Ratification of Title, and on contestations thereof, to be the same as on Oppositions to executions and contestations thereof. |   |    |   |

## PROCEEDINGS UNDER 12 VIC. CAP. 41.

57. The costs upon proceedings under any Writ (excepting Writs of *Certiorari*) sued out under this Statute, to be the same as in actions of the 2nd class.

## WRITS OF CERTIORARI.

|                                                                                |   |    |   |
|--------------------------------------------------------------------------------|---|----|---|
| 58. If settled after the motion to file any such Writ,—<br>To Petitioner ..... | 2 | 6  | 8 |
| 59. If not settled before such motion,—<br>To Petitioner .....                 | 3 | 10 | 0 |
| To Respondent .....                                                            | 2 | 10 | 0 |

## COMMISSIONS ROGATOIRE AND ORDERS FOR THE EXAMINATION OF WITNESSES.

|                                                                                                |   |    |   |
|------------------------------------------------------------------------------------------------|---|----|---|
| 60. To the Attorney suing out the same .....                                                   | 0 | 15 | 0 |
| 61. For the drawing of Interrogatories or Cross-Interrogatories .....                          | 1 | 0  | 0 |
| To the Attorneys engaged where the Writ or Order is executed,—                                 |   |    |   |
| 62. For taking instructions, examining the papers, &c., &c., to each ....                      | 1 | 3  | 4 |
| 63. For examining or cross-examining any Witness .....                                         | 0 | 5  | 0 |
| 64. To the Attorney prosecuting the execution of the Writ or Order, an additional Fee of ..... | 1 | 0  | 0 |

## PROBATES.

|                                                      |   |    |   |
|------------------------------------------------------|---|----|---|
| 65. For all Fees to obtain Probate of any Will ..... | 2 | 10 | 0 |
|------------------------------------------------------|---|----|---|

## SUPERIOR COURT.—ADDITIONAL FEES.—(Continued.)

| EVOCATIONS.                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | £ | s. | d. |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| No. 66.                      | If the Evocation be maintained, the costs to be the same as in actions of the second class, which costs shall include all services in both Courts,—                                                                                                                                                                                                                                                                                                                                                   |   |    |    |
| 67.                          | If Evocation be rejected, to each Attorney .....                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 1 | 8  | 4  |
| APPEALS FROM BANKRUPT COURT. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |   |    |    |
| 68.                          | On every contested Appeal which shall be prosecuted to final hearing,—                                                                                                                                                                                                                                                                                                                                                                                                                                |   |    |    |
|                              | To Attorney of Appellant .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 7 | 10 | 0  |
|                              | To Attorney of Respondent .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 6 | 0  | 0  |
|                              | If Appeal be not contested,—                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |   |    |    |
| 69.                          | To Attorney of Appellant.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 5 | 16 | 8  |
|                              | If Appeal be dismissed or settled before final hearing—To Attorney of Appellant .....                                                                                                                                                                                                                                                                                                                                                                                                                 | 2 | 10 | 0  |
|                              | Do do do —To Attorney of Respondent..                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 2 | 6  | 8  |
| APPEALS FROM CIRCUIT COURT.  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |   |    |    |
| 70.                          | If contested—To the Attorney of Appellant .....                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 5 | 0  | 0  |
|                              | Do —To the Attorney of Respondent .....                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 3 | 0  | 0  |
| 71.                          | If not contested,—To the Attorney of Appellant .....                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 3 | 0  | 0  |
| 72.                          | If Appeal be dismissed or settled before final hearing on the merits,—                                                                                                                                                                                                                                                                                                                                                                                                                                |   |    |    |
|                              | To the Attorney of Appellant .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 2 | 10 | 0  |
|                              | To the Attorney of Respondent .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 1 | 15 | 0  |
| INSCRIPTIONS EN FAUX.        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |   |    |    |
| 73.                          | If settled before <i>moyens de faux</i> are filed, each motion required by the Rules of this Court, and also the declaration to be made by the Defendant, <i>en faux</i> , as to whether he intends to avail himself of the document impeached, shall be taxed as a motion according to the foregoing No. 19.                                                                                                                                                                                         |   |    |    |
|                              | If settled after the <i>moyens de faux</i> are filed, but before the answer, the Fees of the Attorney of the Plaintiff, <i>en faux</i> , shall be as in No. 1 of the Table, and the Fees of the Attorney of the Defendant, <i>en faux</i> , shall be as in No. 6 of the Table, and if the settlement take place at any subsequent stage of the proceedings, or if Judgment be rendered on such inscription <i>de faux</i> , the costs shall be as in the original demand, if settled at a like stage. |   |    |    |

(Signed,) EDWD. BOWEN, CHIEF JUSTICE.  
 “ D. MONDELET, J.S.C.,  
 “ R. H. GAIRDNER, J.S.C.  
 “ J. SMITH, J.S.C.  
 “ G. VANFELSON,  
 “ E. BACQUET, J.C.S.

MONTREAL, 30th June, 1852.

“ CHARLES MONDELET, J.S.C.  
 “ J. DUVAL, J.  
 9th July, 1852. “ W. C. MEREDITH, J.S.C.

Registered and entered at Quebec, this 20th July, 1852.

BURROUGHS & Fiset, Prothy. S.C.

## SUPERIOR COURT.—ADDITIONAL FEES.—(Continued.)

PROVINCE OF CANADA, }  
DISTRICT OF QUEBEC. }

## SUPERIOR COURT.

We, the undersigned, Joint Prothonotary for the District of Quebec, of the Superior Court for Lower Canada, do hereby certify that the foregoing Table of Fees allowed to the Counsel, Advocates, and Attorneys practising in the Superior Court, is a true copy of the original Table of Fees for the said Superior Court for Lower Canada, deposited of record in our Office, and duly registered and entered by us in the Registers of the said Court, on the Twentieth day of July, in the year of our Lord One thousand eight hundred and fifty-two, pursuant to the provisions of the Law in such case made and provided.

BURROUGHS &amp; Fiset, P.S.C.

PROTHONOTARY'S OFFICE,  
Quebec, 27th September, 1852.

## SUPERIOR COURT.—LOWER CANADA.

It is ordered that the following Fees be allowed to the Bailiffs of this Court, for services to be performed from and after the day on which the present Tariff shall be entered by the Prothonotaries of this Court in the Registers of the same, as by Law required; and the Tariff of Fees for the Bailiffs of this Court, the original whereof was entered in the Register of the said Court, at the City of Quebec, on the Twenty-first day of December, 1850, is hereby repealed in so far as regards services to be performed by the Bailiffs of this Court, from and after the day on which the present Tariff shall be so entered in the Registers of this Court.

## TO THE BAILIFFS.

|                                                                                                                                                                                              | £ | s. | d. |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| For the service of any Notice or other paper, upon an Attorney as such, including return .....                                                                                               | 0 | 1  | 0  |
| For the service of a Writ of Subpoena on each Witness, including return .....                                                                                                                | 0 | 1  | 6  |
| For the service of any Writ of Summons, or other Writ or paper not otherwise provided for, including return .....                                                                            | 0 | 2  | 0  |
| For the service of any Writ, or other document required by Law to be served personally, including return .....                                                                               | 0 | 2  | 6  |
| For all proceedings on the arrest of any person, including return when required ..                                                                                                           | 0 | 10 | 0  |
| For the seizure of Real Estate, or the seizure or attachment of moveables, including original <i>procès verbal</i> and copies for the <i>Saisi</i> , and for the guardian to moveables ..... | 0 | 12 | 6  |
| If more than one lot of land included in any seizure, for each additional lot .....                                                                                                          | 0 | 2  | 6  |
| For every publication in both languages at the Church door, not otherwise provided for, including <i>affiches</i> , affixing same, &c. ....                                                  | 0 | 2  | 6  |
| For the sale of real or personal property, including <i>procès verbal</i> of sale, and copy.                                                                                                 | 0 | 10 | 0  |
| If more than one lot of land be sold under the same Writ, for each additional lot sold                                                                                                       | 0 | 2  | 6  |
| For a <i>procès verbal</i> of no goods or no lands, including copy if required .....                                                                                                         | 0 | 2  | 6  |
| For a <i>procès verbal</i> of <i>Rébellion à Justice</i> , and copy .....                                                                                                                    | 0 | 5  | 0  |
| For all services executing a Writ of possession, including <i>procès verbal</i> .....                                                                                                        | 0 | 10 | 0  |
| For <i>Recors</i> when required .....                                                                                                                                                        | 0 | 2  | 6  |
| If <i>Recors</i> necessarily employed more than half a day, at the rate of 8s. 4d. per day                                                                                                   |   |    |    |

SUPERIOR COURT.—LOWER CANADA.—(Continued.)

| TO THE BAILIFFS.—(Continued.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  | £ | s. | d. |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---|----|----|
| For the appointing of a new guardian, when legally required so to do, including <i>procès verbal</i> , copy, &c.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  | 0 | 5  | 0  |
| For the posting and publication of <i>Exparte</i> Notices for a Ratification of Title, including return, &c.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  | 1 | 0  | 0  |
| For the attendance on Jury Trials, under the direction of the Sheriff, per diem, (when required) .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  | 0 | 5  | 0  |
| In any case in which, in consequence of more than one person being interested in the property seized or sold, an additional copy or copies of a <i>procès verbal</i> is or are necessary, for each extra copy so required.....                                                                                                                                                                                                                                                                                                                                                              |  | 0 | 2  | 6  |
| If in consequence of the quantity of goods to be seized or sold, a Bailiff is necessarily occupied more than one day in making such seizure or sale, the additional time, when certified by the Sheriff, to be charged at the rate of 10s. per day                                                                                                                                                                                                                                                                                                                                          |  | 0 | 10 | 0  |
| If any paper to be prepared by a Bailiff, excepting <i>procès verbaux</i> of seizure of real estate, necessarily contains more than 300 words, the additional words to be charged at the rate of fourpence per 100 words, in addition to the Fees hereinbefore allowed.                                                                                                                                                                                                                                                                                                                     |  |   |    |    |
| Mileage on the service or execution of a Writ or of Process of any kind, at the rate of one shilling per mile, as heretofore, without any further charge for mileage on any other Process to be served on the same party then in the hands of the Bailiff, and which shall be or might have been served at the same time, (whether such Process shall have been sued out by the same party or by any other,) and without any charge for mileage in returning, but exclusive of sums paid at Toll-gates, Ferries and Bridges. No mileage to be allowed, unless the distance exceed one milc. |  |   |    |    |

(Signed,) EDWD. BOWEN, CHIEF JUSTICE.  
 “ D. MONDELET, J.S.C.  
 “ R. H. GAIRDNER, J.S.C.  
 “ J. SMITH, J.S.C.  
 “ G. VANFELSON,  
 “ E. BACQUET, J.C.S.

MONTREAL, 30th June, 1852.

“ CHARLES MONDELET, J.S.C.  
 “ J. DUVAL, J.

9th July, 1852.

“ W. C. MEREDITH, J.S.C.

Registered and entered at Quebec, this 20th July, 1852.

BURROUGHS & Fiset, Prothy. S.C.

PROVINCE OF CANADA, }  
 DISTRICT OF QUEBEC. }

SUPERIOR COURT.

We, the undersigned, Joint Prothonotary, for the District of Quebec, of the Superior Court for Lower Canada, do hereby certify that the foregoing Table of Fees to be allowed to the Bailiffs in the said Superior Court for Lower Canada, is a true copy of the Original Table of Fees to be allowed to the Bailiffs in the said Court, deposited of Record in our Office, and duly registered and entered by us in the Registers of the said Superior Court, on the twentieth day of July, in the year of Our Lord one thousand eight hundred and fifty-two, pursuant to the provisions of the Law in such case made and provided.

BURROUGHS & Fiset, P.S.C.

PROTHONOTARY'S OFFICE,

Quebec, 27th September, 1852.

CIRCUIT COURT—LOWER CANADA.

It is hereby ordered, that the following Fees be allowed to the Counsel, Advocates, and Attorneys practising in the Circuit Court, in actions to be instituted, and upon other proceedings to be commenced from and after the day on which the present Tariff shall be entered by the Clerks of this Court in the Registers of the same as by Law directed; and the TARIFF of FEES for the Counsel, Advocates, and Attorneys practising in this Court, the original whereof was entered in the Registers of the Superior Court, at the City of Quebec, on the twenty-first day of December, 1850, is hereby repealed in so far as regards actions to be instituted, and other proceedings to be commenced, from and after the day on which the present Tariff shall be so entered in the Registers of this Court.

T A B L E.

ACTIONS NOT CONTESTED.

| No. | 1ST CLASS.<br>Actions in which the sum of money or value of thing demanded exceeds £30.                                                                                                                                                                                                                            | 2ND CLASS.<br>Actions in which the sum of money or value of the thing demanded exceeds £20, and does not exceed £30. |    |    | 3RD CLASS.<br>Actions in which the sum of money or value of the thing demanded exceeds £15, and does not exceed £20. |    |    |   |    |    |   |    |   |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|----|----|----------------------------------------------------------------------------------------------------------------------|----|----|---|----|----|---|----|---|
|     |                                                                                                                                                                                                                                                                                                                    | £                                                                                                                    | s. | d. | £                                                                                                                    | s. | d. | £ | s. | d. |   |    |   |
| 1.  | If the action be settled before the return                                                                                                                                                                                                                                                                         | 2                                                                                                                    | 6  | 8  | 1                                                                                                                    | 10 | 8  | 1 | 10 | 0  | 1 | 10 | 0 |
| 2.  | If the action be settled, or if the Defendant confess Judgment on the day of the Return, or on the next following Juridical day                                                                                                                                                                                    | 3                                                                                                                    | 0  | 0  | 2                                                                                                                    | 10 | 0  | 2 | 10 | 0  | 1 | 15 | 0 |
| 3.  | If the action be settled, or if the Defendant confess Judgment after the delay mentioned in the next preceding number, but before plea filed, or inscription for <i>Enquête</i> , or inscription for final hearing on the merits, where no <i>Enquête</i> is necessary.                                            | 3                                                                                                                    | 10 | 0  | 3                                                                                                                    | 0  | 0  | 3 | 0  | 0  | 2 | 0  | 0 |
| 4.  | If the action be settled after the inscription on the <i>Roll des Enquêtes</i> , but before the closing of the <i>Enquête</i> , or if the action be settled after inscription for final hearing on the merits, where no <i>Enquête</i> is necessary; or if Judgment be rendered on such last mentioned inscription | 4                                                                                                                    | 0  | 0  | 3                                                                                                                    | 10 | 0  | 3 | 10 | 0  | 2 | 10 | 0 |
| 5.  | If the action be settled after <i>Enquête</i> closed, or if Judgment be rendered in such action after <i>Enquête</i>                                                                                                                                                                                               | 4                                                                                                                    | 13 | 4  | 4                                                                                                                    | 0  | 0  | 4 | 0  | 0  | 3 | 0  | 0 |
| 6.  | In any of the above cases in which the Defendant may have appeared by Attorney,—<br>To Defendant's Attorney                                                                                                                                                                                                        | 1                                                                                                                    | 10 | 0  | 1                                                                                                                    | 5  | 0  | 1 | 5  | 0  | 1 | 0  | 0 |

CIRCUIT COURT—LOWER CANADA.—(Continued.)

| ACTIONS CONTESTED.                                                                                                                                                                                                                                           | 1ST CLASS.                                                                |    |    | 2ND CLASS.                                                                                         |    |    | 3RD CLASS.                                                                                             |    |    |   |    |   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|----|----|----------------------------------------------------------------------------------------------------|----|----|--------------------------------------------------------------------------------------------------------|----|----|---|----|---|
|                                                                                                                                                                                                                                                              | Actions in which the sum of money or value of thing demanded exceeds £30. |    |    | Actions in which the sum of money or value of thing demanded exceeds £20, and does not exceed £30. |    |    | Actions in which the sum of money or value of the thing demanded exceeds £15, and does not exceed £20. |    |    |   |    |   |
|                                                                                                                                                                                                                                                              | £                                                                         | s. | d. | £                                                                                                  | s. | d. | £                                                                                                      | s. | d. |   |    |   |
| No. 7. If the action be settled after the filing of any plea other than a plea to the merits and without <i>Enquête</i> on such plea; or if the action be dismissed on such plea without <i>Enquête</i> .....                                                | 3                                                                         | 10 | 0  | 2                                                                                                  | 15 | 0  | 2                                                                                                      | 5  | 0  | 1 | 15 | 0 |
| If there be an <i>Enquête</i> on any such plea an additional Fee of £1 10 0, to each Attorney.                                                                                                                                                               |                                                                           |    |    |                                                                                                    |    |    |                                                                                                        |    |    |   |    |   |
| 8. If the action be settled after the filing of a plea to the merits, but before the inscription on the <i>Roll des Enquêtes</i> where an <i>Enquête</i> is necessary, or before the inscription for final hearing where no <i>Enquête</i> is necessary..... | 4                                                                         | 13 | 4  | 3                                                                                                  | 13 | 4  | 3                                                                                                      | 0  | 0  | 2 | 0  | 8 |
| 9. If the action be settled after the inscription on the <i>Roll des Enquêtes</i> , but before the inscription for final hearing.....                                                                                                                        | 5                                                                         | 5  | 0  | 4                                                                                                  | 2  | 0  | 3                                                                                                      | 7  | 0  | 2 | 12 | 0 |
| 10. If the action be settled after the inscription for final hearing, or if Judgment be rendered on such hearing.....                                                                                                                                        | 7                                                                         | 0  | 0  | 5                                                                                                  | 10 | 0  | 4                                                                                                      | 10 | 0  | 3 | 10 | 0 |

In any case where there are more Defendants than one, and where they sever in their defence.—To Plaintiff's Attorney, on each additional issue, one-half of the sum he would have received had there been but one issue, the whole amount payable in equal proportions by the party or parties to each issue.

The costs in actions *en reddition de compte* to be taxed as against the Plaintiff, according to the amount demanded; and as against the Defendant, according to the amount for which he is accountable.

In actions of damages for personal wrongs, (excepting in actions in which the Court or Jury shall find the damages to be under forty shillings sterling,) the costs to be taxed as of the class to be determined by the final Judgment.

In any action of ejectment under the Lessors and Lessees Act, 3 Wm. IV. cap. 1, the costs to be as in a personal action for a sum of money equal to the rent of the premises leased, for the year current at the time of the institution of the action, or if the lease shall have expired, then for the last year to which the lease extended, save and except in cases in which the annual rent shall not exceed £15, in which cases the costs shall be according to the third class of Appealable cases in this Court.

## ADDITIONAL FEES TO TABLE.—APPEALABLE CASES.—CIRCUIT COURT.

|                                                                                                                                                                                                                                                                                                                           | £ | s. | d. |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| No. 11. For the second and every additional copy of the Plaintiff's declaration ..                                                                                                                                                                                                                                        | 0 | 8  | 4  |
| 12. For Affidavit to obtain <i>Saisie Arrêt, Saisie Revendication, or Saisie Gagerie</i> , when affidavit required and action commenced by such process .....                                                                                                                                                             | 0 | 7  | 6  |
| 13. If any Writ of Attachment against moveables be sued out at any time after the institution of the action,—                                                                                                                                                                                                             |   |    |    |
| To the Attorney suing out the same .....                                                                                                                                                                                                                                                                                  | 1 | 10 | 0  |
| 14. On every <i>exception déclatoire, dilatoire, or péremptoire à la forme</i> , and on every <i>défense au fonds en droit</i> , over-ruled,—                                                                                                                                                                             |   |    |    |
| To the Plaintiff's Attorney .....                                                                                                                                                                                                                                                                                         | 1 | 0  | 0  |
| To the Defendant's Attorney .....                                                                                                                                                                                                                                                                                         | 0 | 15 | 0  |
| 15. On any other plea over-ruled, after law issue raised upon it,—                                                                                                                                                                                                                                                        |   |    |    |
| To the Attorney of the successful party .....                                                                                                                                                                                                                                                                             | 1 | 0  | 0  |
| To the opposite party .....                                                                                                                                                                                                                                                                                               | 0 | 15 | 0  |
| 16. To the Defendant's Attorney on every <i>exception dilatoire</i> maintained ..                                                                                                                                                                                                                                         | 1 | 5  | 0  |
| To Plaintiff's Attorney .....                                                                                                                                                                                                                                                                                             | 0 | 12 | 6  |
| 17. The Fees allowed in the foregoing Nos. 14 and 16, are exclusive of the Fee allowed when an <i>Enquête</i> takes place upon any preliminary plea.                                                                                                                                                                      |   |    |    |
| 18. If the Plaintiff be permitted to amend his declaration after the filing of an <i>exception à la forme</i> ,—                                                                                                                                                                                                          |   |    |    |
| To the Defendant's Attorney .....                                                                                                                                                                                                                                                                                         | 0 | 15 | 0  |
| 19. If the Plaintiff be permitted to amend his declaration after the filing of a <i>défense au fonds en droit</i> ,—                                                                                                                                                                                                      |   |    |    |
| To the Defendant's Attorney .....                                                                                                                                                                                                                                                                                         | 1 | 5  | 0  |
| 20. For all proceedings on any Petition, Motion or Rule, not specially provided for, upon which costs are ordered to be paid,—                                                                                                                                                                                            |   |    |    |
| To the party to whom costs are awarded .....                                                                                                                                                                                                                                                                              | 0 | 6  | 8  |
| 21. For all proceedings respecting the putting in of security,—                                                                                                                                                                                                                                                           |   |    |    |
| To each Attorney .....                                                                                                                                                                                                                                                                                                    | 0 | 6  | 8  |
| 22. On any re-hearing upon the merits ordered by the Court in any contested cause,—                                                                                                                                                                                                                                       |   |    |    |
| To each Attorney .....                                                                                                                                                                                                                                                                                                    | 1 | 8  | 4  |
| On any re-hearing ordered upon any pleading,—                                                                                                                                                                                                                                                                             |   |    |    |
| To each Attorney .....                                                                                                                                                                                                                                                                                                    | 0 | 13 | 4  |
| On any re-hearing ordered upon any Rule or other proceeding, not specially provided for,—                                                                                                                                                                                                                                 |   |    |    |
| To each Attorney .....                                                                                                                                                                                                                                                                                                    | 0 | 6  | 8  |
| 23. For all proceedings on a <i>reprise d'instance</i> , by petition or motion of the <i>reprenant l'instance</i> ,—                                                                                                                                                                                                      |   |    |    |
| To the Attorney <i>reprenant l'instance</i> .....                                                                                                                                                                                                                                                                         | 1 | 8  | 4  |
| To the Attorney of the opposite party .....                                                                                                                                                                                                                                                                               | 0 | 11 | 8  |
| 24. Costs as on the original action, if the <i>reprise d'instance</i> be contested, or if it be made by action, and also on proceedings by action to have Judgment declared executory.                                                                                                                                    |   |    |    |
| 25. On every copy of <i>Subpana</i> certified by the Attorney .....                                                                                                                                                                                                                                                       | 0 | 0  | 6  |
| 26. For all proceedings on suing out a Writ of Execution .....                                                                                                                                                                                                                                                            | 0 | 8  | 4  |
| 27. For all proceedings on suing out a Writ of <i>Saisie Arrêt</i> after Judgment, if the declaration of the <i>Tiers Saisi</i> be not contested .....                                                                                                                                                                    | 1 | 8  | 4  |
| And for every additional <i>Tiers Saisi</i> above the number of three, 3s. 4d. each.                                                                                                                                                                                                                                      |   |    |    |
| If contested, the costs to be the same as in a contested personal action; the class to be determined by the Judgment against the <i>Tiers Saisi</i> , if the costs be payable by the <i>Tiers Saisi</i> , and by the amount claimed by the contestation, if the costs be payable by the party contesting the declaration. |   |    |    |
| 28. For all proceedings for a <i>contrainte par corps</i> , or for the imprisonment of any party, or for a Writ of possession, or to obtain a <i>scellé</i> , or the removal thereof, or on any application to obtain possession of goods seized under <i>mesme</i> process,—                                             |   |    |    |
| To the Attorney of the applicant, if no cause shewn .....                                                                                                                                                                                                                                                                 | 0 | 18 | 4  |

## APPEALABLE CASES.—CIRCUIT COURT.—(Continued.)

|                                                                                                                                                                                                                                                                                                                                                                                                                                           | £ | s. | d. |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| No. 29. If cause shewn, but without <i>Enquête</i> ,—                                                                                                                                                                                                                                                                                                                                                                                     |   |    |    |
| To the Attorney of the applicant .....                                                                                                                                                                                                                                                                                                                                                                                                    | 1 | 0  | 0  |
| To the Attorney shewing cause .....                                                                                                                                                                                                                                                                                                                                                                                                       | 0 | 13 | 4  |
| 30. If an <i>Enquête</i> be necessary upon any proceeding mentioned in the foregoing number 28, or upon any other incidental proceeding—there shall be allowed to each Attorney .....                                                                                                                                                                                                                                                     | 1 | 5  | 0  |
| 31. For prosecuting to Judgment a report of distribution not contested .....                                                                                                                                                                                                                                                                                                                                                              | 1 | 0  | 0  |
| 32. For all proceedings upon a contestation of a report of distribution which shall be withdrawn or acquiesced in, before the inscription for final hearing on the merits, when the amount of the collocation contested exceeds £20,—                                                                                                                                                                                                     |   |    |    |
| To the Attorney contesting .....                                                                                                                                                                                                                                                                                                                                                                                                          | 2 | 0  | 0  |
| To the Attorney claiming .....                                                                                                                                                                                                                                                                                                                                                                                                            | 1 | 10 | 0  |
| 33. When the amount of the collocation contested does not exceed £20,—                                                                                                                                                                                                                                                                                                                                                                    |   |    |    |
| To the Attorney contesting .....                                                                                                                                                                                                                                                                                                                                                                                                          | 1 | 3  | 4  |
| To the Attorney of the party claiming .....                                                                                                                                                                                                                                                                                                                                                                                               | 0 | 16 | 8  |
| 34. If the contestation be withdrawn or acquiesced in, before the inscription for final hearing on the merits, one-half of the above Fees according to the class.                                                                                                                                                                                                                                                                         |   |    |    |
| 35. For all proceedings after Judgment ordering account to be rendered in any action <i>en reddition de compte</i> , if the account be not contested,—                                                                                                                                                                                                                                                                                    |   |    |    |
| To each Attorney .....                                                                                                                                                                                                                                                                                                                                                                                                                    | 1 | 5  | 0  |
| 36. If the account be contested, the costs to be the same as in a contested personal action, the class to be determined by the amount for which the <i>rendant compte</i> shall be declared accountable, beyond the amount admitted to be due by the account filed, if the costs be payable by the <i>rendant compte</i> ; and by the amount claimed by the <i>debats de compte</i> , if the cost be payable by the <i>oyant compte</i> . |   |    |    |
| 37. For all proceedings to cause a Curator to be appointed to <i>délaissement</i> , in any hypothecary action .....                                                                                                                                                                                                                                                                                                                       | 0 | 15 | 0  |
| And to the Curator .....                                                                                                                                                                                                                                                                                                                                                                                                                  | 0 | 15 | 0  |
| INTERVENTIONS, &c.                                                                                                                                                                                                                                                                                                                                                                                                                        |   |    |    |
| 38. Costs on Interventions and Incidental cross demands to be the same as on original demands of the same class.                                                                                                                                                                                                                                                                                                                          |   |    |    |
| OPPOSITIONS <i>AFIN DE CONSERVER</i> , IF NOT CONTESTED.                                                                                                                                                                                                                                                                                                                                                                                  |   |    |    |
| 39. If the sum due, do not exceed £20 .....                                                                                                                                                                                                                                                                                                                                                                                               | 1 | 0  | 0  |
| 40. If the sum due, exceed £20 .....                                                                                                                                                                                                                                                                                                                                                                                                      | 1 | 10 | 0  |
| 41. If contested, costs to be the same as on an original demand for the same amount, excepting that the contestation of any opposition for a sum not exceeding £15, shall be same as in a contested action of the third class of appealable cases.                                                                                                                                                                                        |   |    |    |
| 42. On any oppositions <i>afin de distraire</i> or <i>afin d'annuller</i> , not contested ..                                                                                                                                                                                                                                                                                                                                              | 1 | 10 | 0  |
| If contested, the same Fees as in an action of the second class.                                                                                                                                                                                                                                                                                                                                                                          |   |    |    |
| COMMISSIONS <i>ROGATOIRES</i> AND ORDERS FOR THE EXAMINATION OF WITNESSES.                                                                                                                                                                                                                                                                                                                                                                |   |    |    |
| 43. To the Attorney suing out same .....                                                                                                                                                                                                                                                                                                                                                                                                  | 0 | 10 | 0  |
| 44. For drawing Interrogatories or Cross-Interrogatories .....                                                                                                                                                                                                                                                                                                                                                                            | 0 | 13 | 4  |
| To the Attorneys engaged where the Writ or Order is executed.                                                                                                                                                                                                                                                                                                                                                                             |   |    |    |
| 45. For taking instructions, examining the papers, &c. &c.—To each Attorney.                                                                                                                                                                                                                                                                                                                                                              | 1 | 0  | 0  |
| 46. For the examination in chief or cross-examination of each witness .....                                                                                                                                                                                                                                                                                                                                                               | 0 | 3  | 4  |
| 47. To the Attorney prosecuting the execution of any such Writ or Order, an additional Fee of .....                                                                                                                                                                                                                                                                                                                                       | 0 | 13 | 4  |



APPEALABLE CASES.—CIRCUIT COURT.—(Continued.)

| APPEALS.                                                                                                                                                                                                                                                                                                                                                                                                                                |   | £  | s. | d. |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|----|
| No. 48. On an appeal to the Circuit Court, if contested,—                                                                                                                                                                                                                                                                                                                                                                               |   |    |    |    |
| To the Appellant's Attorney .....                                                                                                                                                                                                                                                                                                                                                                                                       | 3 | 10 | 0  |    |
| To the Respondent's Attorney .....                                                                                                                                                                                                                                                                                                                                                                                                      | 2 | 6  | 8  |    |
| 49. If not contested,—                                                                                                                                                                                                                                                                                                                                                                                                                  |   |    |    |    |
| To the Attorney of Appellant .....                                                                                                                                                                                                                                                                                                                                                                                                      | 2 | 6  | 8  |    |
| 50. If Appeal be dismissed or settled before final hearing on the merits,—                                                                                                                                                                                                                                                                                                                                                              |   |    |    |    |
| To the Attorney of the Appellant .....                                                                                                                                                                                                                                                                                                                                                                                                  | 1 | 15 | 0  |    |
| To the Attorney of the Respondent.....                                                                                                                                                                                                                                                                                                                                                                                                  | 1 | 3  | 4  |    |
| PROBATES.                                                                                                                                                                                                                                                                                                                                                                                                                               |   |    |    |    |
| 51. For all Fees to obtain Probate of any Will.....                                                                                                                                                                                                                                                                                                                                                                                     | 2 | 10 | 0  |    |
| INSCRIPTIONS DE FAUX.                                                                                                                                                                                                                                                                                                                                                                                                                   |   |    |    |    |
| 52. If settled before the <i>moyens de faux</i> are filed, each motion required by the rules of this Court, and also the declaration to be made by the Defendant <i>en faux</i> , as to whether he intends to avail himself of the document impeached, shall be taxed as a motion according to the foregoing No. 20.                                                                                                                    |   |    |    |    |
| If settled after the <i>moyens de faux</i> are filed, but before answer, the Fees of the Attorney of the Plaintiff <i>en faux</i> shall be as in No. 1, of Table. And the Fees of the Defendant <i>en faux</i> shall be as in No. 6, of the same Table; and if the settlement take place at any subsequent stage of the proceedings, or if Judgment be rendered, the costs shall be the same as in the original demand at a like stage. |   |    |    |    |

NON-APPEALABLE CASES.—TABLE OF FEES.

| TO THE ATTORNEY.                                                                                                                                                                                                                                                                           | 1ST CLASS.<br>Actions £15, or<br>under, but<br>above £10. |    |    | 2ND CLASS.<br>Actions £10, or<br>under, but<br>above £6 5s. |    |    | 3RD CLASS.<br>Actions £6 5s.<br>or under. |    |    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|----|----|-------------------------------------------------------------|----|----|-------------------------------------------|----|----|
|                                                                                                                                                                                                                                                                                            | £                                                         | s. | d. | £                                                           | s. | d. | £                                         | s. | d. |
| On all proceedings in actions settled before return (except those on which additional Fees are hereinafter allowed),—                                                                                                                                                                      |                                                           |    |    |                                                             |    |    |                                           |    |    |
| To the Plaintiff's Attorney .....                                                                                                                                                                                                                                                          | 0                                                         | 10 | 0  | 0                                                           | 5  | 0  | 0                                         | 3  | 4  |
| On all proceedings (except as aforesaid) in actions settled after return, and before contestation, or in which Judgment shall be given on confession, or by default, or <i>Ex parte</i> without <i>Enquête</i> , that is to say, without the examination in Court of any witness or party— |                                                           |    |    |                                                             |    |    |                                           |    |    |
| To the Plaintiff's Attorney .....                                                                                                                                                                                                                                                          | 0                                                         | 15 | 0  | 0                                                           | 7  | 6  | 0                                         | 5  | 0  |
| And to the Defendant's Attorney .....                                                                                                                                                                                                                                                      | 0                                                         | 10 | 0  | 0                                                           | 5  | 0  | 0                                         | 2  | 6  |
| On the same, if the Judgment be given by default or <i>Ex parte</i> , but with <i>Enquête</i> ,—                                                                                                                                                                                           |                                                           |    |    |                                                             |    |    |                                           |    |    |
| To the Plaintiff's Attorney .....                                                                                                                                                                                                                                                          | 1                                                         | 0  | 0  | 0                                                           | 10 | 0  | 0                                         | 7  | 6  |
| And to the Defendant's Attorney .....                                                                                                                                                                                                                                                      | 0                                                         | 10 | 0  | 0                                                           | 5  | 0  | 0                                         | 2  | 6  |
| On the same, in actions discontinued after contestation,—                                                                                                                                                                                                                                  |                                                           |    |    |                                                             |    |    |                                           |    |    |
| To the Plaintiff's Attorney .....                                                                                                                                                                                                                                                          | 1                                                         | 0  | 0  | 0                                                           | 10 | 0  | 0                                         | 5  | 0  |
| And to the Defendant's Attorney .....                                                                                                                                                                                                                                                      | 0                                                         | 15 | 0  | 0                                                           | 10 | 0  | 0                                         | 5  | 0  |

## NON-APPEALABLE CASES.—CIRCUIT COURT.—(Continued.)

| TO THE ATTORNEY.—(Continued.)                                                                                                                                                                                                   | 1ST CLASS.<br>Actions £15, or<br>under, but<br>above £10. |    |    | 2ND CLASS.<br>Actions £10, or<br>under, but<br>above £6 5s. |    |    | 3RD CLASS.<br>Actions £6 5s.<br>or under. |    |    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|----|----|-------------------------------------------------------------|----|----|-------------------------------------------|----|----|
|                                                                                                                                                                                                                                 | £                                                         | s. | d. | £                                                           | s. | d. | £                                         | s. | d. |
| On the same, when the Judgment shall be given after contestation,—                                                                                                                                                              |                                                           |    |    |                                                             |    |    |                                           |    |    |
| To the Plaintiff's Attorney . . . . .                                                                                                                                                                                           | 1                                                         | 5  | 0  | 0                                                           | 12 | 6  | 0                                         | 7  | 6  |
| And to the Defendant's Attorney . . . . .                                                                                                                                                                                       | 1                                                         | 0  | 0  | 0                                                           | 10 | 0  | 0                                         | 5  | 0  |
| In all hypothecary actions, or mixed actions, an additional Fee of 15s. currency, if action settled before return—(to Plaintiff's Attorney.)                                                                                    |                                                           |    |    |                                                             |    |    |                                           |    |    |
| If action be settled after return, or if Judgment be rendered, an additional Fee of 25s. (to Plaintiff's Attorney.)                                                                                                             |                                                           |    |    |                                                             |    |    |                                           |    |    |
| In actions of damages for personal wrongs (excepting in actions in which the Court shall find the damages to be under forty shillings sterling,) the costs to be taxed as of the class to be determined by the final Judgment:— |                                                           |    |    |                                                             |    |    |                                           |    |    |
| On each Opposition, <i>afin de distraire</i> or <i>afin d'annuller</i> , <i>afin de conserver</i> , or intervention not contested . . . . .                                                                                     | 0                                                         | 12 | 6  | 0                                                           | 10 | 0  | 0                                         | 5  | 0  |
| On all Oppositions (excepting Oppositions <i>afin de conserver</i> ) and interventions, when contested, the same Fees as in the Original actions to which the same shall be incident.                                           |                                                           |    |    |                                                             |    |    |                                           |    |    |
| On Oppositions <i>afin de conserver</i> , if contested, same Fees as in Original actions for like sums.                                                                                                                         |                                                           |    |    |                                                             |    |    |                                           |    |    |
| On a <i>Saisie Arrêt</i> after Judgment, when there is no contestation . . . . .                                                                                                                                                | 0                                                         | 7  | 6  | 0                                                           | 5  | 0  | 0                                         | 2  | 6  |
| If declaration of <i>Tiers Saisie</i> be contested, same Fees as in an Original action for a like sum.                                                                                                                          |                                                           |    |    |                                                             |    |    |                                           |    |    |
| On suing out any Writ of <i>Saisie Gagerie</i> , <i>Saisie Revendication</i> or <i>Saisie Arrêt</i> before Judgment, or on any special declaration, in any personal action required by the Court,—                              |                                                           |    |    |                                                             |    |    |                                           |    |    |
| To Plaintiff's Attorney . . . . .                                                                                                                                                                                               | 0                                                         | 7  | 6  | 0                                                           | 5  | 0  | 0                                         | 2  | 6  |
| For each copy, more than one, of any declaration, petition in intervention, or Opposition . . . .                                                                                                                               | 0                                                         | 2  | 6  | 0                                                           | 2  | 0  | 0                                         | 1  | 8  |
| In all Incidental Cross-demands, half the Fees allowed in Original actions for a like sum.                                                                                                                                      |                                                           |    |    |                                                             |    |    |                                           |    |    |
| For each plea in writing ordered by the Court, including copy,—                                                                                                                                                                 |                                                           |    |    |                                                             |    |    |                                           |    |    |
| To Defendant's Attorney . . . . .                                                                                                                                                                                               | 0                                                         | 5  | 0  | 0                                                           | 2  | 6  | 0                                         | 1  | 8  |
| On each proceeding to take up the instance or to declare a Judgment executory, or for <i>Contrainte par Corps</i> , to the Attorney prosecuting the same . . . . .                                                              | 0                                                         | 12 | 6  | 0                                                           | 10 | 0  | 0                                         | 5  | 0  |
| And when over-ruled to the Attorney resisting the application . . . . .                                                                                                                                                         | 0                                                         | 7  | 6  | 0                                                           | 5  | 0  | 0                                         | 2  | 6  |
| On a <i>Commission Rogatoire</i> , and on all proceedings relative thereto,—                                                                                                                                                    |                                                           |    |    |                                                             |    |    |                                           |    |    |
| To the Attorney suing out the same . . . . .                                                                                                                                                                                    | 0                                                         | 10 | 0  | 0                                                           | 5  | 0  | 0                                         | 2  | 6  |
| And to the Attorney of the opposite party . . . .                                                                                                                                                                               | 0                                                         | 5  | 0  | 0                                                           | 2  | 6  | 0                                         | 1  | 8  |
| To the Attorney employed by either party to attend to the execution of such commission . . . .                                                                                                                                  | 0                                                         | 10 | 0  | 0                                                           | 10 | 0  | 0                                         | 10 | 0  |

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 NON-APPEALABLE CASES.—CIRCUIT COURT.—(Continued.)
 

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(Signed,) EDWD. BOWEN, CHIEF JUSTICE,  
 “ D. MONDELET, J.S.C.,  
 “ R. H. GAIRDNER, J.S.C.,  
 “ J. SMITH, J.S.C.,  
 “ G. VANFELSON,  
 “ E. BACQUET, J.C.S.,  
 “ CHARLES MONDELET, J.S.C.,  
 “ J. DUVAL,  
 “ W. C. MEREDITH, J.S.C.

MONTREAL, 30th June, 1852.

Registered and entered at Quebec, this 20th July, 1852.

BURROUGHS & FISET, Prothy. S.C.

PROVINCE OF CANADA, }  
 DISTRICT OF QUEBEC. } SUPERIOR COURT.

We, the undersigned, Joint Prothonotary for the District of Quebec, of the Superior Court for Lower Canada, do hereby certify, that the foregoing Table of Fees allowed to the Counsel, Advocates, and Attorneys practising in the Circuit Court, is a true copy of the original Table of Fees for the said Circuit Court for Lower Canada, deposited of record in our Office, and duly registered and entered by us in the Registers of the said Court, on the twentieth day of July, in the year of Our Lord one thousand eight hundred and fifty-two, pursuant to the provisions of the Law in such case made and provided.

BURROUGHS & FISET, P.S.C.

PROTHONOTARY'S OFFICE,  
 Quebec, 27th September, 1852.

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## NON-APPEALABLE CASES.—CIRCUIT COURT.—(Continued.)

| TO THE ATTORNEY.—(Continued.)                                                                                                                                                                                                   | 1ST CLASS.<br>Actions £15, or<br>under, but<br>above £10. |    |    | 2ND CLASS.<br>Actions £10, or<br>under, but<br>above £6 5s. |    |    | 3RD CLASS.<br>Actions £6 5s.<br>or under. |    |    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|----|----|-------------------------------------------------------------|----|----|-------------------------------------------|----|----|
|                                                                                                                                                                                                                                 | £                                                         | s. | d. | £                                                           | s. | d. | £                                         | s. | d. |
| On the same, when the Judgment shall be given after contestation,—                                                                                                                                                              |                                                           |    |    |                                                             |    |    |                                           |    |    |
| To the Plaintiff's Attorney .....                                                                                                                                                                                               | 1                                                         | 5  | 0  | 0                                                           | 12 | 6  | 0                                         | 7  | 6  |
| And to the Defendant's Attorney .....                                                                                                                                                                                           | 1                                                         | 0  | 0  | 0                                                           | 10 | 0  | 0                                         | 5  | 0  |
| In all hypothecary actions, or mixed actions, an additional Fee of 15s. currency, if action settled before return—(to Plaintiff's Attorney.)                                                                                    |                                                           |    |    |                                                             |    |    |                                           |    |    |
| If action be settled after return, or if Judgment be rendered, an additional Fee of 25s. (to Plaintiff's Attorney.)                                                                                                             |                                                           |    |    |                                                             |    |    |                                           |    |    |
| In actions of damages for personal wrongs (excepting in actions in which the Court shall find the damages to be under forty shillings sterling,) the costs to be taxed as of the class to be determined by the final Judgment:— |                                                           |    |    |                                                             |    |    |                                           |    |    |
| On each Opposition, <i>afin de distraire</i> or <i>afin d'annuller</i> , <i>afin de conserver</i> , or intervention not contested .....                                                                                         | 0                                                         | 12 | 6  | 0                                                           | 10 | 0  | 0                                         | 5  | 0  |
| On all Oppositions (excepting Oppositions <i>afin de conserver</i> ) and interventions, when contested, the same Fees as in the Original actions to which the same shall be incident.                                           |                                                           |    |    |                                                             |    |    |                                           |    |    |
| On Oppositions <i>afin de conserver</i> , if contested, same Fees as in Original actions for like sums.                                                                                                                         |                                                           |    |    |                                                             |    |    |                                           |    |    |
| On a <i>Saisie Arrêt</i> after Judgment, when there is no contestation .....                                                                                                                                                    | 0                                                         | 7  | 6  | 0                                                           | 5  | 0  | 0                                         | 2  | 6  |
| If declaration of <i>Tiers Saisie</i> be contested, same Fees as in an Original action for a like sum.                                                                                                                          |                                                           |    |    |                                                             |    |    |                                           |    |    |
| On suing out any Writ of <i>Saisie Gagerie</i> , <i>Saisie Revendication</i> or <i>Saisie Arrêt</i> before Judgment, or on any special declaration, in any personal action required by the Court,—                              |                                                           |    |    |                                                             |    |    |                                           |    |    |
| To Plaintiff's Attorney .....                                                                                                                                                                                                   | 0                                                         | 7  | 6  | 0                                                           | 5  | 0  | 0                                         | 2  | 6  |
| For each copy, more than one, of any declaration, petition in intervention, or Opposition .....                                                                                                                                 | 0                                                         | 2  | 6  | 0                                                           | 2  | 0  | 0                                         | 1  | 8  |
| In all Incidental Cross-demands, half the Fees allowed in Original actions for a like sum.                                                                                                                                      |                                                           |    |    |                                                             |    |    |                                           |    |    |
| For each plea in writing ordered by the Court, including copy,—                                                                                                                                                                 |                                                           |    |    |                                                             |    |    |                                           |    |    |
| To Defendant's Attorney .....                                                                                                                                                                                                   | 0                                                         | 5  | 0  | 0                                                           | 2  | 6  | 0                                         | 1  | 8  |
| On each proceeding to take up the instance or to declare a Judgment executory, or for <i>Contrainte par Corps</i> , to the Attorney prosecuting the same .....                                                                  | 0                                                         | 12 | 6  | 0                                                           | 10 | 0  | 0                                         | 5  | 0  |
| And when over-ruled to the Attorney resisting the application .....                                                                                                                                                             | 0                                                         | 7  | 6  | 0                                                           | 5  | 0  | 0                                         | 2  | 6  |
| On a <i>Commission Rogatoire</i> , and on all proceedings relative thereto,—                                                                                                                                                    |                                                           |    |    |                                                             |    |    |                                           |    |    |
| To the Attorney suing out the same .....                                                                                                                                                                                        | 0                                                         | 10 | 0  | 0                                                           | 5  | 0  | 0                                         | 2  | 6  |
| And to the Attorney of the opposite party .....                                                                                                                                                                                 | 0                                                         | 5  | 0  | 0                                                           | 2  | 6  | 0                                         | 1  | 8  |
| To the Attorney employed by either party to attend to the execution of such commission .....                                                                                                                                    | 0                                                         | 10 | 0  | 0                                                           | 10 | 0  | 0                                         | 10 | 0  |

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 NON-APPEALABLE CASES.—CIRCUIT COURT.—(Continued.)
 

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(Signed,) EDWD. BOWEN, CHIEF JUSTICE,  
 “ D. MONDELET, J.S.C.,  
 “ R. H. GAIRDNER, J.S.C.,  
 “ J. SMITH, J.S.C.,  
 “ G. VANFELSON,  
 “ E. BACQUET, J.C.S.,  
 “ CHARLES MONDELET, J.S.C.,  
 “ J. DUVAL,  
 “ W. C. MEREDITH, J.S.C.

MONTREAL, 30th June, 1852.

Registered and entered at Quebec, this 20th July, 1852.

BURROUGHS & Fiset, Prothy. S.C.

PROVINCE OF CANADA, }  
 DISTRICT OF QUEBEC. } SUPERIOR COURT.

We, the undersigned, Joint Prothonotary for the District of Quebec, of the Superior Court for Lower Canada, do hereby certify, that the foregoing Table of Fees allowed to the Counsel, Advocates, and Attorneys practising in the Circuit Court, is a true copy of the original Table of Fees for the said Circuit Court for Lower Canada, deposited of record in our Office, and duly registered and entered by us in the Registers of the said Court, on the twentieth day of July, in the year of Our Lord one thousand eight hundred and fifty-two, pursuant to the provisions of the Law in such case made and provided.

BURROUGHS & Fiset, P.S.C.

PROTHONOTARY'S OFFICE,  
 Quebec, 27th September, 1852.

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## CIRCUIT COURT—LOWER CANADA.—APPEALABLE CASES.

It is hereby ordered, that the following Fees be allowed to the Bailiffs of this Court, for services to be performed from and after the day on which the present Tariff shall be entered by the Clerks of this Court in the Registers of the same, as by Law directed; and the Tariff of Fees for the Bailiffs of this Court, the original whereof was entered in the Register of the Superior Court at the City of Quebec, on the Twenty-first day of December, 1850, is hereby repealed in so far as regards services to be performed by the Bailiffs of this Court, from and after the day on which the present Tariff shall be so entered in the Registers of this Court.

## TO THE BAILIFFS.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | £ | s. | d. |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| For the service of any Writ of <i>Subpœna</i> or other Writ or paper, not otherwise provided for, including return.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0 | 1  | 0  |
| For the service of any Writ of Summons and return .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0 | 2  | 0  |
| For the service of any Writ or other document required by law to be served personally, including return .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 0 | 2  | 6  |
| For all proceedings on the arrest of any person, including return .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0 | 10 | 0  |
| For the Seizure and attachment of Moveables, including original <i>Procès Verbal</i> , and copy for the <i>Saisi</i> and Guardian, 12s. 6d. ....                                                                                                                                                                                                                                                                                                                                                                                                                                         | 0 | 12 | 6  |
| For every publication in both languages at the Church door, including <i>Affiches</i> , affixing same, &c.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 0 | 2  | 0  |
| For the Sale of Goods and Chattels, including <i>Procès Verbal</i> of Sale and copy....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0 | 7  | 6  |
| For <i>Procès Verbal</i> of no Goods, including copy if required.....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0 | 2  | 6  |
| For a <i>Procès Verbal</i> of <i>Rebellion à Justice</i> and copy .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0 | 5  | 0  |
| For all Services executing a Writ of Possession, including <i>Procès Verbal</i> .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0 | 10 | 0  |
| For a <i>Recors</i> , when required .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0 | 2  | 0  |
| <i>If Recors</i> necessarily occupied more than half a day, at the rate of 3s. 4d. per day.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |   |    |    |
| For the appointment of a new Guardian, when legally required so to do, including <i>Procès Verbal</i> , copy, &c .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 0 | 5  | 0  |
| In any case which in consequence of more persons than one being interested in the property seized or sold, an additional copy or copies of a <i>Procès Verbal</i> is or are necessary, for each extra copy so required.....                                                                                                                                                                                                                                                                                                                                                              | 0 | 1  | 3  |
| If any paper to be prepared by a Bailiff necessarily contains more than 300 words, the additional words to be charged at the rate of 4d. per 100 words, in addition to the Fees herein before allowed.                                                                                                                                                                                                                                                                                                                                                                                   |   |    |    |
| Mileage on the service or execution or of a Writ or of Process of any kind at the rate of one shilling per mile as heretofore, without any further charge for Mileage on any other Process to be served on the same party then in the hands of the Bailiff and which shall be or might have been served at the same time (whether such Process shall have been sued out by the same party or by any other) and without any charge for Mileage in returning. But exclusive of sums paid at Toll-gates, Ferries and Bridges. No Mileage to be allowed unless the distance exceed one mile. |   |    |    |

CIRCUIT COURT—LOWER CANADA.—NON—APPEALABLE CASES.

| TO THE BAILIFFS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 1ST CLASS.<br>Actions not exceeding £15, but above £10 currency. |    |    | 2ND CLASS.<br>Actions £10, or under, but above £6 5s. |    |    | Actions £6 5s., or under. |    |    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|----|----|-------------------------------------------------------|----|----|---------------------------|----|----|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | £                                                                | s. | d. | £                                                     | s. | d. | £                         | s. | d. |
| Mileage on the service or execution of a Writ or of Process of any kind, at the rate of six pence per mile, without any further charge for Mileage or any other Process to be served on the same party then in the hands of the Bailiff, and which shall be or might have been served at the same time, (whether such Process shall have been sued out by the same party or by any other) and without any charge for Mileage in returning, but exclusive of sums paid at Toll-gates, Ferries and Bridges. No Mileage to be allowed unless the distance exceed one mile. |                                                                  |    |    |                                                       |    |    |                           |    |    |
| For the Service, Certificate or Return of such Writ or Process .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0                                                                | 1  | 0  | 0                                                     | 1  | 0  | 0                         | 1  | 0  |
| For the Seizure of Goods and Chattels, and all incidental trouble, but exclusive of Mileage..                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 0                                                                | 7  | 6  | 0                                                     | 5  | 0  | 0                         | 3  | 9  |
| For his <i>Recors</i> .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 0                                                                | 1  | 8  | 0                                                     | 1  | 8  | 0                         | 1  | 8  |
| For the Sale of Goods and Chattels exclusive of Mileage .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 0                                                                | 7  | 6  | 0                                                     | 5  | 0  | 0                         | 3  | 9  |
| For Publishing the Notices of the Sale....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 0                                                                | 1  | 0  | 0                                                     | 1  | 0  | 0                         | 1  | 0  |
| For the Service of any Notice, and the Certificate and Return .....                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0                                                                | 1  | 0  | 0                                                     | 1  | 0  | 0                         | 1  | 0  |

(Signed,) EDWD. BOWEN, CHIEF JUSTICE.  
 “ D. MONDELET, J.S.C.  
 “ R. H. GAIRDNER, J.S.C.  
 “ J. SMITH, J.S.C.  
 “ G. VANFELSON,  
 “ E. BACQUET, J.C.S.

MONTREAL, 30th June, 1852. CHARLES MONDELET, J.S.C.  
 “ J. DUVAL, J.  
 9th July, 1852. “ W. C. MEREDITH, J.S.C.

Registered and entered at Quebec, this 20th July, 1852.  
 BURROUGHS & Fiset, Prothy. S.C.

PROVINCE OF CANADA, }  
 DISTRICT OF QUEBEC. } SUPERIOR COURT.

We, the undersigned, Joint Prothonotary, for the District of Quebec, of the Superior Court for Lower Canada, do hereby certify that the foregoing Table of Fees to be allowed to the Bailiffs in the Circuit Court for Lower Canada, is a true copy of the Original Table of Fees to be allowed to the Bailiffs in the said Court, deposited of Record in our Office, and duly registered and entered by us in the Registers of the said Superior Court, on the twentieth day of July, in the year of Our Lord one thousand eight hundred and fifty-two, pursuant to the provisions of the Law in such case made and provided.

BURROUGHS & Fiset, P.S.C.

PROTHONOTARY'S OFFICE,  
 Quebec, 27th September, 1852.

LETTER FROM THE JUDGES OF THE SUPERIOR COURT FOR LOWER  
CANADA, TO THE PROVINCIAL SECRETARY.

QUEBEC, 18th August, 1852.

Sir,—We have the honor to report for the information of His Excellency the Governor General, that, at a Meeting of the Judges, held at Montreal, on the 30th day of June last, for the purpose, among other things, of taking into consideration the Amendments, if any, to be made to the existing Tariffs allowing Fees to the Prothonotaries of the Superior Court in the several Districts, the Judges, after much deliberation, could not agree on the amendments to be made, and in consequence the old Tariffs established by the late Courts of King's Bench are still in force.

We have the honor to be, Sir,  
Your obedient Servants,

(Signed,) EDW. BOWEN, CHIEF JUSTICE.  
“ G. VANFELSON J.S.C.  
“ CHARLES MONDELET, J.S.C.  
“ J. DUVAL, J.S.C.  
“ W. C. MEREDITH, J.S.C.  
“ E. BACQUET, J.C.S.

The Honorable A. N. MORIN,  
Provincial Secretary.

TABLE OF FEES, QUARTER SESSIONS FOR THE DISTRICTS OF  
QUEBEC, MONTREAL, THREE RIVERS, ST. FRANCIS,  
AND KAMOURASKA.

PROVINCE OF CANADA.—DISTRICT OF QUEBEC.

TABLE OF FEES to be paid to the Clerks of the Justices of the Peace within the District of Quebec, made by the Justices of the Peace at their Quarter Session for the said District, on the fifteenth April, 1852, in compliance with the requirements of the 26th Section of the 14th & 15th Victoria, chapter 95.

|                                                                                                                                                                                | £ | s. | d. |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| For every Deposition to be paid by the party applying to make the same .....                                                                                                   | 0 | 2  | 6  |
| For every Warrant to apprehend, to be paid by the party applying for the same.                                                                                                 | 0 | 2  | 6  |
| For every Recognizance to be paid by each, and every party or parties bound respectively on putting in such security .....                                                     | 0 | 2  | 6  |
| For drawing the Discharge of Defendant or prisoner on the recognizance being entered into, to be paid by each and every party bound, or by the bail, if at their request ..... | 0 | 2  | 6  |



## DISTRICT OF QUEBEC.—(Continued.)

|                                                                                                                                                                                                                               | £ | s. | d. |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| For every Information, <i>Plainte</i> or Summons, including the copy thereof for service .....                                                                                                                                | 0 | 3  | 6  |
| For every Original Subpoena .....                                                                                                                                                                                             | 0 | 1  | 0  |
| For every Copy thereof .....                                                                                                                                                                                                  | 0 | 0  | 6  |
| For every Attendance at the return of any Warrant for Trial, Information, Summons or <i>Plainte</i> , in special or weekly sessions.....                                                                                      | 0 | 2  | 6  |
| For Swearing every Witness in special or weekly sessions .....                                                                                                                                                                | 0 | 0  | 6  |
| For the entry of the case and recording the conviction, acquittal or Judgment ..                                                                                                                                              | 0 | 2  | 6  |
| For the copy of any Summary Conviction or Judgment, when the same may be required .....                                                                                                                                       | 0 | 2  | 6  |
| For certifying or taxing every bill of costs .....                                                                                                                                                                            | 0 | 1  | 0  |
| For every Warrant of Distress to levy any fine, penalty or Judgment with costs and charges .....                                                                                                                              | 0 | 2  | 6  |
| For every Rule of Court including the copy thereof for service .....                                                                                                                                                          | 0 | 2  | 6  |
| For every special Warrant or Commitment of imprisonment in lieu of any penalty or fine, or on a return of <i>nulla bona</i> for non-payment of any penalty or fine or otherwise .....                                         | 0 | 5  | 0  |
| For drawing up and preparing a record of conviction and making the return to a Writ of <i>Certiorari</i> , to be paid by the party at whose instance such Writ is issued and before the same shall be returned or fyled ..... | 1 | 0  | 0  |
| For drawing and preparing the record of an appeal to the Court of General Quarter Sessions to be paid by the party appellant before the same shall be transmitted .....                                                       | 0 | 10 | 0  |
| For all copies of any paper, writing or proceedings, if not exceeding one hundred and fifty words .....                                                                                                                       | 0 | 1  | 0  |
| And exceeding that, at the rate of six-pence for every additional hundred words.                                                                                                                                              |   |    |    |
| For drawing up an order of dismissal .....                                                                                                                                                                                    | 0 | 2  | 6  |
| For drawing up a certificate on do.....                                                                                                                                                                                       | 0 | 1  | 3  |

(Signed,) W. POWER,

Ct. Judge and Chairman of Court of Quarter Sessions.

QUEBEC, 15th April, 1852.

SECRETARY'S OFFICE,

Quebec, 6th July, 1852.

This is to certify that the Fees specified in the foregoing Table are, in my opinion, proper to be demanded and received by the Clerks of the several Justices of the Peace within the District of Quebec, under the 26th Section of the Act 14 & 15 Victoria, chapter 95.

A. N. MORIN,

Secretary.

## PROVINCE OF CANADA.—DISTRICT OF QUEBEC.

TABLE OF FEES to be paid to the Clerk of the Peace, and to the Clerks of the Special and Weekly Sessions for the District of Quebec, made by the Justices of the Peace, at their Quarter Session for the said District, on the fifteenth April, 1852, in compliance with the requirements of the 26th Section of the 14th & 15th Victoria, chapter 95.

|                                                                                                                                                                                                                                     | £ | s. | d. |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| For every Deposition, to be paid by the party applying to make the same . . . . .                                                                                                                                                   | 0 | 2  | 6  |
| For every Warrant to apprehend, to be paid by the party applying for the same . . . . .                                                                                                                                             | 0 | 2  | 6  |
| For every Recognizance, to be paid by each and every party or parties bound respectively on putting in such security . . . . .                                                                                                      | 0 | 2  | 6  |
| For drawing the Discharge of Defendant or Prisoner on the Recognizance being entered into, to be paid by each and every party bound, or by the bail, if at their request . . . . .                                                  | 0 | 2  | 6  |
| For every Information, <i>Plainte</i> or Summons, including the copy thereof for service . . . . .                                                                                                                                  | 0 | 3  | 6  |
| For every Original Subpoena . . . . .                                                                                                                                                                                               | 0 | 1  | 0  |
| For every copy thereof . . . . .                                                                                                                                                                                                    | 0 | 0  | 6  |
| For every attendance at the return of any Warrant for Trial, Information, Summons, or <i>Plainte</i> , in Special or Weekly Sessions . . . . .                                                                                      | 0 | 2  | 6  |
| For Swearing every Witness, in Special or Weekly Sessions . . . . .                                                                                                                                                                 | 0 | 0  | 6  |
| For the Entry of the Case, and Recording the Conviction, Acquittal, or Judgment . . . . .                                                                                                                                           | 0 | 2  | 6  |
| For the copy of any Summary Conviction or Judgment, when the same may be required . . . . .                                                                                                                                         | 0 | 2  | 6  |
| For Certifying or Taxing every Bill of Costs . . . . .                                                                                                                                                                              | 0 | 1  | 0  |
| For every Warrant of Distress to levy any Fine, Penalty or Judgment, with costs and charges . . . . .                                                                                                                               | 0 | 2  | 6  |
| For every Rule of Court, including the copy thereof for service . . . . .                                                                                                                                                           | 0 | 2  | 6  |
| For every Special Warrant or Commitment of Imprisonment, in lieu of any Penalty or Fine, or on a return of <i>Nulla Bona</i> for non-payment of any Penalty or Fine, or otherwise . . . . .                                         | 0 | 5  | 0  |
| For drawing up and preparing a Record of Conviction, and making the return to a Writ of <i>Certiorari</i> , to be paid by the party at whose instance such Writ is issued, and before the same shall be returned or fyled . . . . . | 1 | 0  | 0  |
| For drawing and preparing the Record of an Appeal to the Court of General Quarter Sessions, to be paid by the party Appellant, before the same shall be transmitted . . . . .                                                       | 0 | 10 | 0  |
| For all copies of any paper, writing or proceedings, if not exceeding one hundred and fifty words . . . . .                                                                                                                         | 0 | 1  | 0  |
| And exceeding that at the rate of sixpence for every additional hundred words . . . . .                                                                                                                                             | 0 | 2  | 6  |
| For drawing up an order of dismissal . . . . .                                                                                                                                                                                      | 0 | 1  | 3  |
| For drawing up a certificate of dismissal . . . . .                                                                                                                                                                                 | 0 | 2  | 6  |
| For every Certificate of any proceedings or document whenever required and not otherwise provided for . . . . .                                                                                                                     | 0 | 2  | 6  |
| On every Petition or other Application in the nature of a Petition of a private nature, including the copy of the Judgment or order thereon, if required . . . . .                                                                  | 0 | 2  | 6  |
| For attendance and drawing and entering the Recognizance of any party entitled to keep a Public Billiard Table including the Certificate required to obtain the License . . . . .                                                   | 0 | 10 | 0  |
| For each and every Baker's Recognizance . . . . .                                                                                                                                                                                   | 0 | 5  | 0  |
| For every Certificate to obtain a Ferry License . . . . .                                                                                                                                                                           | 0 | 2  | 6  |
| For any search of any paper, if the same has been fyled upwards of a year in the office . . . . .                                                                                                                                   | 0 | 1  | 3  |
| For a general search . . . . .                                                                                                                                                                                                      | 0 | 2  | 6  |
| For every Certificate for Pedlar's License . . . . .                                                                                                                                                                                | 0 | 1  | 0  |
| For every proceeding not provided for by this Tariff . . . . .                                                                                                                                                                      | 0 | 1  | 3  |

## DISTRICT OF QUEBEC.—(Continued.)

| SEAMEN'S CASES.                                                                                                                                                                                                                                                                                                                                                                   | £ | s. | d. |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| [In cases under the Seamen's Acts, Provincial Act 47 Geo. III. Cap. 9, and Imperial Acts 7 & 8 Vic. Cap. 112, and 13 & 14 Vic. Cap. 93.]                                                                                                                                                                                                                                          |   |    |    |
| For drawing every Deposition to obtain a Warrant of Arrest, on any charge . . . .                                                                                                                                                                                                                                                                                                 | 0 | 2  | 6  |
| And if such Deposition shall be against more than one man, then for each person additional therein named . . . . .                                                                                                                                                                                                                                                                | 0 | 1  | 0  |
| For the Warrant to arrest thereupon . . . . .                                                                                                                                                                                                                                                                                                                                     | 0 | 2  | 6  |
| N. B. It being understood, as a general rule, that all seamen serving under the same "Articles," charged with the same offence, and as committed at the same time, (if more than one,) are to be included in the same Deposition, Warrant and proceeding.                                                                                                                         |   |    |    |
| For attendance at the return of the Warrant; viz. for each and every person so put on trial . . . . .                                                                                                                                                                                                                                                                             | 0 | 1  | 0  |
| For swearing each and every Witness . . . . .                                                                                                                                                                                                                                                                                                                                     | 0 | 0  | 6  |
| For the Entry and Recording of the Conviction or Acquittal, viz. for each and every person so convicted or acquitted . . . . .                                                                                                                                                                                                                                                    | 0 | 1  | 0  |
| For drawing a Warrant of Commitment on such Conviction for the Gaoler . . . . .                                                                                                                                                                                                                                                                                                   | 0 | 2  | 6  |
| And if such Warrant of Commitment shall contain more than one name, then for each additional person therein named . . . . .                                                                                                                                                                                                                                                       | 0 | 1  | 0  |
| For a Warrant to the Gaoler to discharge any prisoner or prisoners from custody, at the request of the Master, or when the ship may be ready for sea . . . . .                                                                                                                                                                                                                    | 0 | 2  | 6  |
| And if such Warrant of Discharge shall contain more than one name, then for each additional person therein so named . . . . .                                                                                                                                                                                                                                                     | 0 | 1  | 0  |
| For a General Statement and Certificate, under the Office Seal of the proceedings had, to be furnished on the request of the Master, or on his behalf, including a <i>Memorandum</i> of the costs and charges incurred and paid; to serve as a Voucher of the Master, or party complainant, when the ship arrives at the Home Port, or on the termination of the voyage . . . . . | 0 | 2  | 6  |
| And if such certificate shall relate to more than one person, then for each person additional therein named . . . . .                                                                                                                                                                                                                                                             | 0 | 1  | 0  |
| For Recording and Registering Defendant's appearance in cases of wages or penalties in each case . . . . .                                                                                                                                                                                                                                                                        | 0 | 2  | 6  |
| For Entering and Recording Defendant's Plea, payable upon entry in every case . .                                                                                                                                                                                                                                                                                                 | 0 | 2  | 6  |

(Signed,) W. POWER,  
Ct. Judge and Chairman of Court of Quarter Sessions.

QUEBEC, 15th April, 1852.

SECRETARY'S OFFICE,

Quebec, 6th July, 1852.

This is to certify that the Fees specified in the foregoing Table are, in my opinion, proper to be demanded and received by the Clerks of the Peace, and Clerks of the Special Sessions, and Weekly Sessions for the District of Quebec, under the 26th Section of the Act 14 & 15 Victoria, cap. 95.

(Signed,) A. N. MORIN,  
Secretary.

(Signed,) PERRAULT & DOUCET,  
Clerk of the Peace.

OFFICE OF THE PEACE,  
Quebec, 12th July, 1852.

## PROVINCE OF CANADA.—DISTRICT OF MONTREAL.

TABLE OF FEES to be paid to Clerks of the Justices of the Peace, within the District of Montreal, made by the Justices of the Peace, at their Quarter Session for the said District, on the sixteenth of July, 1852, in compliance with the requirements of the 26th Section of the 14th & 15th Victoria, chapter 95.

|                                                                                                                                                                                                                                    | £ | s. | d. |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| For every Deposition, to be paid by the party applying to make the same . . . . .                                                                                                                                                  | 0 | 2  | 6  |
| For every Warrant to apprehend, to be paid by the party applying for the same..                                                                                                                                                    | 0 | 2  | 6  |
| For every Recognizance, to be paid by each and every party or parties bound respectively on putting in such security . . . . .                                                                                                     | 0 | 2  | 6  |
| For drawing the Discharge of Defendant or Prisoner, on the Recognizance being entered into, to be paid by each and every party bound, or by the bail, if at their request. . . . .                                                 | 0 | 2  | 6  |
| For every information, <i>Plainte</i> , or Summons, including the copy thereof for service . . . . .                                                                                                                               | 0 | 8  | 6  |
| For every original Subpoena . . . . .                                                                                                                                                                                              | 0 | 1  | 0  |
| For every copy thereof. . . . .                                                                                                                                                                                                    | 0 | 0  | 6  |
| For every attendance at the return of any Warrant for Trial, Information, Summons or <i>Plainte</i> , in Special or Weekly Sessions . . . . .                                                                                      | 0 | 2  | 6  |
| For Swearing every Witness, in Special or Weekly Sessions . . . . .                                                                                                                                                                | 0 | 0  | 6  |
| For the entry of the case, and recording the Conviction, Acquittal, or Judgment..                                                                                                                                                  | 0 | 2  | 6  |
| For the copy of any Summary Conviction or Judgment, when the same may be required . . . . .                                                                                                                                        | 0 | 2  | 6  |
| For certifying or taxing every Bill of Costs . . . . .                                                                                                                                                                             | 0 | 1  | 0  |
| For every Warrant of Distress to levy any Fine, Penalty, or Judgment, with costs and charges . . . . .                                                                                                                             | 0 | 2  | 6  |
| For every Rule of Court, including the copy thereof for service. . . . .                                                                                                                                                           | 0 | 2  | 6  |
| For every Special Warrant or Commitment of Imprisonment, in lieu of any penalty or fine, or on a return of <i>nulla bona</i> , for non-payment of any penalty or fine, or otherwise . . . . .                                      | 0 | 5  | 0  |
| For drawing up and preparing a Record of Conviction, and making the return to a Writ of <i>Certiorari</i> , to be paid by the party at whose instance such Writ is issued, and before the same shall be returned or fyled. . . . . | 1 | 0  | 0  |
| For drawing and preparing the Record of an Appeal to the Court of General Quarter Sessions, to be paid by the party Appellant before the same shall be transmitted . . . . .                                                       | 0 | 10 | 0  |
| For all copies of any paper, writing, or proceedings, if not exceeding one hundred and fifty words. . . . .                                                                                                                        | 0 | 1  | 0  |
| And exceeding that, at the rate of sixpence for every additional hundred words.                                                                                                                                                    |   |    |    |
| For drawing up an Order of Dismissal . . . . .                                                                                                                                                                                     | 0 | 2  | 6  |
| For drawing up a Certificate on Dismissal. . . . .                                                                                                                                                                                 | 0 | 1  | 8  |

(Signed,) WM. K. McCORD, C.J.,  
Chairman.

“ J. D. LACROIX, J.P.

MONTREAL, 16th July, 1852.

## PROVINCE OF CANADA.—DISTRICT OF MONTREAL.

TABLE OF FEES to be paid to the Clerk of the Peace, and to the Clerks of the Special and Weekly Sessions for the District of Montreal, made by the Justices of the Peace at their Quarter Session for the said District, on the sixteenth day of July, 1852; in compliance with the requirements of the 26th Section of the 14th & 15th Victoria, cap. 95.

|                                                                                                                                                                                                                               | £  | s. | d. |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|----|----|
| For every Deposition to be paid by the party applying to make the same .....                                                                                                                                                  | 0  | 2  | 6  |
| For every Warrant to apprehend, to be paid by the party applying for the same..                                                                                                                                               | 0  | 2  | 6  |
| For every Recognizance to be paid by each and every party or parties bound respectively or putting in such security .....                                                                                                     | 0  | 5  | 0  |
| For every Information, <i>Plainte</i> or Summons, including the copy thereof for service .....                                                                                                                                | 0  | 4  | 0  |
| For every Original Subpoena .....                                                                                                                                                                                             | 0  | 2  | 0  |
| For every copy thereof .....                                                                                                                                                                                                  | 0  | 0  | 6  |
| For every attendance at the return of any Warrant for trial, Information, Summons or <i>Plainte</i> , in Special or Weekly Sessions .....                                                                                     | 0  | 2  | 6  |
| For swearing every Witness in Special or Weekly Sessions .....                                                                                                                                                                | 0  | 0  | 6  |
| For every Affidavit taken in Court .....                                                                                                                                                                                      | 0  | 1  | 0  |
| For the entry of the case and Recording the Conviction, Acquittal or Judgment..                                                                                                                                               | 0  | 2  | 6  |
| For the copy of any Summary Conviction or Judgment, when the same may be required .....                                                                                                                                       | 0  | 2  | 6  |
| For certifying or taxing any bill of costs .....                                                                                                                                                                              | 0  | 1  | 0  |
| For every Warrant of Distress to levy any fine, penalty or Judgment with costs and charges .....                                                                                                                              | 0  | 2  | 6  |
| For every Rule of Court including the copy thereof for service .....                                                                                                                                                          | 0  | 2  | 6  |
| For every Special Warrant or commitment of imprisonment in lieu of any penalty or fine, or in a return of <i>nulla bona</i> , for non-payment of any penalty or fine or otherwise .....                                       | 0  | 5  | 0  |
| For drawing up and preparing a record of Conviction and making the return to a Writ of <i>Certiorari</i> , to be paid by the party at whose instance such Writ is issued and before the same shall be returned or fyled ..... | 1  | 0  | 0  |
| For drawing up and preparing the record of appeal to the Court of General Quarter Sessions, to be paid by the party appellant, before the same shall be transmitted .....                                                     | 1  | 0  | 0  |
| For every Bill of Indictment and all proceedings incident thereto .....                                                                                                                                                       | 1  | 0  | 0  |
| For all copies of any paper, writing or proceedings if not exceeding one hundred and fifty words .....                                                                                                                        | 0  | 1  | 0  |
| And exceeding that, at the rate of sixpence for every additional hundred words                                                                                                                                                |    |    |    |
| For drawing up an Order of dismissal .....                                                                                                                                                                                    | 0  | 2  | 6  |
| For drawing up a Certificate on dismissal .....                                                                                                                                                                               | 0  | 1  | 3  |
| For every Certificate of any proceedings or document whenever required and not otherwise provided for .....                                                                                                                   | 0  | 2  | 6  |
| On every petition or other application in the nature of a petition of a private nature, including the copy of the Judgment or order thereon, if required .....                                                                | 0  | 2  | 6  |
| For every Opposition filed .....                                                                                                                                                                                              | 0  | 2  | 6  |
| For attendance and drawing and entering the Recognizance of any party entitled to keep a public Billiard Table, including the Certificate required to obtain the License .....                                                | 0. | 10 | 0  |
| For each and every Baker's Recognizance .....                                                                                                                                                                                 | 0  | 5  | 0  |
| For every Ferry License or Certificate to obtain a Ferry License, copy in the English and French languages of the Regulations in force and Tariff for the same .....                                                          | 1  | 5  | 0  |
| For any search of any paper, if the same has been fyled upwards of a year in the Office .....                                                                                                                                 | 0  | 1  | 3  |
| For a general search .....                                                                                                                                                                                                    | 0  | 2  | 6  |
| For every Certificate for Pedlar's License .....                                                                                                                                                                              | 0  | 2  | 6  |
| For every proceeding not provided for by this Tariff .....                                                                                                                                                                    | 0  | 1  | 3  |

## DISTRICT OF MONTREAL.—(Continued.)

| SEAMEN'S CASES.                                                                                                                                                                                                                                                                                                                                                           |   | £ | s. | d. |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|----|----|
| [In cases under the Seamen's Acts, Provincial Act 47 Geo. III. Cap. 9, and Imperial Acts 7 & 8 Vic. cap. 112, and 13 & 14 Vic. cap. 93.]                                                                                                                                                                                                                                  |   |   |    |    |
| For drawing every Deposition to obtain a Warrant of Arrest, in any charge . . . .                                                                                                                                                                                                                                                                                         | 0 | 2 | 6  |    |
| And if such Deposition shall be against more than one man, then for each person additional therein named . . . . .                                                                                                                                                                                                                                                        | 0 | 1 | 0  |    |
| For the Warrant to arrest thereupon . . . . .                                                                                                                                                                                                                                                                                                                             | 0 | 2 | 6  |    |
| N.B.—It being understood, as a general rule, that all Seamen, serving under the same <i>Articles</i> , charged with the same offence, and as committed at the same time, (if more than one) are to be included in the same Deposition, Warrant and proceeding.                                                                                                            |   |   |    |    |
| For attendance at the return of the Warrant; viz. for each and every person so put on trial . . . . .                                                                                                                                                                                                                                                                     | 0 | 1 | 0  |    |
| For swearing each and every Witness . . . . .                                                                                                                                                                                                                                                                                                                             | 0 | 0 | 6  |    |
| For the entry and recording of the Conviction or Acquittal, viz. for each and every person so convicted or acquitted . . . . .                                                                                                                                                                                                                                            | 0 | 1 | 0  |    |
| For drawing a Warrant of Commitment on such Conviction for the Gaoler . . . . .                                                                                                                                                                                                                                                                                           | 0 | 2 | 6  |    |
| And if such Warrant of Commitment shall contain more than one name, then for each additional person therein named . . . . .                                                                                                                                                                                                                                               | 0 | 1 | 0  |    |
| For a Warrant to the Gaoler to discharge any Prisoner or Prisoners from custody, at the request of the Master, or when the ship may be ready for sea . . . .                                                                                                                                                                                                              | 0 | 2 | 6  |    |
| And if such Warrant of Discharge shall contain more than one name, then for each additional person therein so named . . . . .                                                                                                                                                                                                                                             | 0 | 1 | 0  |    |
| For a General Statement and Certificate under the office seal, of the proceedings had, to be furnished on the request of the Master, or on his behalf, including a Memorandum of the costs and charges incurred and paid, to serve as a voucher of the Master or party complainant, when the ship arrives at the Home Port, or on the termination of the voyage . . . . . | 0 | 2 | 6  |    |
| And if such Certificate shall relate to more than one person, then for each person additional therein named . . . . .                                                                                                                                                                                                                                                     | 0 | 1 | 0  |    |
| For recording and registering Defendant's appearance in cases of wages or penalties in each case . . . . .                                                                                                                                                                                                                                                                | 0 | 2 | 6  |    |
| For entering and recording Defendant's plea payable upon entry in every case . .                                                                                                                                                                                                                                                                                          | 0 | 2 | 6  |    |

(Signed,) WM. K. McCORD, C.J.,  
Chairman.

“ J. D. LACROIX, J.P.

MONTREAL, 16th July, 1852.

N.B.—The foregoing Tariff of Fees for the District of Montreal, has not yet been approved of under the 26th Section of the Act, 14th & 15th Victoria, cap. 95.

## PROVINCE OF CANADA.—DISTRICT OF THREE RIVERS.

TABLE OF FEES to be paid to the Clerks of the Justices of the Peace within the District of Three Rivers, made by the Justices of the Peace at their Quarter Session for the said District, on the eighth July, 1852; in compliance with the requirements of the 26th Section of the 14th & 15th Vic. cap. 95.

|                                                                                                                                                                                                                                 | £ | s. | d. |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| For every Deposition, to be paid by the party applying to make the same .....                                                                                                                                                   | 0 | 2  | 6  |
| For every Warrant to Apprehend, to be paid by the party applying for the same .....                                                                                                                                             | 0 | 2  | 6  |
| For every Recognizance, to be paid by each and every party or parties bound respectively on putting in such security .....                                                                                                      | 0 | 2  | 6  |
| For drawing the Discharge of Defendant or Prisoner on the Recognizance being entered into, to be paid by each and every party bound, or by the bail, if at their request .....                                                  | 0 | 2  | 6  |
| For every Information, <i>Plainte</i> , or Summons, including the copy thereof for service .....                                                                                                                                | 0 | 3  | 6  |
| For every original Subpœna .....                                                                                                                                                                                                | 0 | 1  | 0  |
| For every copy thereof .....                                                                                                                                                                                                    | 0 | 0  | 6  |
| For every attendance at the return of any Warrant for Trial, Information, Summons, or <i>Plainte</i> , in Special or Weekly Sessions .....                                                                                      | 0 | 2  | 6  |
| For Swearing every Witness, in Special or Weekly Sessions .....                                                                                                                                                                 | 0 | 0  | 6  |
| For the entry of the Case, and recording the Conviction, Acquittal, or Judgment .....                                                                                                                                           | 0 | 2  | 6  |
| For the copy of any Summary Conviction or Judgment, when the same may be required .....                                                                                                                                         | 0 | 2  | 6  |
| For certifying or taxing every Bill of Costs .....                                                                                                                                                                              | 0 | 1  | 0  |
| For every Warrant of Distress to levy any Fine, Penalty, or Judgment, with costs and charges .....                                                                                                                              | 0 | 2  | 6  |
| For every Rule of Court, including the copy thereof for service .....                                                                                                                                                           | 0 | 2  | 6  |
| For every Special Warrant or Commitment of Imprisonment, in lieu of any penalty or fine, or a return of <i>nulla bona</i> , for non-payment of any penalty or fine, or otherwise .....                                          | 0 | 5  | 0  |
| For drawing up and preparing a Record of Conviction, and making the return to a Writ of <i>Certiorari</i> , to be paid by the party at whose instance such Writ is issued, and before the same shall be returned or fyled ..... | 1 | 0  | 0  |
| For drawing and preparing the Record of an Appeal to the Court of General Quarter Sessions, to be paid by the party Appellant, before the same shall be transmitted .....                                                       | 0 | 10 | 0  |
| For all copies of any paper, writing, or proceedings, if not exceeding one hundred and fifty words .....                                                                                                                        | 0 | 1  | 0  |
| And exceeding that, at the rate of sixpence for every additional hundred words.                                                                                                                                                 |   |    |    |
| For drawing up an Order of Dismissal .....                                                                                                                                                                                      | 0 | 2  | 6  |
| For drawing up a Certificate on Dismissal .....                                                                                                                                                                                 | 0 | 1  | 8  |

(Signed,) J. E. TURCOTTE, C.Q.S.

THREE RIVERS, 8th July, 1852.

## PROVINCE OF CANADA.—DISTRICT OF THREE RIVERS.

TABLE OF FEES to be paid to the Clerk of the Peace, and to the Clerks of the Special and Weekly Sessions for the District of Three Rivers, made by the Justices of the Peace at their Quarter Session for the said District, on the eighth July, 1852; in compliance with the requirements of the 26th Section of the 14th & 15th Victoria, cap. 95.

|                                                                                                                                                                                                                               | £ | s. | d. |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| For every Deposition to be paid by the party applying to make the same .....                                                                                                                                                  | 0 | 2  | 6  |
| For every Warrant to apprehend to be paid by the party applying for the same ..                                                                                                                                               | 0 | 2  | 6  |
| For every Recognizance to be paid by each and every party or parties bound respectively on putting in such security .....                                                                                                     | 0 | 2  | 6  |
| For drawing the discharge of Defendant or prisoner on the Recognizance being entered into, to be paid by each and every party bound, or by the bail, if at their request .....                                                | 0 | 2  | 6  |
| For every Information, <i>Plainte</i> or Summons including the copy thereof for service.                                                                                                                                      | 0 | 3  | 6  |
| For every Original Subpœna .....                                                                                                                                                                                              | 0 | 1  | 0  |
| For every copy thereof .....                                                                                                                                                                                                  | 0 | 0  | 6  |
| For every attendance at the return of any Warrant for trial, Information, Summons or <i>Plainte</i> in Special or Weekly Sessions .....                                                                                       | 0 | 2  | 6  |
| For swearing every Witness in Special or Weekly Sessions .....                                                                                                                                                                | 0 | 0  | 6  |
| For the entry of the case and recording the Conviction, Acquittal or Judgment ..                                                                                                                                              | 0 | 2  | 6  |
| For the copy of any Summary Conviction on Judgment when the same may be required .....                                                                                                                                        | 0 | 2  | 6  |
| For certifying or taxing every Bill of Costs .....                                                                                                                                                                            | 0 | 1  | 0  |
| For every Warrant of Distress to levy any Fine, Penalty or Judgment with costs and charges .....                                                                                                                              | 0 | 2  | 6  |
| For every Rule of Court including the copy thereof for service .....                                                                                                                                                          | 0 | 2  | 6  |
| For every Special Warrant or Commitment of Imprisonment in lieu of any Penalty or Fine, or on a return of <i>nullu bond</i> for non-payment of any Penalty or Fine or otherwise .....                                         | 0 | 5  | 0  |
| For drawing up and preparing a record of Conviction and making the return to a Writ of <i>Cartiorari</i> , to be paid by the party at whose instance such Writ is issued and before the same shall be returned or fyled ..... | 1 | 0  | 0  |
| For drawing and preparing the record of an Appeal to the Court of General Quarter Sessions, to be paid by the party Appellant before the same shall be transmitted .....                                                      | 0 | 10 | 0  |
| For all copies of any paper, writing or proceedings, if not exceeding one hundred and fifty words .....                                                                                                                       | 0 | 1  | 0  |
| And exceeding that, at the rate of sixpence for every additional hundred words.                                                                                                                                               |   |    |    |
| For drawing an Order of Dismissal .....                                                                                                                                                                                       | 0 | 2  | 6  |
| For drawing up a Certificate on Dismissal .....                                                                                                                                                                               | 0 | 1  | 8  |
| For every Certificate of any proceedings or document whenever required and not otherwise provided for .....                                                                                                                   | 0 | 2  | 6  |
| On every Petition or other application in the nature of a Petition of a private nature, including the copy of the Judgment or order thereon if required .....                                                                 | 0 | 2  | 6  |
| For attendance and drawing and entering the Recognizance of any party entitled to keep a public Billiard Table, including the Certificate required to obtain the License .....                                                | 0 | 10 | 0  |
| For each and every Baker's Recognizance .....                                                                                                                                                                                 | 0 | 5  | 0  |
| For every Certificate to obtain a Ferry License .....                                                                                                                                                                         | 0 | 2  | 6  |
| For any search of any Paper, if the same has been fyled upward of a year in the Office .....                                                                                                                                  | 0 | 1  | 8  |
| For a general search .....                                                                                                                                                                                                    | 0 | 2  | 6  |
| For every Certificate for Pedlar's License .....                                                                                                                                                                              | 0 | 1  | 0  |
| For every proceeding not provided for by this Tariff .....                                                                                                                                                                    | 0 | 1  | 8  |

(Signed,) J. E. TURCOTTE, C.Q.S.

THREE RIVERS, 8th July, 1852.

N.B.—The foregoing Tariff of Fees for the District of Three Rivers has not yet been approved of under the 26th Section of the Act 14 & 15 Vic. cap. 95.



## PROVINCE OF CANADA.—DISTRICT OF ST. FRANCIS.

TABLE OF FEES to be paid to the Clerks of the Justices of the Peace, within the District of St. Francis, in compliance with the requirements of the 26th Section of the 14th & 15th Victoria, cap. 95.

|                                                                                                                                                                                                                                  | £ | s. | d. |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| For every Deposition, to be paid by the party applying to make the same .....                                                                                                                                                    | 0 | 2  | 6  |
| For every Warrant to apprehend, to be paid by the party applying for the same .....                                                                                                                                              | 0 | 2  | 6  |
| For every Recognizance, to be paid by each and every party or parties bound respectively on putting in such security.....                                                                                                        | 0 | 2  | 6  |
| For drawing the Discharge of Defendant or Prisoner on the Recognizance being entered into, to be paid by each and every party bound, or by the bail, if at their request.....                                                    | 0 | 2  | 6  |
| For every Information, <i>Plainte</i> , or Summons, including the copy thereof for service .....                                                                                                                                 | 0 | 8  | 6  |
| For Examination of every Witness, when taken down in writing by the Clerk ..                                                                                                                                                     | 0 | 2  | 0  |
| For Swearing every Witness, in Special or Weekly Sessions .....                                                                                                                                                                  | 0 | 0  | 8  |
| For every original Subpoena .....                                                                                                                                                                                                | 0 | 1  | 0  |
| For every copy thereof .....                                                                                                                                                                                                     | 0 | 0  | 6  |
| For every attendance at the return of any Warrant for Trial, Information, Summons, or <i>Plainte</i> , in Special or Weekly Sessions.....                                                                                        | 0 | 2  | 6  |
| For the entry of the Case, and recording the Conviction, Acquittal, or Judgment..                                                                                                                                                | 0 | 2  | 6  |
| For the copy of any Summary Conviction or Judgment, when the same may be required .....                                                                                                                                          | 0 | 2  | 6  |
| For certifying or taxing every Bill of Costs .....                                                                                                                                                                               | 0 | 1  | 0  |
| For every Warrant of Distress to levy any Fine, Penalty, or Judgment, with costs and charges.....                                                                                                                                | 0 | 2  | 6  |
| For every Rule of Court, including the copy thereof for service.....                                                                                                                                                             | 0 | 2  | 6  |
| For every Special Warrant, or Commitment of Imprisonment, in lieu of any penalty or fine, or on a return of <i>nulla bona</i> , for non-payment of any penalty or fine, or otherwise .....                                       | 0 | 5  | 0  |
| For drawing up and preparing a Record of Conviction, and making the return to a Writ of <i>Certiorari</i> , to be paid by the party at whose instance such Writ is issued, and before the same shall be returned and fyled ..... | 1 | 0  | 0  |
| For drawing and preparing the Record of an Appeal to the Court of General Sessions, to be paid by the party Appellant before the same shall be transmitted .....                                                                 | 0 | 10 | 0  |
| For all copies of any paper, writing, or proceedings, if not exceeding one hundred and fifty words.....                                                                                                                          | 0 | 1  | 0  |
| And exceeding that, at the rate of sixpence for every additional hundred words.                                                                                                                                                  |   |    |    |
| For drawing up an Order of Dismissal .....                                                                                                                                                                                       | 0 | 2  | 6  |
| For drawing up a Certificate on Dismissal .....                                                                                                                                                                                  | 0 | 1  | 8  |

(Signed,)

G. SHORT,  
Chairman of Court of General Sessions.

“ J. G. ROBERTSON, J.P.,  
“ A. G. WOODWORD, J.P.,  
“ C. BULLOCK, J.P.

SHERBROOKE, October 2nd, 1852.

N.B.—The foregoing Tariff of Fees for the District of St. Francis, has not yet been approved of under the 26th Section of the Act 14 & 15 Vic. cap. 95.

## PROVINCE OF CANADA.—DISTRICT OF KAMOURASKA.

TABLE OF FEES to be paid to the Clerk of the Peace, and to the Clerks of the Special Sessions for the District of Kamouraska, made by the Justices of the Peace at their General Session for the said District, on the twenty-fourth July, 1852; in compliance with the requirements of the 26th Section of the 14th & 15th Victoria, cap. 95.

|                                                                                                                                                                                                | £ | s. | d. |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| For every Deposition to be paid by the party applying to make the same .....                                                                                                                   | 0 | 2  | 6  |
| For every Warrant to apprehend, to be paid by the party applying for the same.                                                                                                                 | 0 | 2  | 6  |
| For every Recognizance to be paid by each and every party or parties bound respectively on putting in such security .....                                                                      | 0 | 2  | 6  |
| For drawing the Discharge of Defendant or Prisoner, on the Recognizance being entered into, to be paid by each and every party bound, or by the bail, if at their request .....                | 0 | 2  | 6  |
| For every Information, <i>Plainte</i> , or Summons, including the copy thereof for service .....                                                                                               | 0 | 3  | 6  |
| For every Original Subpoena .....                                                                                                                                                              | 0 | 1  | 0  |
| For every copy thereof .....                                                                                                                                                                   | 0 | 0  | 6  |
| For every attendance at the return of any Warrant for trial, Information, Summons, or <i>Plainte</i> , in Special Sessions .....                                                               | 0 | 2  | 6  |
| For swearing every witness in Special Sessions .....                                                                                                                                           | 0 | 0  | 6  |
| For the entry of the case and recording the Conviction, Acquittal or Judgment ..                                                                                                               | 0 | 2  | 6  |
| For the copy of any Summary Conviction or Judgment, when the same may be required .....                                                                                                        | 0 | 2  | 6  |
| For certifying or taxing any Bill of Costs .....                                                                                                                                               | 0 | 1  | 0  |
| For every Warrant of Distress to levy any Fine, Penalty or Judgment with costs and charges .....                                                                                               | 0 | 2  | 6  |
| For every Rule of Court including the copy thereof for service .....                                                                                                                           | 0 | 2  | 6  |
| For every Special Warrant or Commitment of Imprisonment in lieu of any Penalty or Fine, or on a return of <i>nulla bona</i> for non-payment of any Penalty or Fine, or otherwise .....         | 0 | 5  | 0  |
| For drawing up and preparing a record of Conviction and making the return to a Writ of <i>Certiorari</i> , to be paid by the party at whose instance the same shall be returned or fyled ..... | 1 | 0  | 0  |
| For drawing and preparing the record of an Appeal to the Court of General Sessions, to be paid by the party Appellant, before the same shall be transmitted .....                              | 0 | 10 | 0  |
| For all copies of any paper, writing or proceedings, if not exceeding one hundred and fifty words .....                                                                                        | 0 | 1  | 0  |
| And exceeding that, at the rate of sixpence for every additional hundred words.                                                                                                                |   |    |    |
| For drawing up an Order of Dismissal .....                                                                                                                                                     | 0 | 2  | 6  |
| For drawing up a Certificate on Dismissal .....                                                                                                                                                | 0 | 1  | 3  |
| For every Certificate of any proceeding or document, whenever required, and not otherwise provided for .....                                                                                   | 0 | 2  | 6  |
| On every Petition or other application in the nature of a Petition of a private nature, including the copy of the Judgment or order thereon if required .....                                  | 0 | 2  | 6  |
| For attendance, drawing and entering the Recognizance of any party entitled to keep a public Billiard Table, including the Certificate required to obtain the License .....                    | 0 | 10 | 0  |
| For each and every Baker's Recognizance .....                                                                                                                                                  | 0 | 5  | 0  |
| For any search of any paper, if the same has been filed upwards of a year in the Office .....                                                                                                  | 0 | 1  | 3  |
| For a general search .....                                                                                                                                                                     | 0 | 2  | 6  |
| For every Certificate for Pedlar's License .....                                                                                                                                               | 0 | 1  | 0  |
| For every proceeding not provided for by this Tariff .....                                                                                                                                     | 0 | 1  | 3  |

## DISTRICT OF KAMOURASKA.—(Continued.)

## SEAMEN'S CASES.

|                                                                                                                                                                                                                                                                                                                                                                            | £ | s. | d. |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| [In cases under the Seamen's Acts, Provincial Act 47 Geo. III. Cap. 9, and Imperial Acts 7 & 8 Vic. cap. 112, and 13 & 14 Vic. cap. 93.]                                                                                                                                                                                                                                   |   |    |    |
| For drawing every Deposition to obtain a warrant of Arrest on any charge .....                                                                                                                                                                                                                                                                                             | 0 | 2  | 6  |
| And if such Deposition shall be against more than one man, then for each person additional therein named .....                                                                                                                                                                                                                                                             | 0 | 1  | 0  |
| For the Warrant to arrest thereupon .....                                                                                                                                                                                                                                                                                                                                  | 0 | 2  | 6  |
| N. B. It being understood, as a general rule, that all Seamen, serving under the same <i>Articles</i> , charged with the same offence, and as committed at the same time, (if more than one) are to be included in the same Deposition, Warrant and proceeding.                                                                                                            |   |    |    |
| For attendance at the return of the Warrant, viz., for each and every person so put on trial .....                                                                                                                                                                                                                                                                         | 0 | 1  | 0  |
| For swearing each and every Witness .....                                                                                                                                                                                                                                                                                                                                  | 0 | 0  | 6  |
| For the entry and recording of the Conviction or Acquittal, viz., for each and every person so committed or acquitted .....                                                                                                                                                                                                                                                | 0 | 1  | 0  |
| For drawing a Warrant of Commitment on such Conviction, for the Gaoler.....                                                                                                                                                                                                                                                                                                | 0 | 2  | 6  |
| And if such Warrant of Commitment shall contain more than one name, then for each additional person therein named .....                                                                                                                                                                                                                                                    | 0 | 1  | 0  |
| For a Warrant to the Gaoler to discharge any Prisoner or Prisoners from custody at the request of the Master, or when the ship may be ready for sea.....                                                                                                                                                                                                                   | 0 | 2  | 6  |
| And if such Warrant of Discharge shall contain more than one name, then for each additional person therein so named .....                                                                                                                                                                                                                                                  | 0 | 1  | 0  |
| For a General Statement and Certificate under the Office Seal, of the proceedings had, to be furnished on the request of the Master, or on his behalf, including a <i>Memorandum</i> of the costs and charges incurred and paid, to serve as a Voucher of the Master or party complainant, when the ship arrives at the Home Port, or on termination of the voyage.....    | 0 | 2  | 6  |
| And if such Certificate shall relate to more than one person, then for each person additional therein named .....                                                                                                                                                                                                                                                          | 0 | 1  | 0  |
| For recording and registering Defendant's appearance in cases of wages or Penalties in each case .....                                                                                                                                                                                                                                                                     | 0 | 2  | 6  |
| For entering and recording Defendant's plea, payable upon entry in every case ..                                                                                                                                                                                                                                                                                           | 0 | 2  | 6  |
| Provided always, that the person performing the duty of the Clerk shall not require any payment for any paper he may prepare in any Criminal Prosecution (assaults and batteries excepted), and shall, under the dictation and order of the Justice of the Peace, keep the Register of such Justice of the Peace, without being entitled to any remuneration for so doing. |   |    |    |

(Signed,)

J. A. TASCHEREAU,

Ct. J. and Chairman J.P.

KAMOURASKA, 24th July, 1852.

## PROVINCE OF CANADA.—DISTRICT OF KAMOURASKA.

TABLE OF FEES to be paid to the Clerks of the Justices of the Peace, within the District of Kamouraska, made by the Justices of the Peace at their General Session for the said District, on the twenty-fourth July, 1852; in compliance with the requirements of the 26th Section of the 14th & 15th Victoria, cap. 95.

|                                                                                                                                                                                                                                | £ | s. | d. |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| For every Deposition, to be paid by the party applying to make the same .....                                                                                                                                                  | 0 | 2  | 6  |
| For every Warrant to apprehend, to be paid by the party applying for the same...                                                                                                                                               | 0 | 2  | 6  |
| For every Recognizance, to be paid by each and every party or parties bound respectively on putting in such security.....                                                                                                      | 0 | 2  | 6  |
| For drawing the Discharge of Defendant or Prisoner on the Recognizance being entered into, to be paid by each and every party bound, or by the bail, if at their request.....                                                  | 0 | 2  | 6  |
| For every Information, <i>Plainte</i> , or Summons, including the copy thereof for service .....                                                                                                                               | 0 | 3  | 6  |
| For every original Subpœna .....                                                                                                                                                                                               | 0 | 1  | 0  |
| For every copy thereof .....                                                                                                                                                                                                   | 0 | 0  | 6  |
| For every attendance at the return of any Warrant for Trial, Information, Summons, or <i>Plainte</i> , in Special Sessions.....                                                                                                | 0 | 2  | 6  |
| For Swearing every Witness, in Special Sessions.....                                                                                                                                                                           | 0 | 0  | 6  |
| For the entry of the Case, and recording the Conviction, Acquittal, or Judgment..                                                                                                                                              | 0 | 2  | 6  |
| For the copy of any Summary Conviction or Judgment, when the same may be required.....                                                                                                                                         | 0 | 2  | 6  |
| For certifying or taxing every Bill of Costs .....                                                                                                                                                                             | 0 | 1  | 0  |
| For every Warrant of Distress, to levy any Fine, Penalty, or Judgment, with costs and charges.....                                                                                                                             | 0 | 2  | 6  |
| For every Rule of Court, including the copy thereof for service.....                                                                                                                                                           | 0 | 2  | 6  |
| For every Special Warrant or Commitment of Imprisonment, in lieu of any penalty or fine, or on a return of <i>nulla bona</i> , for non-payment of any penalty or fine, or otherwise .....                                      | 0 | 5  | 0  |
| For drawing up and preparing a Record of Conviction, and making the return to a Writ of <i>Certiorari</i> , to be paid by the party at whose instance such Writ is issued, and before the same shall be returned or fyled..... | 1 | 0  | 0  |
| For drawing and preparing the Record of an Appeal to the Court of General Sessions, to be paid by the party Appellant before the same shall be transmitted .....                                                               | 0 | 10 | 0  |
| For all copies of any paper, writing, or proceedings, if not exceeding one hundred and fifty words.....                                                                                                                        | 0 | 1  | 0  |
| And exceeding that, at the rate of sixpence for every additional hundred words.                                                                                                                                                |   |    |    |
| For drawing up an Order of Dismissal .....                                                                                                                                                                                     | 0 | 2  | 6  |
| For drawing up a Certificate on Dismissal .....                                                                                                                                                                                | 0 | 1  | 3  |

Provided always, that the person performing the duty of the Clerk shall not require any payment for any paper he may prepare in any Criminal Prosecution (assaults and batteries excepted), and shall, under the dictation and order of the Justice of the Peace, keep the Register of such Justice of the Peace, without being entitled to any remuneration for so doing.

(Signed,) J. A. TASCHEREAU,

Ct. J. and Chairman J.P.

KAMOURASKA, 24th July, 1852.

N.B.—The foregoing Table of Fees for the District of Kamouraska, has not yet been approved of under the 26th Section of the Act 14 & 15 Vic. cap. 95.

# CANADA AND NEW BRUNSWICK BOUNDARY.

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RETURN to an Address of the Legislative Assembly, dated 3rd September, 1852; for Copies of all the Correspondence which has taken place between the Imperial Government, the Government of New Brunswick, and that of this Province, with reference to the Division Line between this Province and New Brunswick; and, also, of all the Reports of the Commissioners and Surveyors employed in the Settlement of this matter, since the last Report laid before this House by the Government, on this subject.

By Command.

A. N. MORIN,

Secretary.

Secretary's Office,

19th October, 1852.

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## SCHEDULE.

| No. of Despatch. | _____                                                                             | Date.                     | SUBJECT.                                                                                                                                                                                                                                                                 |
|------------------|-----------------------------------------------------------------------------------|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (507) . . . . .  | 1.—Earl Grey to the Earl of Elgin and Kincardine . . . . .                        | June 27, 1850 . . . . .   | PLAN of ARBITRATION proposed for settling the dispute respecting the Boundaries of Canada and New Brunswick.                                                                                                                                                             |
| (215) . . . . .  | 2.—Earl of Elgin and Kincardine to Earl Grey . . . . .                            | October 10, do . . . . .  | Enclosing REPORT of COMMITTEE of EXECUTIVE COUNCIL of CANADA, on the Conditions of the proposed Arbitration. MINUTE of EXECUTIVE COUNCIL of NEW BRUNSWICK, on the same subject.                                                                                          |
| (50) . . . . .   | 3.—Sir E. Head to Earl Grey . . . . .                                             | do 24, do . . . . .       | ASSENT of SIR E. HEAD thereto. Nomination of an ARBITRATOR on the part of NEW BRUNSWICK.                                                                                                                                                                                 |
| (226) . . . . .  | 4.—Earl of Elgin and Kincardine to Earl Grey . . . . .                            | do 31, do . . . . .       | Transmitting REPORT of THE COMMISSIONERS of CROWN LANDS, respecting the disputed Territory. Nomination of an ARBITRATOR on the part of CANADA.                                                                                                                           |
| (525) . . . . .  | 5.—Earl Grey to the Earl of Elgin and Kincardine . . . . .                        | November 1, do . . . . .  | Gratification expressed by Earl Grey at learning that the TERMS of ARBITRATION have been AGREED TO by the Governments of Canada and New Brunswick.                                                                                                                       |
| (535) . . . . .  | 6.—Benjamin Hawes, Esquire, to the Arbitrators on the Boundary question . . . . . | do 28, do . . . . .       | Appointment of THOMAS FALCONER, Esq., and TRAVERS TWISS, Esq., to the office of Arbitrators.                                                                                                                                                                             |
| (537) . . . . .  | 7.—Earl Grey to the Earl of Elgin and Kincardine . . . . .                        | do 29, do . . . . .       | Acceptance of the above-named gentlemen of the office: they will enter on their functions without delay.                                                                                                                                                                 |
| (537) . . . . .  | 8.—The Same to the Same . . . . .                                                 | December 10, do . . . . . | Nomination of RIGHT HONORABLE STEPHEN LUSHINGTON as THIRD ARBITRATOR in the decision of the question.                                                                                                                                                                    |
|                  | 9.—Benjamin Hawes, Esquire, to the Right Honorable S. Lushington . . . . .        | do 14, do . . . . .       | Apprising him of his appointment to the above office.                                                                                                                                                                                                                    |
|                  | 10.—The Arbitrators on the Boundary question to Earl Grey . . . . .               | March 24, 1851 . . . . .  | Application for EXTENSION of TIME for PRESENTING their REPORT.                                                                                                                                                                                                           |
|                  | 11.—Benjamin Hawes, Esquire, to the Arbitrators . . . . .                         | April 2, do . . . . .     | Reply to the above Application—EXTENSION AGREED TO.                                                                                                                                                                                                                      |
| (574) . . . . .  | 12.—Earl Grey to the Earl of Elgin and Kincardine . . . . .                       | do 1, do . . . . .        | Apprising him of EXTENSION of TIME GRANTED to ARBITRATORS for PRESENTING their REPORT.                                                                                                                                                                                   |
|                  | 13.—The Arbitrators to Earl Grey . . . . .                                        | do 17, do . . . . .       | Transmitting SCHEME AGREED TO for SETTLING the BOUNDARIES of CANADA and NEW BRUNSWICK, with two Maps.                                                                                                                                                                    |
|                  | 14.— . . . . .                                                                    | do . . . . .              | Copy of the Scheme above referred to.                                                                                                                                                                                                                                    |
|                  | 15.— . . . . .                                                                    | do . . . . .              | DR. LUSHINGTON'S REASONS for the opinions delivered by him in the preceding paper.                                                                                                                                                                                       |
|                  | 16.—Thomas Falconer, Esquire, to Earl Grey . . . . .                              | April 17, 1851 . . . . .  | REASONS which HAVE COMPELLED HIM to DIFFER from his Colleagues respecting the Boundary Line.                                                                                                                                                                             |
|                  | 17.—The Same to the Same . . . . .                                                | do 14, do . . . . .       | The same Subject.                                                                                                                                                                                                                                                        |
|                  | 18.—The Same to the Same . . . . .                                                | May 5, do . . . . .       | The same Subject.                                                                                                                                                                                                                                                        |
|                  | 19.—Dr. Travers Twiss to Earl Grey . . . . .                                      | June 19, do . . . . .     | Transmitting Copy of PROPOSAL for an ARRANGEMENT of the BOUNDARY BETWEEN the PROVINCES, submitted by him to the consideration of the Arbitrators.                                                                                                                        |
| (911) . . . . .  | 20.—Earl Grey to the Earl of Elgin and Kincardine . . . . .                       | do 25, do . . . . .       | Transmitting AWARD of DR. LUSHINGTON and DR. TRAVERS TWISS.                                                                                                                                                                                                              |
|                  | 21.—Dr. Lushington to Earl Grey . . . . .                                         | do 30, do . . . . .       | Acknowledging receipt of copy of PROTEST and other PAPERS sent to the COLONIAL OFFICE by MR. FALCONER, on the subject of the BOUNDARY LINE. The perusal of these papers have not produced the least change of opinion as to the determination he had previously come to. |

APPENDIX.

| No. of Despatch. |                                                                                        | Date.               | SUBJECT.                                                                                                                                                                                                                                                       |
|------------------|----------------------------------------------------------------------------------------|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (99) . . . . .   | 1.—Right Honorable W. E. Gladstone to Earl Cathcart July                               | 2, 1846.            | Apprising him of the APPOINTMENT OF CAPTAIN PIPON AND LIEUTENANT HENDERSON, to be assisted by the ATTORNEY GENERAL OF NOVA SCOTIA, to examine the dispute between the Provinces of Canada and New Brunswick, respecting the Settlement of their Boundary Line. |
| (99) . . . . .   | 2.—Right Honorable W. E. Gladstone to Captain Pipon and Lieutenant Henderson . . . . . | do do . . .         | INSTRUCTIONS for their guidance in the prosecution of the Inquiry.                                                                                                                                                                                             |
| (76) . . . . .   | 3.—Right Honorable W. E. Gladstone to Lord Falkland                                    | do do . . .         | Apprising him of the appointment of Captain Pipon and Lieutenant STONE, the ATTORNEY GENERAL OF NOVA SCOTIA, the acceptance of the office of LEGAL COMMISSIONER.                                                                                               |
| (99) . . . . .   | 4.—Earl Cathcart to Right Honorable W. E. Gladstone                                    | do 26, do . . .     | Transmitting copy of REPORT OF A COMMITTEE OF THE EXECUTIVE COUNCIL, relative to the question of Boundary between Canada and New Brunswick.                                                                                                                    |
| (76) . . . . .   | 5.—Sir W. M. G. Colebrooke to Right Honorable W. E. Gladstone . . . . .                | do 28, do . . .     | Measures shall be taken to furnish the COMMISSIONERS WITH INFORMATION, and to render them all the assistance they may require in the prosecution of the duty entrusted to them.                                                                                |
| (92) . . . . .   | 6.—Earl Grey to Earl Cathcart . . . . .                                                | August 22, do . . . | Expressing regret that the proceedings adopted had not proved satisfactory to the Executive Council, but DECLINING TO INTERFERE WITH HIS PREDECESSOR'S ARRANGEMENT.                                                                                            |
| (97) . . . . .   | 7.—Earl Grey to the Earl of Elgin and Kincardine . . . . .                             | do 26, do . . .     | Transmitting Copy of REPORT AND APPENDIX UPON THE RESPECTIVE CLAIMS OF CANADA AND NEW BRUNSWICK, drawn up by the above-named Commissioners, with General Map.                                                                                                  |

|                 |                                                             |                       |                                                                                                                                                                                                                                                                          |
|-----------------|-------------------------------------------------------------|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (13) . . . . .  | 8.—Sir W. M. G. Colebrooke to Earl Grey . . . . .           | February 28, 1848.    | Enclosing copy of a COMMUNICATION received from LORD ELGIN, on the subject of the JURISDICTION OF THE DISPUTED TERRITORY, pending the decision of Her Majesty's Government, with Lieutenant Governor's Answer thereto.                                                   |
| (172) . . . . . | 9.—Earl Grey to Sir W. M. G. Colebrooke . . . . .           | March 6, do . . .     | REPLY to the foregoing Despatch.                                                                                                                                                                                                                                         |
| (32) . . . . .  | 10.—Sir W. M. G. Colebrooke to Earl Grey . . . . .          | April 5, do . . .     | Expressing gratification at learning that MEASURES are likely soon to be taken for FINALLY CLOSING THE DISCUSSION between the two Provinces.                                                                                                                             |
| (97) . . . . .  | 11.—Sir E. Head to Earl Grey . . . . .                      | October 26, do . . .  | Enclosing Memorandum conveying the OPINION OF HIMSELF AND EXECUTIVE COUNCIL with reference to REPORT OF THE BOUNDARY COMMISSIONERS.                                                                                                                                      |
| (98) . . . . .  | 12.—The Same to the Same . . . . .                          | do do do . . .        | Is there ANY OBJECTION to the SUMS ADVANCED on account of New Brunswick, in connexion with the BOUNDARY COMMISSION, being defrayed from the PROCEEDS OF DUTIES ON TIMBER CUT ON THE DISPUTED TERRITORY, which are now in the hands of the Central Bank of New Brunswick. |
| (79) . . . . .  | 13.—Earl Grey to Sir E. Head . . . . .                      | November 22, do . . . | No further Statement will be made respecting the BOUNDARY DISPUTE till the views of the Governor General and Council of Canada on the subject, are received.                                                                                                             |
| (80) . . . . .  | 14.—The Same to the Same . . . . .                          | do do do . . .        | In Reply to Despatch No. 98. There is NO OBJECTION to the SUM TO BE PAID by New Brunswick being defrayed out of the PROCEEDS OF DUTIES ON TIMBER, as proposed.                                                                                                           |
| (40) . . . . .  | 15.—Sir E. Head to Earl Grey . . . . .                      | April 18, 1849.       | Enclosing JOINT ADDRESS FROM THE LEGISLATIVE COUNCIL AND HOUSE OF ASSEMBLY TO THE QUEEN, praying for an early Settlement of the Boundary Line.                                                                                                                           |
| (133) . . . . . | 16.—Earl Grey to Sir E. Head . . . . .                      | May 22, do . . .      | ACKNOWLEDGMENT of foregoing Despatch.                                                                                                                                                                                                                                    |
| (367) . . . . . | 17.—Earl Grey to the Earl of Elgin and Kincardine . . . . . | do do do . . .        | Wish of Her Majesty's Government to be placed in possession of VIEWS of GOVERNOR GENERAL AND COUNCIL, preparatory to adopting any Final Decision on the Claims of the respective Provinces.                                                                              |

APPENDIX.—(Continued.)

| No. of Despatch. | —                                                           | Date.                   | S U B J E C T.                                                                                                                                                                                                      |
|------------------|-------------------------------------------------------------|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (159) . . . . .  | 18.—Earl of Elgin and Kincardine to Earl Grey . . . . .     | March 9, 1850 . . . . . | Enclosing Copy of MINUTE OF EXECUTIVE COUNCIL AND OF REPORT BY THE COMMISSIONERS OF CROWN LANDS, on the subject of the disputed Boundary.                                                                           |
| (11) . . . . .   | 19.—Sir E. Head to Earl Grey . . . . .                      | do 19, do . . . . .     | Enclosing MINUTE OF EXECUTIVE COUNCIL OF NEW BRUNSWICK, on the same subject.                                                                                                                                        |
| (483) . . . . .  | 20.—Earl Grey to the Earl of Elgin and Kincardine . . . . . | April 11, do . . . . .  | ACKNOWLEDGMENT of Despatch No. 159. It would be highly inexpedient, in the present state of the question, to bring the differences entertained between the Provinces under discussion in the Canadian Legislature.  |
| (198) . . . . .  | 21.—Earl Grey to Sir E. Head . . . . .                      | June 27, do . . . . .   | ACKNOWLEDGMENT of Despatch No. 11. Outlines of PROPOSAL, FOR THE FINAL ARRANGEMENT OF THE DISPUTE transmitted to the Earl of Elgin. Sir E. Head to place himself in communication with his Lordship on the subject. |

MAPS AND PLANS.

Copy of part of Plan 17, of the Survey of the Boundary, under the Treaty of Washington, dated August, 1842, referred to in the Arbitrators' Report to Earl Grey, dated 17th April, 1851.

Map to Illustrate the Scheme for settling the Boundaries of Canada and New Brunswick, referred to in the Report of the Arbitrators to Earl Grey, dated 17th April, 1851.

Map to accompany and illustrate the Report of Her Majesty's Commissioners for the settlement of the Boundary Line in dispute between Canada and New Brunswick, referred to in their Report, dated 20th July, 1848.



## P A P E R S

RELATIVE TO THE

*Settlement of the Disputed Boundaries between  
the Provinces of Canada and New Brunswick.*

## No. 1.

(No. 507.)

Copy of a Despatch from Earl Grey to Governor General the Earl of Elgin and Kincardine.

DOWNING STREET, June 27, 1850.

My Lord,—I have now to acknowledge your Despatch, No. 159, of 9th March last, inclosing the copy of a Minute of your Executive Council, and of a report by the Commissioner of Crown Lands, impugning, on some points, the conclusions arrived at by the Commission appointed by Her Majesty, to investigate and report upon the respective claims of Canada and New Brunswick to the territory ceded to Great Britain by the Treaty of Washington.

It is of great importance that this long-standing dispute should be finally settled; and if there is no prospect of agreement between the two Provinces on the subject, Her Majesty's Government must necessarily take on themselves the task of arranging it, unless the decision of a Court of Justice could be obtained.

This last course, however, appears unsuited to the case. The question, in a legal point of view, seems to turn on the words of the Quebec Act of 1774. But a tribunal could scarcely pronounce a decision which should define the whole line of separation between the Provinces. And, even if it could do so, it could only interpret and follow the letter of the Act, and not adopt any line of compromise which might be most advantageous to both parties.

It appears to me, therefore, that the matter can only be finally disposed of by Parliamentary enactment, explaining, or if necessary, modifying the language of the Quebec Act. It would be impossible, in the present Session, to introduce and carry through Parliament a Bill of this importance. And there appears to be room, in the interval which must thus elapse, for a settlement which I should consider as by far the most desirable, namely, by mutual agreement.

I therefore propose that, unless the terms of such an agreement can be settled by some more expeditious means, the following course should be adopted:—That your Lordship and the Lieutenant Governor of New Brunswick, with the advice of your Executive Council, should each name an Arbitrator on behalf of your respective Provinces to meet at Quebec, or at any other place which may be preferred by both parties. That the arbitrators should name an umpire. That, if, within a specified time, they could not agree on an umpire, you (or the Lieutenant Gover-

nor of New Brunswick, if the arbitration were held in his Province) should forthwith notify this to me: on receiving which notification, Her Majesty's Government would themselves name an umpire. That the arbitrators and umpire should proceed to consider the question, having before them the report of Her Majesty's Commission, and all other documents with which the governments of the respective Provinces might think proper to furnish them; but not being authorized to examine the ground itself. For although I perceive that on some points the topographical accuracy of the Report, No. 1, of Major Robinson and Captain Henderson, is impugned by the Surveyor General of Canada, I do not think these alleged errors appear to be of sufficient importance (especially when it is considered how many other existing reports and surveys may be referred to by way of evidence) to justify the great expense and delay which such a further investigation would demand; nor would such investigation add much to the prospect of a satisfactory solution of questions which are much more of inference than of fact. That the arbitrators and umpire should be directed to report to Her Majesty's Government, and in that report to point out the line which they consider the most convenient and most equitable, without being tied to the mere interpretation of the law as it stands. And on receiving such report, whether unanimously adopted or by a majority, Her Majesty's Government would proceed to introduce into Parliament a Bill to carry it into effect. But, if, within a specified time, the parties could not agree, then Her Majesty's Government would take on themselves the decision of the question by introducing a Bill based on the terms of the conventional arrangement recommended in the Report of the Commission of 20th July, 1848.

The times which I suggest for the various stages of this transaction are:—That the arbitrators should hold their first meeting on or before November 1st: That if they did not agree on the selection of an umpire by November 8th, that duty should then devolve on Her Majesty's Government; and that the report should be drawn, and ready for submission to Her Majesty's Government, by February 1st. But I name these dates only for the convenience of affording you a basis for negotiation, being willing to admit of any modification of them to which your Lordship and Sir Edmund Head may jointly agree.

As the ultimate proceeding must necessarily be by Act of Parliament, it does not appear to me that any legal formalities are necessary to give validity to the proceedings of the referees, which will be in the nature of a voluntary arbitration only. They might be appointed merely by the Minute of the Governor and Executive Council, and their report merely drawn up in the ordinary form of a memorial. And as what I proposed is an arrangement based on existing data, and not a fresh inquiry, there appears to be no occasion for investing them with the power of examining witnesses on oath.

I have instructed Sir Edmund Head (to whom I have communicated a copy of this Despatch,) to correspond directly with yourself on the subject of it, and to arrange with you any further points of detail which may present themselves, unless matters should arise rendering a further reference to myself necessary; which, if my proposal is adopted, I hope may be avoided; and I have further authorized him to proceed to Toronto for the purpose of personal conference with your Lordship on this subject, if that course should appear to yourself and to him likely to lead to an adjustment of the question between the two Provinces.

I have, &c.,

(Signed,) GREY.

The Earl of ELGIN and KINCARDINE,  
&c. &c. &c.

## No. 2.

(No. 215.)

Copy of a Despatch from the Earl of Elgin and Kincardine to Earl Grey.

GOVERNMENT HOUSE,

TORONTO, October 10, 1850.

(Answered 1st November, 1850, No. 525.)

My Lord,—I have the honor to enclose herewith, for your Lordship's information, the copy of a Minute of the Executive Council of this Province, stating the conditions under which it appears to the Council that the question of disputed boundary between Canada and New Brunswick may be submitted to arbitration, with a reasonable prospect of a decision being arrived at which shall be equitable and satisfactory to the people of both Provinces. The course suggested in this Minute is adopted in pursuance of the recommendation contained in your Lordship's Despatch, No. 507, of 27th of June, and on a Minute of the Executive Council of New Brunswick, the copy of which I likewise enclose.

2. In accordance with the permission granted to me by your Lordship in the Despatch above referred to, I requested the Lieutenant Governor of New Brunswick to visit me here, for the purpose of conferring with me on this important subject. I enclose the copy of a communication addressed to me by Sir Edmund Head, expressing his approval of the terms of the Minute of Council of Canada herewith transmitted. I beg, at the same time, to acknowledge the valuable assistance which I received from that officer in maturing the necessary arrangements for the settlement of these long-pending questions.

I have, &amp;c.,

(Signed,) ELGIN AND KINCARDINE.

The Right Honorable Earl GREY,  
&c. &c. &c.

## Enclosure 1, in No. 2.

EXTRACT from a Report of the Committee of the Executive Council, dated September 30, 1850; approved by His Excellency the Governor General.

The Committee of Council have had under consideration, upon Your Excellency's reference, the Despatch of Her Majesty's Secretary of State for the Colonies, dated the 27th day of June last, concerning the question of the disputed Territory between Canada and New Brunswick; also, a copy of a Minute of the Executive Government of the latter Province, dated the 5th day of September, instant, on the same subject.

It is proposed in the Despatch of the Colonial Secretary, that the matter in dispute be referred to arbitrators, who should be directed to report to Her Majesty's Government, that Your Excellency and the Lieutenant Governor of New Brunswick should each name an arbitrator on behalf of the respective Provinces, and these two arbitrators should name an umpire.

As it is very desirable that this important question be finally settled, and as the object of an arbitration is to afford Her Majesty's Government more efficient means to effect such a final settlement of the respective claims of the two Provinces, the Committee of Council are of opinion that, under the circumstances of the case, it is advisable that the proposition to refer the matter to an arbitration should be agreed to. As to the terms of such an agreement, the Committee having duly considered the suggestions offered in the Despatch of the Colonial Secretary, as well as those

made by the Government of New Brunswick, would respectfully recommend the following:—

1st. A new survey of the ground may be dispensed with, all other points being agreed upon, as hereinafter proposed.

2nd. It is fully understood that, in considering the question referred to them, all facts, titles, and documents, which may be submitted by either of the parties, shall be taken into consideration by the arbitrators, whether existing or bearing date before or after 1763, leaving it to such arbitrators to determine the value which attaches to each class of proofs.

3rd. Neither Province shall be represented by Counsel before the arbitrators.

4th. The arbitration shall be held in London, and the arbitrators selected in the mother Country.

5th. Three arbitrators shall be appointed; one by the Governor General of British North America, and one by the Lieutenant Governor of New Brunswick, neither of whom shall be Member of the Imperial Parliament; the third arbitrator to be some Member of the Judicial Committee of the Privy Council, or some Barrister of eminence and high standing at the English Bar, to be agreed upon by the arbitrators named on behalf of the Provinces; and in case the latter are unable to agree, they are to report the fact of such disagreement to Her Majesty's Secretary of State for the Colonies, and thereupon the third arbitrator shall be appointed by Her Majesty's Government. The award to be made by the three arbitrators, or by any two of them.

6th. The arbitrators to be notified of their appointment through the Colonial Office.

7th. When the arbitrators have been appointed, and shall be ready to go into the arbitration, notice to be given to Her Majesty's Secretary of State for the Colonies when the statements and evidence of the respective Provinces are to be transmitted to them by him; all further statements with references to any published Pamphlets, or other works on the subject intended by the respective parties, to be laid before the arbitrators to be transmitted by them respectively, both to the Colonial Secretary and the sister Province, on or before the 15th day of November next; it being, however, fully understood that this stipulation is not to preclude the arbitrators from consulting any published Pamphlets, or other works which they may themselves find in the course of their investigations, nor from examining any documents that they may obtain access to through the Imperial Government, though not transmitted or referred to by the respective parties, or either of them.

8th. The net proceeds of the funds in the hands of both Governments arising from the disputed Territory, to be applied:—

1st. To defray the expenses of the arbitration.

2nd. To defray the necessary expenses of running the line as settled. In case such funds should prove insufficient, the expenses to be borne equally by the respective Governments.

3rd. And the balance of such funds to the improvement of the land and water communication between the Great Falls of the St. John and the St. Lawrence.

9th. The remuneration of the arbitrators to be fixed by the Colonial Secretary.

10th. The arbitrators shall report within three months from the first of January next, unless on the application of the arbitrators, or any two of them, the time shall be extended by Her Majesty's Government.

It is further respectfully recommended, that this Minute, if approved by Your Excellency, be communicated to the Government of New Brunswick, for their concurrence in the same.

Certified.

(Signed,) J. JOSEPH, C.E.C.

The Honorable Colonel BRUCE,  
Government Secretary.

Enclosure 2, in No. 2.

In Council, September 5, 1850.

Present:—His Excellency the Lieutenant Governor, &c., &c., &c.

Read a Despatch from Earl Grey, dated the 27th June, together with a correspondence between His Excellency, the Governor General, and the Lieutenant Governor of this Province, with reference to the Boundary; whereupon—

Resolved, That the Attorney General be requested to meet His Excellency the Lieutenant Governor, at Toronto, for the purpose of conferring with the Governor General.

Further resolved, That in the opinion of this Board, as the arbitrators and umpires to be named, as suggested by Earl Grey, would have to report to Her Majesty's Government, it will save time and secure greater confidence in their impartiality, if such arbitrators and umpire be appointed in England rather than in the Colonies. The evidence being wholly documentary, there can be no difficulty in the decision of the question in London.

That this Board will nominate any person as arbitrator on the part of New Brunswick whom the Lieutenant Governor and the Attorney General may select; but they wish, if possible, that the umpire selected by the arbitrators should be a Member of the Judicial Committee of Her Majesty's Privy Council, or some Barrister of eminence and high standing at the English Bar. The Council think, moreover, that both the arbitrators, or neither, should be in the Imperial Parliament.

The Council are also of opinion that it would be expedient, with the consent of the Canadian Government, to appropriate the nett proceeds of the funds in the hands of both Governments arising from the disputed Territory in the following manner:—

1. To defray the necessary expense of running the line.
2. To the improvement of the road, or water communication, between the Grand Falls of the St. John and the Rivière du Loup.

It is also considered important, that the arbitrators and umpire should, if possible, report in London, before the last day of December, in the present year, and that the intention of Her Majesty's Government to introduce a Bill into the Imperial Parliament, for the purpose of settling a particular line of Boundary, should be announced officially to the Lieutenant Governor of this Province before the first day of February, 1851.

Finally, the Council are most desirous that the matter should be brought to a speedy and amicable termination; and therefore, in expressing these opinions, they do not intend to make such conditions indispensable, or to fetter the discretion which the Lieutenant Governor, acting with the advice of the Attorney General, may see fit to exercise when at Toronto, with a view to an immediate settlement.

Placed in the hands of His Excellency the Governor General, September 27, 1850.  
(Signed,) EDMUND HEAD.

Enclosure 3, in No. 2.

GOVERNMENT HOUSE,  
TORONTO, October 1, 1850.

Sir,—With reference to the conference which I had yesterday with Your Excellency, on the subject of the arbitration proposed by Earl Grey, for the settlement of the question of Boundary between the Provinces of Canada and New Brunswick, I have the honour to transmit herewith the copy of a Minute of the Executive Council of this Province, which will, I trust, be satisfactory to you.

I have, &c.,  
(Signed,) ELGIN AND KINCARDINE.

His Excellency  
Lieutenant Governor Sir EDMUND HEAD, Bart.,  
&c., &c., &c.

Enclosure 4, in No. 2.

TORONTO, October 1, 1850.

My Lord,—I have the honor to acknowledge your Lordship's letter of this day, with its enclosure.

Acting on behalf of the Government of New Brunswick, I beg to express my assent to the terms laid down in the Minute of Council transmitted by your Excellency.

I have, &c.,  
(Signed,) EDMUND HEAD.

His Excellency the Governor General,  
&c. &c. &c.

### No. 3.

(No. 60.)

Extract of a Despatch from Lieutenant Governor Sir Edmund Head, Baronet, to Earl Grey, dated Government House, Fredericton, New Brunswick, October 24, 1850.

(Received November 11, 1850.)

1. I have the honor to inform your Lordship that, after communicating with His Excellency the Governor General, on the 5th of September last, I laid your Despatch of June 27, with reference to the Canadian boundary, before my Executive Council.

2. A Minute of Council was then approved by me, of which a copy is enclosed.

In pursuance of that minute, and of your Lordship's instructions, I proceeded to Canada, and on the 25th of September I met His Excellency the Earl of Elgin at

Toronto. The Honorable Mr. Wilmot, as a member of my Executive Council, was also there by appointment.

3. After some conversation with Lord Elgin, a copy of the minute of my Council of September 5, was placed in the hands of his Excellency's advisers, and on three several days a conference took place between myself and the Governor General, in the presence of his Executive Council and of Mr. Wilmot.

4. The result of these conferences was, that we agreed to certain terms as the basis of an arbitration to be conducted in London, as being better calculated to secure confidence in the impartiality of the arbitrators, and less delay in reporting to Her Majesty's Government, than any arbitration in the Colonies could be. These terms will have been transmitted to your Lordship by the Earl of Elgin, as being in the form of a minute of the Canadian Council. It is, however, perhaps necessary that I should attach a copy of them to this Despatch, and I have accordingly done so.

5. The Governor General then formally communicated the minute to me, and I, as on behalf of New Brunswick, signified my concurrence in it.

I trust your Lordship will approve of the precautions taken to ensure fairness and impartiality without unnecessary delay, and that you will see the expediency of our proposal of applying the balance of the disputed territory funds (if any) to improving the communications between the Provinces.

6. My Council met again yesterday, October 23, and I then approved a minute recognizing the steps taken by myself on behalf of this Province, and nominating two persons as arbitrators. Two are named in order that if one refuse the office, the other may be applied to, and no delay may arise.

These persons are gentlemen conversant with questions of English and international law, and either of them would be fully competent to form a fair and impartial judgment on the questions at issue.

7. I have to request, therefore, that your Lordship will cause application to be made to Dr. Travers Twiss in the first place, and should he decline the office, then to Dr. Robert Phillimore. It will be seen that by the Canadian minute (9th clause) the remuneration of the arbitrators is to be fixed by your Lordship. I assume that the arbitrators will have access to all documents and papers relating to this subject at present in the Colonial office, and it does not, therefore, seem probable that any additional information will be required from hence. The arguments on behalf of New Brunswick are pointed out pretty clearly in our minutes of Council, and in the Commissioners' Report. Should any fresh information present itself, it will be sent by me within the time prescribed by the Canadian minute, subject, of course, to the exceptional proviso in the seventh clause of such minute.

8. As the arbitrators will have reported before the end of March, I should hope that nothing will prevent the Act for the settlement of the question passing in the next session of the Imperial Parliament—an object of great importance to this colony.

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Enclosure 1, in No. 3.

EXTRACT from a Report of a Committee of the Honorable the Executive Council, on matters of State, dated 30th September, 1850, approved by His Excellency the Governor General in Council on the same day.

The Committee of Council have had under consideration, upon Your Excellency's reference, the Despatch of Her Majesty's Secretary of State for the Colonies, dated the 27th day of June last, concerning the question of the disputed territory between Canada and New Brunswick; also a copy of a minute of the Executive Govern-

ment of the latter province, dated the 5th day of September instant, on the same subject.

It is proposed in the Despatch of the Colonial Secretary, that the matter in dispute be referred to arbitrators, who should be directed to report to Her Majesty's Government; that Your Excellency and the Lieutenant Governor of New Brunswick should each name an arbitrator on behalf of the respective Provinces; and these two arbitrators should name an umpire.

As it is very desirable that this important question be finally settled, and as the object of an arbitration is to afford Her Majesty's Government more sufficient means to effect such a final settlement of the respective claims of the two Provinces, the Committee of Council are of opinion that, under the circumstances of the case, it is advisable that the proposition to refer the matter to an arbitration should be agreed to. As to the terms of such an agreement, the Committee having fully considered the suggestions offered in the Despatch of the Colonial Secretary, as well as those made by the Government of New Brunswick, would respectfully recommend the following:—

1st. A new survey of the ground may be dispensed with, all other points being agreed upon, as hereinafter proposed.

2nd. It is fully understood that in considering the question referred to them, all facts, titles, and documents which may be submitted by either of the parties shall be taken into consideration by the arbitrators, whether existing or bearing date before or after 1763, leaving it to such arbitrators to determine the value which attaches to each class of proofs.

3rd. Neither Province shall be represented by Counsel before the arbitrators.

4th. The arbitration shall be held in London, and the arbitrators selected in the mother-country.

5th. Three arbitrators shall be appointed, one by the Governor General of British North America, and one by the Lieutenant Governor of New Brunswick, neither of whom shall be members of the Imperial Parliament; the third arbitrator to be some member of the Judicial Committee of the Privy Council, or some barrister of eminence and high standing at the English bar, to be agreed upon by the arbitrators named on behalf of the Provinces; and in case the latter are unable to agree, they are to report the fact of such disagreement to Her Majesty's Secretary of State for the Colonies, and thereupon the third arbitrator shall be appointed by Her Majesty's Government. The award to be made by the three arbitrators, or by any two of them.

6th. The arbitrators to be notified of their appointment through the Colonial Office.

7th. When the arbitrators have been appointed, and shall be ready to go into the arbitration, notice to be given to Her Majesty's Secretary of State for the Colonies, when the statements and evidence of the respective Provinces are to be transmitted to them by him. All further statements with references to any published pamphlets or other works on the subject, intended by the respective parties to be laid before the arbitrators, to be transmitted by them respectively, both to the Colonial Secretary and to the sister Province, on or before the 15th day of November next; it being, however, fully understood that this stipulation is not to preclude the arbitrators from consulting any published pamphlets, or other works, which they may themselves find in the course of their investigations, nor from examining any documents that they may obtain access to through the Imperial Government, though not transmitted or referred to by the respective parties or either of them.

8th. The net proceeds of the funds in the hands of both Governments arising from the disputed territory to be applied,



1st. To defray the expenses of the arbitration.

2nd. To defray the necessary expenses of running the line as settled. In case such funds should prove insufficient, the expenses to be borne equally by the respective Governments.

3rd. And the balance of such funds to the improvement of the land and water communication between the Great Falls of the St. John and the St. Lawrence.

9th. The remuneration of the arbitrators to be fixed by the Colonial Secretary.

10th. The arbitrators shall report within three months from the 1st of January next, unless, on the application of the arbitrators, or any two of them, the time shall be extended by Her Majesty's Government.

It is further respectfully recommended that this minute, if approved by Your Excellency, be communicated to the Government of New Brunswick for their concurrence in the same.

Certified.

(Signed,) J. JOSEPH, C.E.C.

Enclosure 2, in No. 3.

In Council,—October 23, 1850.

Present:—His Excellency the Lieutenant Governor, &c. &c. &c.

His Excellency the Lieutenant Governor laid before the Council a copy of a Report approved in the Executive Council of Canada, by His Excellency the Governor General on the 30th of September last, together with a correspondence between himself and the Governor General on the subject of such minute.

The Lieutenant Governor and Council now express their approval of the terms agreed on in such minute and correspondence with reference to the arbitration on the boundary, and hereby nominate one of the following persons as arbitrator on the part of New Brunswick:—

TRAVERS TWISS, D.C.L

Or if he declines to undertake it, then—

ROBERT PHILLIMORE, D.C.L.

## No. 4.

(No. 226.)

Copy of a Despatch from Governor General the Earl of Elgin and Kincardine to Earl Grey.

(Received November 18, 1850.)—(Answered November 29, 1850, No. 535.)

GOVERNMENT HOUSE,

TORONTO, October 31, 1850.

My Lord,—In pursuance of the Minute of the Executive Council of this Province, which was concurred in by His Excellency Sir Edmund Head on behalf of the Government of New Brunswick, and a copy of which I forwarded to your Lordship in my Despatch, No. 215, of the 10th instant, I have now the honour to transmit herewith the copy of a further Minute of Council, covering a report of the Commis-

sioner of Crown Lands and sundry documents on the subject of the disputed territory between Canada and New Brunswick.

2. I beg that your Lordship will cause the several documents enumerated in the Schedule, which accompanies this Despatch, to be laid before the gentlemen who may be appointed to arbitrate on this important case; and that you will have the goodness to request Thomas Falconer, Esquire, Barrister, to act as arbitrator on behalf of this Province.

I have, &c.,

(Signed,)

ELGIN AND KINCARDINE.

The Right Honorable Earl GREY,  
&c.                      &c.                      &c.

Enclosure 1, in No. 4.

EXTRACT from a Report of a Committee of the Honorable the Executive Council on Matters of State, dated the 31st October, 1850, approved by His Excellency the Governor General in Council on the same day.

The Committee of Council have had under consideration, upon Your Excellency's reference, the Report of the Honorable the Commissioner of Crown Lands, dated the 30th October instant, on the subject of the disputed territory between this Province and New Brunswick, together with the several Reports of the said Commissioner on the same subject, and respectively dated the 10th and 27th March last, and the 7th October instant.

The Committee concur in the said Reports, and respectfully recommend that the same be approved by Your Excellency.

And in conformity with a former Minute of Council, dated the 30th September last, the Committee respectfully recommend that copies of the said several Reports, and Appendices, and Schedules thereunto annexed, as well as a copy of this Minute, should it meet with Your Excellency's approbation, be transmitted, in due time, both to Her Majesty's Secretary of State for the Colonies and His Excellency the Lieutenant Governor of New Brunswick.

The Committee further respectfully recommend, as a gentleman in whom every confidence can be placed for the performance of such important duty, Thomas Falconer, Esquire, of the English Bar, to act as arbitrator in this matter on behalf of this Province, and that, in compliance with the Minute of Council above referred to, he be requested, through the Colonial Office, to accept of the appointment.

(Certified.) J. JOSEPH, C.E.C.

The Honorable Colonel BRUCE,  
Government Secretary.

Enclosure 2, in No. 4.

CROWN LANDS DEPARTMENT,  
TORONTO, March 27, 1850.

In obedience to His Excellency the Governor General's Order of Reference, dated 15th March, transmitting copy of a Despatch from the Right Honorable the Secretary of State for the Colonies, and enclosing a Despatch from the Lieutenant Governor of New Brunswick, on the subject of a Report of the Executive Council of New Brunswick relative to a certain Act of the legislature of that Province to divide the county of Carleton, a copy of which Report is therewith accompanying;

the undersigned has the honor to lay before His Excellency in Council, the following remarks in reference to certain parts of the Report of Council of New Brunswick, in connection with the question of boundary pending between that Province and Canada, requesting leave to premise that the delay of about eighteen months that has taken place since the receipt of the Despatch of the Secretary of State, dated 26th August, 1848, transmitting the Report of the Commissioners, or about ten months since the receipt of the Despatch of the Secretary of State, transmitting tracings of the maps referred to in that Report, without Her Majesty's Government being in possession of the decision of the authorities of the Province upon the Report of the Commissioners, has been, apart from the time necessary for the proper investigation and due consideration of the subject of that Report, wholly unavoidable under the peculiar political circumstances of this Province, and the consequent removal of the public departments to Toronto.

The authorities of New Brunswick in the mean time, on the plea of injury and inconvenience sustained by that Province in consequence of the protracted delay above mentioned, appear to have been urging Her Majesty's Government to obtain the confirmation of the Act in question by the Queen—an Act which the Province of New Brunswick, under the unsettled state of the question of boundary with Canada, was not justified in passing—and to which the Imperial Government, with a just sense of deference and consideration in respect to the legal claims of this Province, very judiciously did not advise the Queen's assent, from the apprehension lest its confirmation should give rise to a further difference concerning territorial limits.

About the period at which arose the differences under the Treaty of 1783, between the United States and the government of Canada, the well-known range of highlands in the vicinity of the Grand Falls on the River St. Johns, in connexion with, and in continuation of, the highlands or "height of land" at the head of the Connecticut river to the Bay des Chaleurs, were considered by Canada as its southern boundary under the Royal Proclamation of 1763, and the Quebec Act of 1774;\* a circumstance which the proceedings of the executive authorities of this Province, in 1784, as well as the correspondence of George Sproule, Esquire, Surveyor General of New Brunswick, and of Major Holland, the Surveyor General of the Province of Quebec,† sufficiently manifest; whilst the view thus entertained of the southern boundary of Canada, according to those public Acts, is powerfully sustained in the argument of Her Majesty's agent under the Treaty of Ghent.

During the discussion and inquiry which the difference above adverted to between Great Britain and the United States gave rise to in the adjustment of a line of boundary, this Province did not attempt, certainly, to organize any part of the territory in dispute, whilst it became a necessary measure on the part of the Imperial Government to limit the jurisdiction of the Province of New Brunswick to the Little Falls on the river Madawaska, under the Despatch dated 8th April, 1830, of the Right Honorable Sir George Murray, Secretary of State for the Colonies, addressed to Sir James Kempt, then Lieutenant Governor of Lower Canada.

The assertion, therefore, in the Report of the Council of New Brunswick, that "the Canadian claims to any portion of the territory claimed by New Brunswick were never made or heard of until some time after the treaty of Washington, for several years subsequent to that treaty," is at the least as surprising as it is unfounded; whilst the earliest maps of the country delimit the disputed territory lying west of the due north line to the Ristigouche as lying within the Province of Canada.

Agreeably to the limits assigned respectively to both Provinces, under the Despatch above cited, at the Little Falls, situate about thirty miles above the Grand

\* See extracts of a pamphlet published in New Brunswick, 1839.

† Report of Alphonso Wells, Esquire. Appendix 32.

Falls, each Province exercised its jurisdiction in respect to the seizure of timber cut or any deprecation committed upon the disputed territory, as appears by the letter of Sir Archibald Campbell, Lieutenant Governor of New Brunswick, dated 4th August, 1836. Since the treaty of Washington in 1842, this Province, on the application of individuals wishing to lumber in that part of the territory within the jurisdiction assigned to Canada, granted certain licenses for cutting timber on the land lying between the River Madawaska and the River St. Francis, or boundary of the Province; against which the Province of New Brunswick remonstrated, and therefore rendered absolutely urgent the settlement of the question of boundary with this Province, as well as of suspending the further action of the Government for the organization of this part of its territory into townships, as contemplated by the instructions for a preliminary survey of the Upper St. John, in 1845, under the authority of the Executive Government of Canada.

During the unsettled state of the question of the line of boundary with New Brunswick, in order to avoid collision between the lumbering parties, this Province desisted from taking any active measure towards the improvement of the territory disputed by New Brunswick, even within its jurisdiction; whilst the Province of New Brunswick, by the Act which its Legislature has passed as far back as 1845, erecting into a new county a territory beyond the limits of its jurisdiction, has departed from the injunction of the Despatch of Sir George Murray.

The undersigned, under the circumstances above stated, is not aware of any authority in the Executive of New Brunswick to appoint a seizing officer, or to seize any timber within the Canadian jurisdiction, whilst he would recommend to the consideration of His Excellency in Council, the propriety of naming one or more persons to examine the disputed territory within the jurisdiction of Canada, with a view of ascertaining the depredations committed, and to seize the timber cut without licence or authority from this Province upon the disputed territory, as apprehended by the Despatch of the Lieutenant Governor of New Brunswick, on which subject the undersigned begs to advert to a recent Report from the Assistant Commissioner of Crown Lands, dated 14th March instant.

The Report of Council, in adverting to the survey of the country by "disinterested and competent Commissioners," announces the assent (at the apparent sacrifice of a portion of its territory) of the Government of New Brunswick to the line of boundary proposed in the Report of the Commissioners; of so much importance did that Government consider the settlement of the whole question.

It cannot be doubted that the Government of Canada is equally ardent for a settlement of a line of boundary with its sister Province of New Brunswick, whilst, on the other hand, she is compelled to record her dissent against the line of boundary proposed by the Commissioners in their Report on the result of their exploration of the country, and the investigation of the strict legal claims of the Provinces at issue, a line which would in effect deprive Canada not only of a large extent of territory situate between the Tobique ridge of mountains and the Ristigouche, but to a larger extent lying west of the due north line, as demonstratively shown in the Report which the undersigned has had the honour of laying before the Governor General in Council, and whereupon the Executive Government of the Province have taken action according to the approved Report of Council, dated February, 1849. To Canada the adjustment of its southern boundary is of far higher importance than appears to be estimated in New Brunswick, inasmuch as the extension of the settlement beyond the boundaries of these seigniories occupying the valley of the St. Lawrence is, to the great injury of its inhabitants, restricted, although the rapid tendency to settle the disputed portion of its territory, composing chiefly the county of Rimouski, is with difficulty repressed, because the Government of this Province withholds making any disposal of the public lands therein, until the boundary with New Brunswick shall have been definitely drawn.

Disregarding the right of Canada to the disputed territory as a question of boundary, the Province of New Brunswick appears to have issued grants of the land on the north bank of the River St. John, "in virtue of the equitable provisions of the Treaty of Washington, whilst the Courts of that Province have extended jurisdiction over the whole of the settlements upon the Upper St. John, since the organisation of that Province."

The Treaty of Washington does not appear to give such powers to New Brunswick. The provisions of the Third Article of the Treaty are purely commercial, and the omission therein, whether intentionally or through ignorance of the territorial right of Canada to the country lying north of the American conventional line, of inserting the word "Canada" along with the words "New Brunswick" cannot impair or affect the strict legal right of this Province to the territory ceded to Her Majesty under that treaty.

The authorities of New Brunswick, under their interpretation of the treaty, appear to have taken legislative action for the opening of roads for the advantage of the settlements along the River St. John; but it is also true that large sums of money for improving the communication called the "Temiscouata portage road" have, at different times, been voted by the Legislature of Lower Canada, as well as large sums of money expended in the opening and maintenance of the Canadian portion of the mail-road, viz., from Fort Ingal and Lake Temiscouata, and along the Madawaska River to the Little Falls at its confluence with the River St. John. The Act of the Legislature of this Province, 9th Vic. cap. 15, alluded to, extending Municipal advantages to the inhabitants of the Magdalen Islands, and to certain localities in the County of Saguenay, and to that part of the County of Rimouski, known as the "Madawaska Territory," was predicated upon the existing limits of the Province, as exhibited on the ancient as well as later maps of the British North American Provinces, and cannot, as appropriating no territory whatever, be of that nature and importance as to be brought on a parallel with the Legislative Act of New Brunswick, already quoted, which erects into a county a portion of this Province, and it, therefore, cannot compromise any claim of New Brunswick in the settlement of the line of boundary by the Imperial Government, whilst the citation of the Canadian Act in the report under consideration, is an additional proof that the New Brunswick authorities were well aware of the claims and views of Canada respecting that territory.

Although the Government of Canada, whilst it has refrained during the adjustment of the question of boundary with the sister Province, from disturbing the jurisdiction assumed by the latter over all the settlements on the Upper St. John, or pressing the provisions of the Canadian legislative enactment, it is satisfactory to have to report the earnest desire of the inhabitants (with few exceptions) in that part of the County of Rimouski, called the "Madawaska Territory," to belong to Canada rather than to New Brunswick, the laws, customs, and language in the former being more congenial and better adapted to them than those of the latter, whilst, on the grounds of commercial intercourse, its inhabitants would be greatly benefitted, as more fully stated in their petition, a copy of which is herewith transmitted.

The undersigned would, therefore, apprehend, that the confirmation by Her Majesty of this Act of the Legislature of New Brunswick would considerably complicate the present question of boundary with Canada, inasmuch as such confirmation might be assumed as an approval by the Imperial Government of the line of boundary proposed in the report of the Commissioners appointed by her Majesty to investigate the respective claims of this Province and New Brunswick to the territory ceded under the Treaty of Washington, against which a preliminary report was submitted by this department as early as the 21st October, 1848.

All which is nevertheless most respectfully submitted.

I have, &c.,

(Signed,)

J. H. HILL.

Honorable JAMES LESLIE,  
Provincial Secretary, &c.

EXTRACTS from the Compendium of the British Agent the Honorable Ward Chipman, Chief Justice of the Province of New Brunswick, before the Commissioners under the Treaty of Ghent, 1821.

It is here observable, that the words subsequently used in the treaty designating the eastern boundary of the United States taken in their literal and individual signification, would involve a construction inconsistent with the other parts of the Treaty, and the facts within the knowledge of the framers of it, from which the inference is so clear that the dividing highlands are not to be sought in the due north line; and if the construction above given to the first words be correct, the subsequent words must be interpreted in a corresponding sense, so as "to give," in the words of Vattel, "to each expression not so much the signification which it may individually admit of, but that which it ought to have from the contract and spirit of the discourse."

The peculiar phraseology of the Treaty in this instance also accords with the description of the boundaries of Quebec in the Proclamation of 1763, and the Act of Parliament of 1774; the highlands referred to in these documents, along which the line is to pass, being the same conspicuous height of land well known at that day as containing the sources of rivers lying very near to each other and flowing in opposite directions. These highlands are also at the western extremity of the line where the original description of boundary in this quarter in the Proclamation of 1763 commences, and from whence the line is to proceed eastwardly to the Bay of Chaleur. Now it is evident from an inspection of the map, that a line continued around the sources of the St. John and Ristigouche, or, in other words, dividing these rivers from rivers falling into the River St. Lawrence, will be carried to Cape Rosier without ever striking the Bay of Chaleur. Neither the line of the Proclamation, therefore, nor that of the Act of Parliament, was intended to divide these rivers. But a straight line drawn from the Connecticut to the Bay of Chaleur, running, in the first instance, along the heights of land, does not widely differ from the line of boundary claimed on the part of His Majesty in the present case.

The first highland which the line drawn due north from the source of the St. Croix, the first line of the north-west angle meets is Mars Hill, a mountain distant about six miles westerly from the River St. John, from the banks of which river it rises gradually, and is formed into two peaks, the one upwards of 1,300 feet, the other of 1,500 feet above tide-water in the St. Lawrence. The height of land above mentioned has been traced by Mr. Campbell, a surveyor under the present Commission, extending easterly for many miles in a distinct and unbroken ridge, and afterwards, as the result of the other surveys fully prove, in a succession of mountains and ridges to that part of the due north line which intersects Mars Hill. And it is here to be observed, that the term highlands is evidently used in the treaty as denoting high or mountainous tracts elevated above the circumjacent country, in which the rivers to be di-

Words descriptive of the eastern boundary to be construed in a sense correspondent with the other parts of the Treaty.

Br. Com. Rep., p. 52.

The phraseology of the Treaty in this instance accords with the Proclamation of 1763.

Br. Com. Rep., p. 151, &c.; 237, &c.

Mars Hill, the first highland intersected by the due north line and a continuation of highlands from thence to the head of the Connecticut.

Br. Com. Rep. p. 70 &c.; p. 230, &c. Ibid. p. 112, &c. Ibid. p. 64.

vided were considered to have their sources, and as forming conspicuous landmarks by which the boundary would be obviously designated.

This line of Boundary along the highlands dividing the Rivers last mentioned fully satisfies the words of the Treaty, corresponds with its obvious spirit and intention, and moreover, accords with the description of the southern Boundary of Quebec, originally designated in the Proclamation of 1763, afterwards in the Act of Parliament of 1774, to which the framers of the Treaty of 1783 may have had a general reference, although their ignorance of the Country eastward of the heights of land rendered the locality of this part of the Boundary of Quebec altogether uncertain, and the words of the Treaty are not the same with those either of the Proclamation or of the Act of Parliament, which also differ from each other.

The American Commissioner also assumes that the term "highlands" in the Treaty, does not mean lands of any peculiar elevation, but such lands only "as lie between the sources of waters running in contrary directions." But it is evident that the framers of the Treaty contemplated highlands forming a natural fence through the Country, like the height of land which was known to them, and which is remarkable for its elevation, some of the Mountains in this height of land being 2,000 feet, and several of them upwards of 1,500 above tide-water in the St. Lawrence. This assumption of the American Commissioner, however, is accounted for by the fact, that throughout by far the greater part of the line of Boundary claimed by the United States, there is no appearance of highland whatever.

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EXTRACT from the Report of the Commissioners appointed by the Queen, on the disputed Boundary between Canada and New Brunswick.

These can have little effect on the question of title, for the same differences of opinion that now agitate the two Provinces on this subject existed as early as 1785; and it is clear they have not been adjusted or waived from that time to the present.

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EXTRACT of a Pamphlet supposed to have been written by the Honorable Ward Chipman, intituled, "Remarks upon the disputed points of Boundary, under the fifth Article of the Treaty of Ghent, principally compiled from the statements laid by the Government of Great Britain before the King of the Netherlands as Arbitrer. St. John, New Brunswick, 1839."

The point remaining to be noticed, is the state of actual possession and Jurisdiction in the disputed Territory; and on this point a series of important facts and documents will be presented.

There is on the Public Records at Quebec, a grant or concession from the French Government of Canada, to a French subject, of a Territory called the Fief of Madawaska, dated on the 25th November, 1683, eight years prior to the date of the Massachusetts Charter, which forms the basis of the American claim. This Fief of Madawaska includes the whole of the Temisquata Lake, and nine miles further in length down the Madawaska River, extending in depth six miles for the whole distance, as well around the Lake as on each side of the River.

In the "Quebec Gazette" of the 24th January, 1765, there is a notice issued from the Office of the Provincial Secretary of that Province, by which all Canadian inhabitants are prohibited from interfering with the hunting grounds of the Indians,

“down to the Great Falls of the River St. John:” this is an act of clear jurisdiction by the Government of Quebec down to the place mentioned in the notice, viz.:—the Great Falls of the River St. John; and such jurisdiction could not have been exercised had not the place have been deemed to be within the limits of the Province of Quebec, according to the bounds described in the then recent Proclamation of 1763.

In the month of November, 1784, Charles Nichau Noiste, a native Indian, was tried and convicted in the Court of King’s Bench, at Quebec, for the murder of one Archibald M’Neil, at Madawaska. The place where the offence was committed is thus described in the indictment, “near unto the Village of Madawaska, in the District of Quebec, in the Province of Quebec.”

The Province of Quebec continued to claim, and in some instances to exercise jurisdiction, down to the Great Falls of the River St. John, until the year 1792, as will appear from the following documents:—

1. Proceedings in the Court of Common Pleas at Quebec.
- 2: Extract from the “Quebec Gazette,” of 10th November, 1791, of a Sheriff’s Notice of the sale of lands of Pierre Dupéré, at Madawaska, at the suit of Anselme and Michel Robichaud.
3. Minutes of the Executive Council of the Province of Quebec, relative to the Temisquata Road, 7th July, 1785.
4. Minutes of the Executive Council of the Province of Quebec, 9th July, 1787.
5. Report of the Committee of Council appointed to consider the Boundary between the Provinces of Quebec and New Brunswick, and the means of encouraging the communication and settle the lands in that vicinity.
6. Judgment of the Court of Common Pleas at Quebec.
7. Report of the Solicitor General and Surveyor General.
8. Minutes of the Executive Council of the Province of Quebec, 4th August, 1792.
9. Extract of a list of the Parishes in the Province of Quebec, contained in the Minutes of the Executive Council of that Province, for the year 1791.

These documents clearly prove the unsettled condition, in point of fact, of the eastern part of the southern Boundary of the Government of Quebec, from the Bay of Chaleurs along the highlands. They also show that immediately after the Treaty of 1783, when settlements began to be made on the upper part of the River St. John, pretensions widely different were set up by the respective Provinces of Quebec and New Brunswick as to this Boundary. The discussions between these Provinces upon this subject appear to have been terminated with the proposition made by the Government of Quebec, on the 4th August, 1792, to call on the Government of the Mother-Country to adjust the limits between them. At this period, the question of what was the true River Ste. Croix intended in the Treaty of 1782, had arisen between Great Britain and the United States. The decision of this question upon which the very starting point of the Boundary of the United States in the interior necessarily depended, was provided for in the Treaty of 1794; and, since that time, the other subjects of difference between the two powers on points of Boundary have been in a gradual process of development and decision, the most important among them being that which forms the subject of these remarks. The conflicting intercolonial claims between Canada and New Brunswick as to the southern Boundary of the former, have been awaiting the issue of the national controversy, and the result of this controversy will undoubtedly have a material influence on the judgment of the Mother-Country in the future adjustment of these Provincial Boundaries.



No. 165.—On the Report of the Commissioners on the Boundary Line between New Brunswick and Canada.

CROWN LANDS DEPARTMENT,  
MONTREAL, October 21, 1848.

It was intended to postpone the consideration of the Report of the Commissioners appointed by the Queen to investigate and report upon the respective claims of Canada and New Brunswick, respecting the Territory in dispute between them, until in possession of the Maps alluded to in Earl Grey's letter of the 26th August, transmitting the Report; and which, it is to be hoped, will be accompanied by the exploring Commissioners' observations on the result of their field operations; but the recommendations of the Report are so greatly at variance with what the people of Canada were led to expect from their long settled conviction of their right to a Territory which, if acknowledged as British, could, by no possibility, belong to any other Province than Canada, that it may be unadvisable to allow the Report to remain any longer unnoticed. Silence might be construed as a tacit acquiescence in the views of the Commissioners against which this Province must strongly protest.

New Brunswick, a Province of comparatively recent creation, and a dismemberment of older Provinces, was, by Proclamation under its former designation of Nova Scotia, and by subsequent documents, bounded at the west by the River Ste. Croix, and a line due north to be extended to the southern limits of Canada. This line, in position, irrespective of course of Rivers, or any other consideration whatsoever:

It has been established in the field, and formerly acknowledged by the Governments of Great Britain and the United States, up to the River St. John, there cannot be the slightest difficulty in extending it from that River even to the shores of the St. Lawrence. West of that line, New Brunswick can have no legal or even equitable claim. It therefore required much ingenious and specious argumentation on the part of Mr. Johnson (the Report is evidently drawn by a lawyer, and not by a military man,) based altogether upon presumed or supposed intentions, and skilfully commencing the discussion of the Boundary, at what ought naturally to have been its closing point, to enable the Commissioners to suggest a deviation from the due north line, which, if carried into effect, would virtually amount to the spoliation of one Province for the aggrandizement of the other.

On the southern Boundary of Canada, from the western extremity of the Baie de Chaleur, westward to the due north line, which is to form the northern limits of New Brunswick, it would be premature to offer any remark until the Maps and Report of the gentlemen intrusted with the exploration, which was to enable Her Majesty's Government to decide on the claims of the two Provinces have been received. It is, however, difficult to imagine what new feature has been discovered in the general aspect of the Country to justify their joining in the Report in question.

In the mean time it is well to observe, that there is an important feature in the present question which ought not to be lost sight of. At the time New Brunswick was erected, the Sovereign had an undoubted right, not only to assign to each Province what limits he saw fit, but even (it is presumed) to take from the acknowledged Territory of one Province to add to that of another, without consulting either. But the Imperial Act, which has transferred the Crown lands to the Provinces, has, it would seem, circumscribed the power of the Sovereign in that respect, by giving the Provinces an interest in the soil, and a sort of ownership which they did not previously possess. The question of limits, therefore, now involves one of property, which (unless Imperial interests intervene) must be decided by the strict legal rights of the parties.

It is to be hoped that Her Majesty's Government will be induced to suspend all

further action on this Report until such time as the claims of Canada can be laid fairly before them.

It must be remarked, however, before concluding these observations, that the perusal of the Commissioners' Report must leave a painful impression on the inhabitants of Canada, that their interests have not been sufficiently consulted in the nomination of Mr. Johnson as one, and apparently, as the adjudicating Commissioner.

As a supposed disinterested party, he may have been intended as an umpire, but the whole tenor of the Report shows him the decided advocate and special pleader of the cause of New Brunswick.

(Signed,) T. BOUTHILLIER.

GOVERNMENT HOUSE, FREDERICTON, August 4, 1836.

Sir,—I have the honour to acknowledge the receipt of your letter of the 29th ult., reporting your arrival at Madawaska, by order of His Excellency the Earl of Gosford, for the purpose of examining into the depredations reported by me as having been committed within the limits of the disputed territory.

That these depredations have been carried on to a very great extent I have but too much reason to believe; and this, I have no doubt, you will find to be the case in the course of your investigation.

To afford you every information on this subject, I have directed J. A. McLaughlan, Esquire, the Warden of the disputed territory, to join you without delay; he is well acquainted with every step already taken in regard to the question under discussion, as well as the matter that I now wish particularly to be followed; and I trust that your united exertions will lead to the conviction of all the parties concerned in the crime of having daringly and lawlessly cut great quantities of timber on Crown lands, whether in the jurisdiction of Canada or New Brunswick, of course equally culpable.

Great efforts will, I doubt not, be made by the parties accused to make it appear that a proportion of the said timber was cut on granted lands, but of that you will be able to satisfy yourselves by personal inspection on the spot.

I have, &c.,

(Signed,) ARCHIBALD CAMPBELL,  
Lieutenant Governor.

J. BOUCHETTE, Esquire, D. S. G.,  
&c. &c

QUEBEC, October 15, 1836.

Sir,—In pursuance of the commands of His Excellency the Governor in Chief, and the instructions accompanying your letter, dated the 22nd July last, in which his Lordship is pleased to name and appoint me agent on the part of this Province to investigate the extent of the depredations which had been reported by His Excellency Sir Archibald Campbell, Lieutenant Governor of the Province of New Brunswick, to have been committed in the cutting of pine timber, by sundry lawless offenders, on the territory in dispute at the Madawaska.

I have the honour most respectfully to report, for the information of His Excellency the Governor in Chief, that having repaired to the river Madawaska, I thence, on the 29th of said month of July, communicated by letter my arrival, and the object of my mission to His Excellency Sir Archibald Campbell, requesting at the

same time further instructions for my guidance from the authorities of that Province.

Waiting these instructions, I proceeded in the mean time to examine and explore the different ways and roads attached to and connected with the lumbering camps and brows, established along the river Madawaska, extending more or less to a mile in depth, and in one place upwards of two miles across to the Iroquoiz river, down which the timber was rafted to the river St. Johns.

The result of the information of the facts thus obtained from actual inspection, in which I was essentially aided and assisted by one André Albair, a Canadian, who I engaged as guide from his intimate and general acquaintance with the brows and camps of the lumberers concerned in the depredations in question, I noted carefully in the tabular order exhibited in the statement marked B.

A doubt existing whether the lumbering establishments of Cummings were upon the Crown lands, or whether they might not be found to fall within the limits of the Seigniory of Madawaska which were not marked in the field, induced me to determine that important point. Wherefore, being furnished with the requisite information of the extent of that Seigniory, from prior examination of the title and the description thereof, I admeasured, beginning at the outlet of the river Madawaska, out of Lake Temiscouata, the front of three perpendicular French leagues down the said river; and at right angles with the general course thereof, I planted squared cedar-posts on each side of the river, bearing in depth astronomically north-east and south-west (variation 15° west), and being conformable to the rectangular course of the Seigniories, on the river St. Lawrence, established by ancient ordinance of the Province.

On the 11th of August, having been honored with a reply from His Excellency Sir Archibald Campbell, in his Despatch dated Government House, Fredericton, 4th August, stating His Excellency's nomination of James McLaughlan, Esquire, Warden of the disputed territory, to join me, on the service under consideration, accompanied with a note from Mr. McLaughlan of his arrival at Madawaska, I proceeded to meet him at the Grand Falls on the river St. Johns, when we mutually communicated our instructions from our respective Governments, agreeably to which I had so far operated, and which, I beg leave to state, satisfactorily met the views entertained by those of Captain McLaughlan.

We then repaired together up the river Madawaska; and having obtained a variety of incidental and important information, and completed, to the fullest extent, our investigation of the depredation committed on this portion of the disputed territory, we proceeded to the town of Fredericton, where, on the 27th August, we had the honor of submitting, in audience, to His Excellency the Lieutenant Governor, our joint report and statement of the whole of our proceedings, a copy whereof (under the letter B), duly signed, I have the honor to submit, and to annex to this General Report for the information of His Excellency the Governor in Chief.

The Lieutenant Governor, on the presentment of this report and statement, was pleased to state that these documents would be submitted for the deliberation of the Council and authority of the Province, and we should then be made acquainted with such further steps as might be deemed necessary and expedient to attain the end of the present service. His Excellency also expressed a desire that the extent of the military location to Louis Stripman, at Trout River, should be clearly defined and actually laid off, in order that the authorities might be justified in effecting the final condemnation of the timber seized by the Warden of the disputed territory, to the full extent of the quantity of timber reported by us to have been cut by Joseph Terrian and Peter Paradis, which desire on the part of Sir Archibald Campbell I

had the honor of communicating to you on the same day, and requesting a specific authority to that effect from the Government of Lower Canada.

Being returned from St. Andrews, whither I had proceeded by special leave from His Excellency, pending the deliberation of the Council, His Excellency informed me, in audience, that the law officers of the Crown, being now enabled, from the nature of the information contained in the joint report and statement, to enter legal proceedings, if it should be found expedient, to enforce the payment of the bonds taken from the persons concerned or connected in the depredations, for the timber seized by the Warden of the disputed territory, His Excellency was pleased to permit my return to Canada.

Having been honored with your letter of the 6th ult., authorizing me to lay off the extent of 100 acres of land for Louis Stripman, a disbanded private, located, in 1815, under the military government, on the communication between New Brunswick and Canada, I made the necessary preparations to that effect, and proceeded to Trout River, on the Madawaska, where I laid off the front and depth of the lot located to the said Louis Stripman, so as to include his improvements; and the quantity of 100 acres and the highways, without interference with the adjoining military location, to Sergeant Francis MacDonnell, established under the same military authority, on the south side of Trout River, a description and sketch whereof are herewith annexed, under letter D.

Having reported the result of the above operation to His Excellency Sir Archibald Campbell, in an official letter to Captain Spencer, Private Secretary, dated the 29th ult., (a copy whereof is hereunto annexed under the letter E) I returned with all possible despatch to Canada, and reached this capital on Tuesday, the 4th instant.

In concluding this report in summary of my proceedings, I would respectfully beg leave to offer a few observations which have occurred in the course of the service connected with the origin of the depredations in question.

By the Despatch of Sir George Murray, dated the 8th April, 1830, the jurisdiction of the Province of Lower Canada being limited in this section of the Province to the mouth of the river Madawaska, an impression of non-interference on the part of this Province appears to have been entertained. Hence several of the inhabitants of Madawaska and other individuals from various parts, many of them aided by pecuniary resources from Messrs. Rice, Combs, and Beckwith, who became accessaries by furnishing men, provisions, and means to carry on the Lumbering establishments, committed the extensive and notorious depredations and trespasses on the Madawaska river, which called forth the attention of the Executive of New Brunswick, in the authority given to James McLaughlan, Esquire, to seize all timber rafted down the river St. John, above the Grand Falls, as having been cut on the disputed territory; and in order to give more effect to this measure, His Excellency the Lieutenant Governor deemed it proper to impose a duty of 20s. per ton on the timber seized, demanding from its owners bonds to the amount of tonnage surveyed, payable at fixed periods, in liquidation of such duty. Several of the parties concerned, and who had purchased at very low rates the timber thus cut from the actual depredators, denied the right of seizure by the authority of New Brunswick, of timber cut on Crown lands within the jurisdiction of another Province, which circumstance called forth the timely interference adopted by Lower Canada, upon communication thereof made by His Excellency Sir Archibald Campbell.

It is therefore satisfactory to make it known to his Lordship, from the knowledge I possess of the fact that the extensive Lumbering intended to have been carried on this ensuing winter on the waste lands along the Madawaska river, has been effectually checked by the decisive measures adopted by His Excellency Sir Archibald Campbell, under the co-operation therein by the Executive of this Province.

These measures, which were thus imperatively called for, cannot fail to be demonstrative of the earnest prohibition given by His Majesty's Government, against cutting of timber on the waste lands of the Crown within the jurisdiction of either Province, and must also manifest its vigilant guardianship over a territory still involved in the question of disputed boundary between His Britannic Majesty and the United States.

All which is most respectfully submitted.

(Signed,) JOS. BOUCHETTE, Junior,  
Deputy Surveyor General, and  
Agent for Lower Canada.

Stephen Walcott, Esquire,  
Civil Secretary, &c.

(Translation.)

To His Excellency The Right Honorable Charles Murray, Earl Catchcart, of Renfrew, Administrator of the Government of Our Province of Canada, and Commander in Chief of Her Majesty's Forces in British North America, &c. &c. &c.

The undersigned resident inhabitants on the north side of the River St. John, and forming the population of the parishes St. Bruneau, St. Bayile, and St. Luce, in that part of Her Majesty's dominions commonly called Madawaska, respectfully take the liberty of humbly representing to Your Excellency,

That the boundaries and lines of demarcation which ought to be laid out, in order to permanently establish the division between the Provinces of Canada and New Brunswick, not having, as yet, been fixed upon, your petitioners are unaware whether they reside in, and are subject to the laws of one or the other of the said before-mentioned Provinces; and as it appears that a boundary line is on the point of being definitely fixed upon between the said Provinces, your petitioners, desiring to form part of the Province of Canada, deem it their duty to inform Your Excellency that, with few exceptions, all the inhabitants and subjects of Her Majesty, residing in the before-mentioned parish of Madawaska are Canadians, who emigrated from the heretofore Province of Lower Canada, and are consequently habituated to the laws, customs, and habits of the said Province; and on the other hand are not in anywise acquainted with the usages of the neighbouring Province of New Brunswick, the laws and regulations of which are published in a language which the greater portion of your humble petitioners do not understand.

That since the establishment of the said before-mentioned parishes, and principally since the opening of the new roads, and the easy means of communication afforded to them, your petitioners find it cheaper and more expeditious to communicate with Canada, with regard to their domestic and daily business, than with the Province of New Brunswick, as, thereby they have a much shorter distance to travel, and easier means of communication.

That in the event of this portion of the Provinces of North America being united to New Brunswick, your humble petitioners would find themselves exposed to the payment of a Custom House duty that would be exacted from them upon all goods bought by them in Canada, and would, consequently, in order to obviate this, be obliged to transact their affairs at New Brunswick, which would be the means of their incurring considerable expenses.

That if the territorial limits and demarcation boundaries extend to the River St. John, it would have the effect of retaining under Her Majesty's authority a great number of Canadians, who by the Ashburton treaty find themselves American subjects, and who prefer to establish themselves in a Province, the laws and

language of which they are acquainted with, otherwise it would be immaterial to be subjects of Her Majesty or the United States, being equally strangers as well with the language as the laws of that country and the Province of New Brunswick.

Taking these reasons into consideration, your humble petitioners pray Your Excellency that, by the projected division between the said Provinces, that portion of territory in which is comprised the said above-mentioned parishes, viz., from the place commonly called the "*Grand Sault*" to the River St. François, comprising the land found to the north-west of the River St. John, do form part of the Province of Canada.

Your humble petitioners pray that Your Excellency may deign to make known to their Gracious Sovereign the desire they entertain to form part of the Province of Canada, and, if expedient, to lay this, their humble and sincere requisition, at the foot of the Throne.

And your petitioners will ever pray.

(Signed,) SIMON HEBERT, and 569 others.

Madawaska, 20th February, 1846.

CROWN LAND DEPARTMENT,  
Toronto, October 7, 1850.

The undersigned has the honor of respectfully submitting, for the information of His Excellency the Governor General in Council, the following remarks in reference to the Resolutions in the Minute of the Executive Council of New Brunswick, referred to me for report with the Despatch of His Excellency Sir Edmund Head, Lieutenant Governor of New Brunswick, on the subject of a line of boundary between Canada and that Province.

The Executive Council, by its first Resolution, would exclude from the discussion in support of the Canadian claim, arguments drawn from "old French maps or the grants of the Crown of France," which established the ancient limits of Canada or those of the adjacent countries equally involved in the present question of boundary, and would restrict the investigation, as cited in the extracts from the Report of the Royal Commissioners, to the Proclamation of 1763, and to the Quebec Act.

The instructions, however, from the Right Honorable Mr. Gladstone to the Commissioners do not appear to confine their inquiry within any specified limits, in directing them to consider whether any "line could be drawn for the demarcation of the two Provinces which would satisfy the strict legal claims of each;" nor have the Commissioners themselves in fact adhered to the restricted interpretation they have placed upon those instructions, when after they had traced the line claimed by New Brunswick, and in view of the partition of that part of the disputed territory lying west of the due north line, and extending along the conventional line of boundary with the United States to the sources of the Chaudière, they declare that according to the "strict legal right of the two Provinces, it belongs to neither, as forming in 1763 part of the ancient territory of Sagadahoe."

But the claim to this territory was set up in the controversy between Great Britain and the United States, under the treaty of 1783, and successfully refuted by the British Commissioners. Yet, singular as the case may appear, reference to this important feature in the arguments connected with the question of boundary under the treaty of 1783, is another departure from the line of argument prescribed in the second Resolution in the Minute of Council, under its quotation from the Report of the Commissioners.

At the period of the treaty of 1763, the northern boundary of the country known as Acadia, afterwards call Nova Scotia, did not extend further north by right of ti-

tle than the 46th degree of latitude; whilst Canada, or La Nouvelle France, extended at least as far south as that parallel: hence the Commissioners, in extending the claim of New Brunswick to the "Northern Highlands," assume to rely on the Royal Proclamation and the Quebec Act, to the exclusion of all anterior authorities, although on behalf of Canada it is contended that the Proclamation and Act in question are equally favourable to the pretensions of Canada, as the titles that would be excluded from consideration, the geographical features of the country, being such as to justify the line of boundary claimed by this Province.

The Province of New Brunswick being, to the northward, limited in the Royal Commissions by the southern boundary of the Province of Quebec, it behoved Canada to prefer her titles in defending her legal right to the line of boundary claimed in the present dispute. This became the more urgent in the event of the (apprehended) impossibility of a line of demarcation being discoverable according to the Public Acts, which described the southern boundary of Canada, in order in such case to sustain the right of this Province to a just and equitable share in the division of the disputed territory, contemplated in the Instructions.

On the above grounds this Province deemed itself justifiable in invoking public records, and especially those of a geographical and topographical character, which relate to the physical features of the country equally involved in the consideration of the intercolonial and international question of boundary. In that light was to be considered the Report of the Royal Commissioners, Colonel Mudge and G. W. Featherstonhaugh, Esquire, the result of whose exploratory operations determined the geographical position of the highlands (they designate as the axis of maximum elevation) which fulfil the conditions required in the Proclamation of 1763, and define the southern boundary of the Province of Quebec in accordance with the Quebec Act, thus establishing the north-west angle of Nova Scotia under the Treaty of 1783, and consequently the northern limit of New Brunswick.

According to the third Resolution in the Minute of Council, the Commissioners (whose appointment, the Council presumed, was made to obtain, after inspection of the ground, an impartial finding on the facts of the case,) would distinctly lay down as an essential requisite for fulfilling both the letter and the spirit of the Quebec Act and the Proclamation of 1763, viz., "that the line of highlands to be taken as the basis of the northern boundary of New Brunswick is to be a line from which streams flow into the St. Lawrence."

The tracing of such a line could have offered no difficulty along the sources of the streams, whether mediately or immediately flowing into the St. Lawrence, and consequently have thereby disposed of the two-fold questions of the north-west angle of Nova Scotia and the southern boundary of Canada,—a condition which, apart from the physical impossibility of connecting "by highlands" this line with the head of the Bay des Chaleurs, would have rendered nugatory any attempt on the part of Canada on the grounds of "old French grants" anterior to the treaty of 1763, to interfere with the assumed right of New Brunswick to the territory south of the Ristigouche.

But upon re-perusal, however, of the Report of the Commissioners, the following appears to be the conditions resulting from the descriptions of the Public Acts taken together, viz., "That those highlands shall be the highlands which divide the rivers that empty themselves into the river St. Lawrence from those that fall into the sea."

The question, however, now at issue under the scientific exploration that have been made of the country would appear to be one purely of a geographical nature, viz., which of the highlands, whether the "southern highlands," designated as the "axis of maximum elevation," reported by the Royal Commissioners in 1840, or the northern highlands, reported by the Royal Commissioners in 1848, are

really the highlands contemplated in the Royal Proclamation of 1763, or in the Imperial Act, 14 Geo. III. cap. 83, as the southern boundary of Canada?

In claiming for the southern boundary of Canada the highlands reported under the former Commissioners as sustained by the actual surveys of the country, the undersigned, when submitting in his Report for the consideration of the Executive Government of this Province, a conventional line of boundary between the Provinces in dispute, did not contemplate the cession of any section of the disputed territory lying south of the Ristigouche, in the light of a *compensation*, but as an earnest of the intentions of this Province in meeting the views of Her Majesty's Government, manifested in the instructions of Her Majesty's Secretary of State to the Commissioners for the adjustment of the line of Boundary between New Brunswick and this Province.

The Royal Commissioners of 1848 have indeed reported a "continuity of highlands," from a point at Tracadigach on the north coast of the Bay of Chaleurs (which point they designate as the western extremity of that bay), along the sources of the rivers falling into the St. Lawrence and the Chaudière to the head of the Connecticut river, as fulfilling the "attributes of the highlands" dividing the rivers described in the Quebec Act and the Proclamation of 1763, upon which the Commissioners have returned a verdict against the line of boundary claimed by Canada.

Yet after giving this verdict, they report the disputed territory to belong to neither Province; and failing to discover a line of demarcation, prescribed in the instructions from the Right Honorable Mr. Gladstone, comporting with the strict legal rights of either Province, propose a conventional line of boundary between the Provinces, represented by a red line on their map, circumscribing a territory lying wholly west of the due north line prolonged to the northern highlands, which they report as the highlands of the Proclamation and the Quebec Act.

To the foregoing features of their report, the undersigned would solicit the special attention of the Governor General in Council, in connexion with the Minute of the Executive Council of New Brunswick, on the finding of the Royal Commissioners, to which that Government would appear disposed to adhere, and adopt the conventional line of boundary proposed by the Commissioners.

In the Reports which the undersigned has had the honour of laying before His Excellency in Council in reference to the Report of the Commissioners, and in the remarks he submitted on the reference from His Excellency under a despatch from the Secretary of State, on the subject of the proposed erection of the county of Carlton out of the disputed territory, by an Act of the Legislature of New Brunswick, it has been shown by official documents and surveys of high authority and accuracy, as well as by the examination of the physical character of the highlands in a geological point of view, by the provincial geologist, corroborated in a work of great research and celebrity, intitled "Physical Atlas exhibiting the geographical distribution of Natural Phenomena (Map IV. Article B.," by Alexander Keith Johnston, Esquire, F.R.S. in 1849, that the continuity of the northern highlands, reported by the Royal Commissioners, is evidently incorrect; and hence that the conclusions arrived at by the Commissioners in their Report are founded upon an erroneous hypothesis and a defective knowledge of the physical structure of the highlands, which limit to the southward the Great Valley of the St. Lawrence from Cape Rosier to the Mississippi, and the highlands which form the natural barrier between the "Old English provinces" and Canada, called the Green Mountains, which range along the head waters flowing into the sea, and thence eastwardly to the head of the Bay des Chaleurs, the same highlands which Great Britain justly contended to be the highlands of the Treaty of 1783, and which Canada now claims as its southern boundary under the Public Acts, invoked by the Province of New Brunswick, and supported by claims to a larger territory



on the grounds of early discovery, ancient possession, and the solemn rights of treaties.

The claim of Canada to these highlands has been rejected by the Commissioners, and their finding on the assumed facts of the case is indeed favorable to the line claimed by New Brunswick, along the "northern highlands," which in that light are to be taken as the northern boundary of that Province. Hence, that angle at B. on their map, formed by the due north line drawn from the source of the St. Croix, as one side, and the said northern highlands as the other side, would in fact determine the long sought-for north-west angle of Nova Scotia, an angle which in the language of one of the negotiators of the Treaty of 1783, was left to the investigation of the "then next century." This "finding" of the Commissioners, as the result of their explorations, may fairly be availed of by Canada as a further argument in favor of its claim to the disputed territory west of the due north line.

In the Commissions to the Governors of New Brunswick (which province was erected out of Nova Scotia in 1784, with the same northerly, westerly, and easterly boundaries), that Province is bounded on the west by a line "drawn due north from the source of the St. Croix to the southern boundary of the Province of Quebec, to the northward by the said boundary as far as the western extremity of the Bay des Chaleurs."

According to the spirit of the Act of 1774, as it has already been urged, it is manifest that all the seigniorial grants or concessions made by the Crown of France anterior to the treaty of 1763, as well as all settlements and fishing establishments on the north coast of the Bay des Chaleurs, and on the frontier of Canada, with the adjacent countries, were intended to be included within the Province of Quebec, thus the seigniori of Lake Matapedia, conceded in the year 1694, and the seigniori of Cloridon, situate on the river Ristigouche, in 1691, resumed by the Government of Canada in 1787, are concessions which, under a legal interpretation of the Act of 1774, properly form part of, and fall within the limits of the Province of Quebec.

In following the line of boundary assumed by the Royal Commissioners agreeably to the line claimed by New Brunswick from the point B (on the map), to the point A on the Bay des Chaleurs, not only would the seigniories of Matapedia and Cloridon be placed out of the limits of the late Province of Quebec, and now of Canada, but also a large portion of the north coast of the Bay des Chaleurs from the said point A, at Tracadigash to Mission Point (the western extremity of the Bay des Chaleurs, reported by the Honorable Mr. Bailey, Commissioner for New Brunswick, as the western extremity of the Bay des Chaleurs), a distance of about thirty miles of coast, partly conceded as the seigniori of Shoobred, in the year, 1788, and partly laid out into townships under the Executive Government of this Province from the period of the earliest settlements along that coast, and the bay and river of Ristigouche to the present time, would be excluded from the limits of Canada in the face of the letter as well as the spirit of the Public Acts relied upon by New Brunswick.

It would therefore be impossible to draw a line of boundary as claimed by New Brunswick for its northern boundary, without violating the spirit of the Quebec Act, apart from the consideration of the physical character of the country which it has been shown does not sustain the pretensions of New Brunswick, even when supported by the Royal Commissioners in the adoption of the hills of Carlton at Tracadigash, instead of Mission Point, as the western extremity of the Bay des Chaleurs,

The conventional line of boundary proposed in the report of the undersigned having been objected to by the Province of New Brunswick, as at variance with the "finding of the Royal Commissioners," the undersigned would now propose that the aforesaid point B, at the extremity of the due north line or west boundary of the Province of New Brunswick, where that line meets the "northern highlands"

claimed by New Brunswick, be assumed as another alternative by this Province, and that a line be thence drawn towards the head of the Bay des Chaleurs, in accordance with the spirit of the Royal Proclamation and the Quebec Act.

According to the western boundary of New Brunswick, as thus established, that Province can, even on the showing of the Commissioners themselves, have no legal claim to any territory lying on the west side of the due north line, especially in admitting the extension of that line to the "northern highlands, whilst Canada claims to be conterminous with the "old English Provinces" by right of its ancient titles and treaties, and the exercise of its jurisdiction at an early period of the settlements on the Madawaska and the River St. John, down to the Grand Falls, in the year 1792, when the Government of Canada submitted to His Majesty's Imperial Government the settlement of the question of the provincial boundary, a decision which could not then be come to until the settlement of the national question of boundary with the United States, under the Treaty of 1783.

That boundary has now been settled by the late treaty of Washington (1842), commonly called the Ashburton Treaty. This Province claims to be conterminous, as above stated, with the United States, agreeably to its ancient limits as *la Nouvelle France*, and claiming her right of title to the highlands ranging in continuity with the highlands which trend north-easterly from the sources of the Connecticut river, described in the Royal Proclamation and the Quebec Acts.

By the line of boundary defined in the Ashburton Treaty, the United States are bounded on the north partly by a natural and partly by an artificial boundary, that is to say, by that part of the River St. John, from a point where it is intersected by the due north line (which in effect is the "north-east angle of the State of Maine"), up as far as the mouth of the river St. Francis, thence up that river to the outlet of Lake Pohenegamook, thence by a line to the north-west branch of the River St. John, and thence by another line to the intersection of the River St. John, in latitude  $45^{\circ} 25'$ , and thence by that river to the portage of Metzermette, thence by the highlands to the north-westernmost head of the Hall Stream, and by that river to the line originally run by Valentine and Collins, &c., which line of boundary is now claimed by this Province as its southern boundary.

The foregoing proposition for a line of boundary, resulting, as it naturally does, from the very terms and admissions of the Royal Commissioners, in reference to the "northern highlands," claimed by New Brunswick, exposes the futility of the claim set up by that province to those highlands, which are in fact identical with the pretended boundary of the United States under the Treaty of 1783. For admitting that the Treaty of Washington cedes to Great Britain the territory lying between the Ashburton line and the boundary claimed by the United States (the same now claimed by New Brunswick west of the due north line), the settlement of a provincial line of boundary from the then pretended north-west angle of Nova Scotia (at B), would still have remained to be settled upon the basis herein above proposed, that would include the grants under the Crown of France within the limits of the "Province of Quebec."

The question of boundary then turns upon the legal right of Canada to the territory ceded to Great Britain by the Treaty of Washington, and which it has been clearly shown in the reports prepared on the subject, to belong to Canada, according to a just and equitable interpretation of the words "strict legal right of each Province."

Reverting to the jurisdiction exercised by this Province at an early period over the settlements on the Madawaska, and now lying in that part of the territory "ceded" by the Treaty of Washington, on the north bank of the river St. John, the undersigned would beg to call the attention of the Government of this Province to the petition of the inhabitants occupying that portion of the disputed territory,

praying to be allowed to remain under the jurisdiction of Canada, and that any line that may be drawn to divide Canada from New Brunswick should be so drawn that they be included within this Province as most congenial to them in regard to their laws, language, and religion, and conducive to their commercial advantage.

The undersigned deems the present occasion a fitting one to respectfully urge the claim of Canada to all the territory extending along the northern boundary of the United States to the due north line, and along the highlands reported by the Royal Commissioners in 1839, to the head of the Bay des Chaleurs, and in the event of the rejection of the Conventional line, proposed in the Report of the undersigned, as an amicable adjustment of the provincial boundary, that as an alternative proposition, the intersection of the northern highlands by the due north line at the point B, be assumed as the north-west angle of New Brunswick, whence a line be drawn to the western extremity of the Bay des Chaleurs, so as to exclude all the seigniorial grants from New Brunswick, and include them within the limits of Canada, in the spirit of the Royal Proclamation and the Quebec Act.

All which is nevertheless respectfully submitted.

J. H. PRICE, Commissioner.

(Translation.)

To the Honorable D. B. Papineau, Commissioner of Crown Lands, &c., &c.

Sir,—In pursuance of instructions issued from the Crown Lands Office, dated Montreal, seventh February, 1846, and signed D. B. Papineau, E. L. R., directing me to proceed to make a Survey of the Rivers Madawaska and St. John, to measure the lands of the persons settled upon these Rivers, and to ascertain the names of the persons so settled on lands in the immediate neighbourhood of the said Rivers, and the date of their residence; to make a Survey of Turtle River and of the Lakes adjacent to it; and also, to make a Survey of Long Lake or Kamjamscutcook, and of the River Cabineau;—I have the honor to inform you, that a few days after I had received these instructions I set out from those Rivers on Friday, the sixth March, and proceeded to Quebec, and thence to River du Loup, a distance of two hundred and ten miles; that at the last mentioned place I was detained several days by a heavy fall of rain which rendered the roads impassable, after I had finished hiring the men who went to accompany me on my expedition, and had procured the provisions necessary for our Campaign; that it was not until Wednesday, the eighteenth of March, that I was able to leave River du Loup; and that after having passed the Portage Road and take Temiscouata, I left at the Dégelée, and that after having gone over a distance of sixty-seven miles, I at last reached the place where my operations were to begin, that is to say, the south-eastern line of the Seigniorship of the Lake. It is perhaps right to inform you, that the said Portage Road which starts from River du Loup, takes a south-eastern direction, crosses the River du Loup a short distance above the Village, and continues in the same direction as far as Green River, a distance of about eight or nine miles; and that there are settlements throughout almost the whole of this distance; that from this point the road inclines a little towards the east as far as the River St. Francis, where there are two houses for the reception of travellers; that the River St. Francis is seventeen miles from the River du Loup, and that in general this portion of the road is tolerably level, but that beyond the Lake it is almost one continual ascent and descent across divers Mountains, the principal of which are La Grande Fourche, La Montagne à Paradis, La Buard, and La Petite Fourche; from the River St. Francis to Lake Temiscouata the distance is eighteen miles, in

which space there are four settlements at some distance from each other; the road is in general good and tolerably well kept in repair out of the moneys collected at the Toll Bridge over Green River. At the Lake there are about a dozen houses, besides a military establishment consisting of several buildings of the kind ordinarily used for such purposes; at this point the banks of the Lake are pretty high and command a fine view of the Lake to the east and west. The Lake is crossed in winter on the ice, and in summer in canoes; there is even a Horse-boat plying between this place and the Dégelée. There is also a road running round the Lake, but I am told it has never been finished, and that there are some very bad places upon it. Throughout the whole distance, which is about twenty miles, there is only one inhabitant.

Round the Lake the Mountains appear high and thinly wooded, the fire having passed over the place several times. The only River of any consequence, and running into the Lake, is the River Toledo, on the east; down which a great deal of squared timber is brought, and upon which there are several shanties. The River Madawaska, which forms the outlet of Lake Temiscouata, is a fine river of from two to three chains wide, and navigable, at present, only for scows and canoes; but might be made navigable for boats of larger dimensions by the aid of only three or four locks. At the place where the first settlements on this River commence, its appearance is rendered the more agreeable by the fact that the first farms upon it are well covered, and display well-constructed buildings upon them. There are some very fine alluvial lands (*pointes*) upon the River, upon which a great deal of hay is made. The Mountains are at a reasonable distance from the River, and, although lofty, are not the less taken possession of by the settlers, who find them easy to clear, and very productive. The inhabitants of these parts are generally in easy circumstances, and live well. The principal tributary streams to the Madawaska, (which joins the St. John a short distance below the Little Falls, a distance of about twelve miles from the Seigniory) are the Birch River (*aux Bouleaux*) on the east, and Trout River (*à la troute*) on the west. The dwellings are generally constructed on the banks of the River, or near the road, which is on the west side of the River, and runs to the Little Falls, where it intersects that of the River St. John. On the east side of the River, although equally well settled, there are no roads yet opened, and when the people want to travel, they have to cross the River, or to perform their journey in canoes. Slate and shale are the only rocks I saw in this place. At about one mile west of the River, is the little River Iroquoise, running parallel to the River Madawaska, and falling into the St. Johns almost at the same distance. On this River there are several Mills, such as Grist Mills, Saw Mills, Carding Mills, and Fulling Mills. The inhabitants are almost all French Canadians, with the exception of a few Irishmen, whose names I give in my Journal. At the Little Falls there are two Villages growing up: one on the east and the other on the west of the River Maintenant. That on the east is the largest. There is also a Military establishment, a Block House, and other appurtenances, constructed on an elevated rock, which commands a considerable view over the River St. John. The Little Falls is a handsome settlement, at which considerable business is done, which must go on increasing, inasmuch as it is there that the road of communication with New Brunswick joins the Madawaska road; and this is the sole route of communication with the River St. Lawrence for all the settlers on the River St. Johns, as well those in the State of Maine as in Canada. The River St. Johns, which is generally about five arpents wide, is shallow, and its current very strong: there are a few rapids on it, but they are not very considerable. This River is studded with Islands and Islets, which are almost all cleared, and on which the owners make a great quantity of hay. There are found upon them cast-iron posts, planted by the Commissioners for establishing and making the line between the State of Maine and Canada, and which shew upon which side of

the line they are situate. In general, the banks of the River are of easy access, and the Mountains are at some distance from them. There are some fine alluvial lands on the River, which the settlers know how to turn to advantage.

From the River Madawaska to the mouth of the St. Francis, there are 179 lots of land settled upon, besides several which are not so yet. These lots are almost all occupied by Canadians or Acadians. The lands are generally a mile and a-half in depth, as I have found them to be laid out by the New Brunswick Surveyors. In laying them out, it appears that the Surveyors have partly followed the clearances made by the owners or possessors of the lands surveyed, and that different courses have thus been given to the lines, as shewn on the plan which accompanies my Journal. On this part of the River St. John the lands seemed to me to be of good quality, and the inhabitants are in easy circumstances. I met with many settlements of great value which made me regret that there was no road on that side of the River. The settlers in these parts having no roads, travel in canoes or *piroques*, which occasions so serious a loss of time that the settlements must suffer much from it, and their growth must be retarded even by this circumstance alone. In this part of the Country there are three rivers which fall into the River St. John, namely, the River St. Francis which bounded my operations, the Turtle River which I explored and which I shall have occasion again to refer to, and lastly, the Little River or Webster's River, besides several rivulets sufficiently large to drive Mills, and upon one of which there is already a Mill in operation. Behind the River Concession the lands are, according to the reports of the people, of superior quality, and would soon be settled if they were surveyed and divided into lots, and this would have the effect of drawing to this side of the line a great portion of the Canadians, who by the establishment of the line between the United States and Canada, found themselves in a foreign Country, separated from their relatives and friends, and forced, so to speak, to submit to the authority of a law which they had never learned to respect and which they can never love. Nine miles east of the River St. Francis a Catholic Chapel is being built, it is the only one on this side, that lower down being in the State of Maine. The Turtle River which falls into the River St. Johns, about fifteen miles above the Little Falls, is one chain wide, and furnishes a large quantity of water; it is fed by lakes of considerable extent, and by some branches which are themselves fed by lakes; a great quantity of square timber and sawed logs are brought down it. Almost at the mouth of this river a Grist Mill and Saw Mill have been constructed, belonging to Mr. John Baker, who has a fine establishment there. At sixteen and a half miles, we meet the south-west branch of the river, which is as large as the river itself, and which leads to a very fine lake called "Portage Lake;" this lake is about five miles long, and, on the average, three quarters of a mile wide, and is very full of fish. The land in the neighbourhood of the lake appeared to me to be of the best description, and covered with hardwood. At twenty-three and a half miles, at the extremity of this river, is "Jerry Lake," which is seven miles long, and from half a mile to a mile wide. On the river there are several good mill-sites, and fine settlements might be formed there, the land being of the best kind and very easy to clear. The finer timber on the river and lakes has been got out on a large scale; there are many shanty roads on their banks. At the north-west end of Jerry Lake, I saw a line of five and a half miles long to Long Lake; throughout this line I found the land very good and level. Although the ground is high, I found rivulets which would furnish abundance of water to those who might settle there. Lake Mamjamscutcook, or Long Lake, is fifteen miles long, and 35 chains wide at its broadest part; it empties itself into the river Cabineau, and timber of all kinds abounds on the lands adjacent to it, as I was told by persons belonging to the shanties, whom I met; these lands are fit for settlement. At the south-west end of this lake, is the road which leads to the river St. John, and which was opened by persons engaged in getting out square timber; it is by this road that they bring in the provisions they require for their shanties.

The river Cabineau, which forms the outlet of Long Lake, is twenty-seven miles long, and falls into Lake Temiscouata, two miles from the fort; I am told that between this river and the river St. Francis there is a fine river called "The Blue River," and running into the River St. Francis. Between these rivers the land is mountainous, but very easy of access. On the south side of the river Cabineau, there is also a good portage road from one lake to the other, by which the provisions required for the shanties are carried in. In fine, Sir, this country cannot fail to be settled as soon as it becomes known; I am satisfied that the surplus population of the Parishes on the St. Lawrence will go there spontaneously the moment the communications with this part of the country shall have become sufficiently easy to allow them to visit it. The whole more amply set forth in the map and journal which accompany the Report which I have the honor to submit.

(Signed,) J. P. BUREAU, D.P.S.

Three Rivers, 12th April, 1847.

True Copy from the entry of record.

E. T. FLETCHER.

Crown Land Office,  
Montreal, 1st October, 1850.

(Translation.)

PRELIMINARY REPORT.

RIVER CABINEAU, 6th December, 1846.

Sir,—In pursuance of instructions addressed to me, issued from the Crown Land Office, dated Montreal, 7th February, 1846, and signed D. B. Papineau, C.L.C., directing me to proceed to make a survey of the rivers Madawaska and St. Johns, to measure the breadth of the lands of the persons there resident, and to ascertain their names and the date of their settlement, to survey the Turtle River as well as the lakes which feed it, Long Lake, the river Cabineau, &c.

I have the honor to inform you, that, following strictly the instructions above mentioned, I have surveyed the River Madawaska from the line of the Seigniorship of Lake Temiscouata to its junction with the St. John near the Little Falls; and have measured the breadth of the land of each individual, as actually possessed by him, and this on both sides of the River from the Little Falls upwards to the River St. Francis; measuring also the lands and islands which lie in this River, and which belong to Canada, but merely noting the Islands which are in the State of Maine, in order to lay them down in my map.

From the River St. Francis I descended again as far as the mouth of Turtle River, which I surveyed as far as its south-west branch, which I followed upwards to its first Lake, and which I partially surveyed: after which I continued the survey of the principal River to its head at Jerry Lake, which I also surveyed. At the end of this Lake, there is a small River, about seven miles long, at the end of which is Eagle Lake, which I was anxious to examine; but the want of provisions compelled me to abandon this plan.

From the head of Jerry Lake, I took a true west line to Long Lake, a distance of five miles and a quarter, where, being entirely out of provisions, I fortunately met with some shanty-men, who lent me some, which enabled me to proceed to Lake Temiscouata in order to procure a fresh stock. The almost continued bad weather which I encountered in this journey disconcerted my calculations.

From Lake Temiscouata, whence I had the honor of addressing you, I began the survey of the River Cabineau, of which I have only about six or seven miles to do in order to reach Long Lake, which I shall soon have surveyed, the ice being sufficiently strong to bear us. This being only a preliminary report, I confine myself to giving a mere sketch of the River and Lakes which I have visited, seeing that I shall have to enter into greater detail in the final report which it will be my duty to make as soon as the survey shall be completed.

The whole nevertheless humbly submitted.

(Signed,) J. P. BUREAU, D.P.S.

To the Honorable D. B. PAPINEAU,  
Commissioner of Crown Lands, &c.

True Copy from the Entry of Record.

E. T. FLETCHER.

Crown Lands Office,  
Montreal, 1st October, 1850.

INSTRUCTIONS to Mr. Joseph P. Bureau, Provincial Land Surveyor, for the Angular Survey of part of the River Madawaska, to its mouth in the River St. John, thence westerly up the said River St. John, to the mouth of the River St. Francis.

Sir,—Having nominated you for the execution of this important survey of the Rivers Madawaska and St. Johns, and the tributaries of the same, being part of the service required by the approved Report of Council, dated \_\_\_\_\_, I now beg your attention to the following Instructions for your guidance in the performance of that service.

You will repair, with your chain-bearers, as soon as possible after you shall have filed your returns for the survey you have been instructed to perform at Three Rivers, and prepare the necessary outfits for this service, so as to take the earliest advantage of the ice for the execution of this service, to River du Loup, County of Rimouski, where you will engage the remainder of your surveying party, to consist of no more than six men, including your chain-bearers; then proceed by the Temiscouata Portage Road and Lake Temiscouata to the River Madawaska, to the south-easterly Boundary of the Seigniorie of Madawaska and Lake Temiscouata, shown by stone Boundary and Monuments planted on both banks of the said river, at about three leagues perpendicular from the Dégelés or outlet of the said River Madawaska, where you will, by meridional observation, determine the variation of the magnetic needle, and then proceed to scale, by angular survey, the said River Madawaska, setting down the courses by the needle, and the angle by the limb, at every station, noting in your field-book the breadth of the river, the rapids, falls, islands, and their length and breadth, the mouth of the various tributaries on both sides of the river, remarking the intersection of the different settlements, the occupants of the land on both sides, how long settled, distinguishing the position of the lands belonging to Serjeant Macdonald, Private Stripman, located by Government at Trout River, and their Boundaries set off by Mr. Bouchette, in 1836, according to the annexed plan, taking note of the bearings of the existing line of fences or division between the different actual settlements on both sides of the river to its mouth at the Little Falls. You will, in the same manner, effect the angular survey of the River St. Johns, from the said Little Falls at the mouth of the Madawaska, to the entrance of the River St.

Francis, restricting your remarks of the existing settlements to the north bank of the River St. Johns, which river divides the State of Maine from the Province of Canada between the aforesaid limits, the line of separation running up the middle of the said river; you will consequently take note of the islands and of the channels thereby formed in the river, and ascertain the portion of the islands, which, by the operations of the Commissioners under the Treaty of Washington, belongs to Great Britain, for the future disposition of the Crown, remarking whether the same is occupied and cultivated, or by whom, and whether claimed by grant or leased by competent authority.

In view of the future organization of the tract of land lying on the north bank of the River St. Johns, between the Rivers Madawaska and St. Francis, you will, to that effect, in scaling the former river, at the extremity of eight miles from the Boundary of the Seigniory of Madawaska aforesaid, plant a large squared post or monument on the westerly bank of the said river, inscribed on the north-west side T.D., No. 1, for Territorial division, No. 1, T.D., No. 2, on the south side, the year and your name. You will plant another monument on the north bank of the River St. Johns, at the perpendicular distance of nine miles, more or less, as the case may be, so as to adopt the division line between the existing farms, which you will inscribe similarly to the first monument, except that the number will here be 2 and 3. You will set off a line due north for a distance of a few chains, and plant two posts to mark the direction of the line to divide those Territorial divisions hereafter; and thirdly, at the perpendicular distance of nine miles west of last-mentioned monument, you will plant another monument in the same manner as the preceding, marked 3 and 4, the whole as represented on the annexed plan.

In performing the survey of the settlements on the River St. Johns, you will notice any survey that may have been performed under the authority of the Province of New Brunswick, and represent the same on your plan, and show how far the existing improvements have conformed to them.

You will then effect an angular survey of the Turtle River, and of the border of the Lake at the head thereof, and run a check line thence to Long Lake, at the head of the River Cabineau, which discharge into Lake Temiscouata.

From the said Long Lake you will draw a check line on the course due west to the Lake on the River St. Francis, and scale some part of the border of the same, so as to connect your survey with the operations of Mr. Gamache, of that river.

You will then scale the border of Long Lake and the River Cabineau down to its outlet, and close your survey.

Of all which operations you will transmit an ample report and plan, on a scale of eighty chains to one inch, accompanied with your field-book and journal, and a specification of the names of the occupants of the lands along the Rivers Madawaska and St. Johns, and the quantity of land which each person is desirous of acquiring from Government.

For the time you will be employed in the execution of this service, you will be allowed twenty shillings per diem, and two shillings and six pence for finding yourself; and also a surveying party, to consist of six men. To the principal chain-bearer will be allowed five shillings per diem; to the axemen, three shillings; and to the labourers, two shillings and six pence each per day, and a daily allowance of one shilling and three pence each for rations, and a reasonable time allowed them for going to and returning from the field of operations. Your disbursements to be supported by vouchers annexed to your account.

Your pay and allowances for rations to be continued while engaged in preparing your returns of survey, and accounts for the execution of the service now intrusted to you, which said returns and accounts will be subject to careful and strict examination in this Office.



No advances will be made on account of this survey until the returns are made and approved by this Department.

Given under my Hand, at the Crown Land Office, Montreal, this seventh day of February, 1846.

(Signed,) D. B. PAPINEAU, C.C.L.

True Copy, from the Entry of Record, Crown Land Office Montreal, 1st October, 1850.

E. T. FLETCHER.

OFFICE OF THE COMMISSIONER OF CROWN LANDS,

TORONTO, 30th October, 1850.

The Commissioner of Crown Lands has the honor to report, for the information of His Excellency the Governor General in Council, that he has prepared such reports and documents relating to the disputed territory between this Province and New Brunswick from such data as were within his reach, and which, with the Report of the 19th of February, 1849, already transmitted to the Colonial Office and to the Lieutenant Governor of New Brunswick, were deemed necessary to establish the rights of this Province in the matter in dispute, with a view of their being transmitted to the Arbitrators in England and to the Government of New Brunswick.

Duplicate copies of these papers have been prepared and are ready for transmission. They consist of:—

First, the Report of the undersigned of the 10th of March, 1850, to which Report are annexed:—

Extracts of the Report of the Geological Survey of Canada, for the years 1847–48, by W. E. Logan, Esquire, Provincial Geologist.

Copy of a Map, constructed by Captain Broughton and Mr. Featherstonhaugh, dated Foreign Office, July, 1842.

Figurative Plan, exhibiting the Features and Character of the Country, dated Quebec, July, 1828, and signed Joseph Bouchette.

Map of New Brunswick and Lower Canada, by Commissioners Mudge and Featherstonhaugh.

Extract of a Pamphlet, supposed to have been written by the Honorable Ward Chipman.

Extract of the Report, in the form of Remarks, submitted by Joseph Bouchette in 1838.

Secondly, Report of the undersigned of the 27th of March, 1850, to which are annexed:—

Extracts from the Compendium of the British Agent, the Honorable Ward Chipman, Chief Justice of the Province of New Brunswick, before the Commissioners under the Treaty of Ghent, 1821.

Extract from the Report of the Commissioners appointed by the Queen, on the disputed Boundary between Canada and New Brunswick.

Extracts of a Pamphlet, supposed to have been written by the Honorable Ward Chipman.

Remarks on the Report of the Commissioners on the Boundary between New Brunswick and Canada, by Tancred Bouthillier, Assistant Commissioner of Crown Lands.

Copy, letter of His Excellency Sir Archibald Campbell, the Lieutenant Governor of New Brunswick, of the 4th of August, 1836, to Joseph Bouchette, Esquire.

Copy, letter of Joseph Bouchette, Esquire, Deputy Surveyor General of Lower Canada, of the 15th of October, 1836, to Stephen Walcott, Esquire.

Petition of Simon Hebert and 569 others, inhabitants of the north side of the River St. John, to His Excellency the Right Honorable Charles Murray, Earl Cathcart of Renfrew, Administrator of the Government of Canada, &c., dated Madawaska, 20th February, 1846.

Returns of Survey by the Surveyor General of Lower Canada, (A. & B.), dated 29th June, 1814, locating lands to disbanded soldiers on the Madawaska and St. Francis Rivers.

Thirdly, the Report of the undersigned of the 7th of October, 1850, to which is annexed:—

A Plan of the disputed Territory between the Provinces of Canada and New Brunswick.

The Commissioner of Crown Lands begs further to state, that he has annexed hereto a list of the authorities, works, and documents consulted in the preparation of the Reports on behalf of Canada, and which are to be invoked before the Arbitrators in England.

That the following books, pamphlets, and maps, which he respectfully recommends to be transmitted with the rest of the papers to the Colonial Office, for the use of the Arbitrators, are the only documents of that description which he has been enabled to collect, viz.:—

Notes on the South-western Boundary line of the British Provinces, &c., Montreal, 1839.

Remarks upon the disputed points of Boundary, &c., St. John, New Brunswick, 1839.

The Right of the United States of America to the North-eastern Boundary, claimed by them, &c.: revised by Albert Gallaher, with Appendix, &c., New York, 1840.

Notes of the South-western Boundary line of the British Provinces of Lower Canada and New Brunswick, &c.: dated Quebec, 1830, by Andrew Stuart.

Succinct Account of the Treaties and Negotiations between Great Britain and the United States of America, relating to the Boundary, &c.: by Andrew Stuart, 14th July, 1838.

Map of that portion of Her Majesty's Colonies of New Brunswick and Lower Canada, &c.: dated 1839; constructed by direction, by Richard L. Mudge and G. W. Featherstonhaugh, Commissioners.

Map B. referred to in the Report of Mudge and Featherstonhaugh, Commissioners, of the 16th of April, 1840.

Map of a portion of the County in dispute with the United States, including the plain that separates the Highlands claimed by that Government, &c.: constructed by W. E. Delves Broughton and J. D. Featherstonhaugh, dated Foreign Office, July, 1842.

Map, showing the various proposals for the adjustment of the Territory in dispute between Canada and New Brunswick: prepared by Mr. Arrowsmith, 12th September, 1845.

Extract from a Map of the British and French Dominions in North America, by John Mitchell, 13th February, 1755.

All which is most respectfully submitted.

J. H. PRICE,  
Commissioner of Crown Lands.

AUTHORITIES consulted in the preparation of the Reports on behalf of Canada, on the question of Boundary between that Province and the Province of New Brunswick.

1. L'Escarbot, Histoire de la Nouvelle France, 1609.
2. Charlevoix, Histoire du Canada, 1744.
3. Champlain (Voyages) edition of, 1830.
4. Mémoires des Commissaires, 1750-51.
5. Chalmers' Political Annals.
6. British Dominions in North America, by Joseph Bouchette, Esquire, Surveyor General, 1830.
7. Treaties:—
  - St. Germain En Laye (de Restitution), 29th March, 1632.
  - Breda, 31st July, 1667.
  - Ryswick, 20th September, 1697.
  - Utrecht, 11th March, 1713.
  - The Capitulation, 8th September, 1760.
  - Treaty of Peace, 10th February, 1763.
  - Royal Proclamation, 7th October, 1763.
  - Quebec Act, 14 Geo. III. cap. 83, 1774.
  - Treaty of Paris, 1783.
  - Treaty of London, 1794.
  - Treaty of Ghent, 1814.
  - Treaty of Washington, 1842.
8. Reports and Plans of the Surveys performed under the Treaty of Ghent, 1817.
9. Reports of His Majesty's Agents and Commissioners under that Treaty.
10. Reports of the Exploration of the Country at the sources of the River Chaudière and the sources of the River St. John, 1828.
11. Pamphlets by Andrew Stuart, Esquire, on the Boundary Line under the Treaties of 1783 and 1794. 1830 and 1838.
12. Pamphlet supposed to have been written by the Honorable Ward Chipman, 1839.
13. Report of the Royal Commissioners, Colonel Mudge and G. W. Featherstonhaugh, 1839.
14. Geological Survey of Canada, by W. E. Logan, Esquire, 1845-50.
15. Compendium of the Arguments of the British Agent, the Honorable Ward Chipman, before the Commissioners, under the Treaty of Ghent.
16. Exploratory operations of Major Robertson and Captain Henderson, Royal Engineers, for a line of Railway between Halifax and Quebec, 1849.
17. Physical Atlas of Natural Phenomenon, Map IV., Article B, by Alexander Keith Johnston, F.R.S., 1849.

#### MAPS.

*Accompanying the Report, dated in February, 1849.*

- A. Partie Orientale du Canada, ou la Nouvelle France, per Coronelli, 1689.
- B. Grande Rivière du Canada, Côté de l'Océan en la Nouvelle France, 1609.
- C. Carte de la Nouvelle France, par Champlain, 1632.

D. Map of the Province of Canada, 1830.

E. Hydrographical Chart of the Bay of Chaleurs, by Captain Bayfield, R.N., 1839.

F. Carte du Canada (red line map), par Guillaume Delisle, 1782.

G. Part of New Brunswick, representing the Boundary claimed by that Province, by — Bailley, Esquire, Surveyor General of New Brunswick, and Commissioner.

H. Map (B) by Alphonso Wells, Esquire, Commissioner, 1844.

*Accompanying Supplementary Report, dated in March, 1850.*

Map (A) of the Royal Commissioners, Colonel Mudge and G. W. Featherstonhaugh, Esquire, 1839.

Map of the Country at the sources of the River St. John and the Eastern Tributaries of the River Chaudière, by Joseph Bouchette, Esquire, 1828.

Map of a portion of the Country in dispute with the United States, by W. E. D. Broughton, Captain R.E., and J. D. Featherstonhaugh, Esquire, 1840.

Map of New Brunswick, by J. S. Saunders, Esquire, Surveyor General of that Province, 1842.

And the Maps accompanying the Report of Major Robinson, Captain Henderson, and J. W. Johnstone, Esquire, Royal Commissioners, 1848.

J. H. PRICE,  
Commissioner of Crown Lands.

Crown Land Department,  
Toronto, October 1, 1850.

CROWN LAND DEPARTMENT,  
Toronto, March 10, 1850.

Sir,—Among the maps transmitted to this department by command of the Governor General, conveyed in Major Campbell, the Civil Secretary's, letter, dated 6th June last, enclosing copy of a Despatch from the Secretary of State for the Colonies, under date of the 12th May last, and covering the above maps referred to in the Report of the Commissioners appointed by Her Majesty to investigate the respective claims of Canada and New Brunswick, to the territory ceded to Great Britain under the Treaty of Washington, there is one " styled a map of a portion of the country in dispute with the United States, including the plain that separates the highlands claimed by that Government from the highlands of the Treaty of 1783," which I respectfully beg leave to bring under His Excellency's especial notice.

This map (dated Foreign Office, 1842), constructed by W. E. D. Broughton, Captain Royal Engineers, and J. D. Featherstonhaugh, Esquire, as sustaining most satisfactorily the description of the characteristic features of a large section of the territory in dispute between this Province and New Brunswick, being therefore of paramount importance, in justifying the legal claims of Canada to the line of boundary claimed by her under the Royal Proclamation of 1763, and Imperial Statute of 1784, called the "Quebec Act," I have the honor to submit in respect to this map a few observations supplementary to the report I had the honor of laying before the Governor General in February, 1849, in obedience to His Excellency's order of reference, under copy of the Despatch from the Right Honorable Earl Grey, the Secretary of State for the Colonies, dated 26th August, 1848, accompanying the Report of the Commissioners referred to me for my report thereon.

Upon examination of the map alluded to, it is apparent, that Messrs. Broughton and Featherstonhaugh have manifested much scientific ability and accuracy of

observations in the explorations of the country it exhibits, establishing beyond all manner of doubt the existence of the extensive plain or level tract of country lying in the region of the sources of the south-west branches of the River St. Johns and the sources of the easterly tributaries of the River Chaudière, bounded towards the south by an elevated ridge of mountains, in which the Metgermette and Portage Rivers, branches of the River du Loup, discharging into the River Chaudière, together with the south branches of the River St. Johns, take their sources opposed to sources of the Penobscot falling into the Atlantic Ocean, and towards the north bounded by the hills and mountains at the sources of the Etchemin and DuSud Rivers, emptying into the St. Lawrence, opposed to the northerly tributaries of the Matawaquam, or of the north-west branches of the River St. Johns, respectively forming the mountain range which are plainly identified with the "southern and northern highlands" mentioned in the Report of the Commissioners, whilst the features of the plain or valley, and the direction of the mountain ranges that form its north-westerly and south-easterly boundaries, are fully corroborated and borne out by the exploratory surveys performed in 1828, under the authority of a Despatch from Earl Bathurst, the Secretary of State for the Colonies, in reference to the boundary question with the United States, exhibited on the accompanying tracing, under letter B of the original plan recorded at this office.

An inspection and comparison of these maps cannot fail to lead to the impression that the Commissioners, Major Robinson and Captain Henderson, have been deceived in the aspect of that part of the country, or have been erroneously informed in respect to the true position and course of the "highlands" they designate, and were unaware of the existence of the plain or valley separating the northern highlands claimed by New Brunswick, from the southern highlands claimed by Canada, when they report as the topographical result of their labours and exploratory research, "that highlands do exist, that divide the waters which empty themselves into the River St. Lawrence, from those that fall into the sea; that these highlands connect themselves continuously by highlands with the north coast of the Baie des Chaleurs, at its western extremity, and reach the 45° of the latitude at the eastern branch of the Connecticut River, thus essentially fulfilling the several requirements of the Proclamation, Act of Parliament, and Commission, for the southern boundary of Canada, and laying the foundation for establishing the strict legal claims of the two provinces.

"On the accompanying map prepared by Major Robinson and Captain Henderson, this line is coloured green, and it will be seen that the northern highlands claimed by New Brunswick are adopted, and the line contended for by Canada as her southern boundary, rejected."

The Commissioners, by the adoption of the northern highlands claimed by New Brunswick as her line of boundary, would consequently maintain the continuity of the "northern highlands" across this plain or valley; an assertion which is not borne out or sustained by the well ascertained features of the country, and which is wholly at variance with the result of the exploratory operations of the Royal Commissioners, Messrs. Featherstonhaugh and Mudge, contained in their Report to Her Majesty, dated 1839, alluded to in my Report, page 28, who in describing the distinctive features of the highlands claimed by the United States under the Treaty of 1783, and of the highlands claimed by Great Britain, most clearly point out (as delineated on the map A accompanying their Report), the character and extent of the valley in question, as bounded by those highlands, of which the plain exhibited on No. 2 forms part.

If there were any necessity for further proof or evidence of the truth or correctness of the highly scientific and disinterested men herein mentioned, who were instructed by Her Majesty at different periods with the exploration of the disputed territory, I would beg leave to adduce the important and valuable Report to His

Excellency the Governor General, of the examination, in a geological point of view, of that section of the province, by W. E. Logan, Esquire, Provincial Geologist, published in 1847-48, in the Appendix G of the Journals of the Legislative Assembly, which corroborates the previous descriptions of the characteristic features of the valley or plain in question, and the physical attributes of the mountain ranges, as they form the boundaries of this valley towards the north-west and south-east, in accordance with the delineation of the country on the maps herewith accompanying.

From the foregoing statements grounded upon unobjectionable official authorities, it is manifest that there are absolutely no "highlands" that connect themselves continuously by highlands with the north-east coast of the Baie des Chaleurs and the Connecticut River, represented by the green line on the plan of the Commissioners, and hence, that the conclusions the Commissioners have come to, so based upon erroneous data, cannot obtain, nor justify the claim of New Brunswick to the line of boundary claimed by that province, or to any part therefore of the disputed territory.

I have deemed it incumbent upon me to submit the foregoing remarks relative to the plain, exhibited on plan No. 2 of the Commissioners, with a view of the same, accompanying my Report on the question of the line of boundary between this Province and the Province of New Brunswick, for the action of the Colonial Government thereon.

All which is respectfully submitted.

I have, &c.,

(Signed,) J. H. PRICE.

The Honorable JAMES LESLIE,  
Provincial Secretary.  
&c. &c. &c.

EXTRACT of the Report of the Geological Survey of Canada for the Year 1847-48,  
by W. E. Logan, Provincial Geologist.

*Geographical Characteristics.*

Between Montreal and Quebec the valley of the St. Lawrence has a general north-east course, and presents a flat surface on each bank of the river. On the north-west side this surface extends in breadth a distance varying from twelve to twenty miles, to the flank of a wide-spread, hilly, but not very elevated country, accupied by syenitic gneiss, interstratified with crystalline limestones, being a continuation of the metamorphic formation described in another Report, as existing on the Ottawa. On the south-east side, the plains exhibit a width of thirty to forty miles, and, with the intervention of a few moderate undulations in one or two places, reach the foot of a range of mountains, which stand on a breadth of twenty-five to thirty miles. This range is the continuation of the Green Mountains of Vermont, which, after entering Canada, lose much of the bold character they possess farther south, though they still offer, in the district under description, two or three isolated peaks attaining the height of about 4,000 feet above the level of the sea. The opposite sides of the mountain belt run very nearly parallel to one another, and a valley, or continuous line of valleys, bounds it on the south-east side, with a gently-rolling surface by no means so even as the plains on the north-west, but presenting few extraordinary swells or abrupt protuberances. The breadth of this valley may be from fifteen to twenty miles; and to the south-east the land gradually rises into a more mountainous tract, extending to the Province line, which runs upon its ridge from the sources of the Connecticut River to those of the Chaudière.

These ranges of mountain and valley are parallel to one another and to the St. Lawrence, and the whole coincide with a strike of the formations constituting the district. The streams conveying the waters of the area to the great river, are first the Richelieu and the Yamaska, the main trunks of which run in a direct continuation of the valley of Lake Champlain, with a distance between them equal to about the greatest breadth of the lake, and go with a strike, while the eastern branches of the Yamaska (including the most southern of them, bearing the name of the stream), all of which have their sources west of the Green Mountain range, or among its peaks, run transverse to the stratification. Next are the St. Francis and the Chaudière, about eighty miles asunder, the lower part of each of which makes a straight section across the measures, including the rocks constituting the mountain range, while their upper parts drain the line of valleys beyond. The upper part of the St. Francis and its tributary, the Massawippi, flowing in opposite directions along the foot of the mountain range, occupy about eighty miles of the line in the general strike of the formations, and join at Lennoxville, after being supplied by several transverse tributaries, which take their sources in the southern mountains. The Chaudière, springing in these mountains, overlaps the upper part of the St. Francis, flowing in an opposite course, and more southern but parallel line for some distance below Lake Megantic. It then turns up northward, and is joined by the Rivière du Loup, which flows across the measures in the same direction as the lower part of the Chaudière, and further on it meets another tributary called the Famine. This tributary is in the same relation to the rocks of the country as the upper part of the St. Francis and the Massawippi. Flowing in the strike, it takes its source to the eastward, in a level tract, which is also the source of the Mitaywaçon and constitutes part of the valley of the St. John River, to which this is tributary; and it appears probable that the valley of the St. John, presenting a continuation of the line of valleys, will be found to display the same relation to the stratification as that portion of the depression to the south-west already mentioned.

EXTRACTS of a Pamphlet, supposed to be written by Honorable Ward Chipman, entitled "Remarks upon the Disputed points of Boundary under the Articles of the Treaty of Ghent, principally compiled from the Statements laid by the Government of Great Britain before the King of the Netherlands as Arbitrer."

"ST. JOHNS, NEW BRUNSWICK, 1839.

"Secret Journals of the Old Congress," vol. iii. p. 169. The following are extracts:—

"It is to be observed, that when the boundaries of the United States were declared to be an ultimatum, it was not thought advisable to continue the war merely to obtain territory as far as St. John's River, but that the dividing line of Massachusetts and Nova Scotia was to be consigned to future settlement. It must be confessed, also, that this country, which is said in the new charter to border on Nova Scotia and the Province of Maine, on opposite sides, and which goes under the name of Sagadahock, cannot be proved to extend to the River St. John as clearly as that of St. Croix. But there is some reason, notwithstanding, to believe that Nova Scotia was never supposed by the British King, in any grant to his subjects, to come to the south of St. John's River, although he might have exacted from France a relinquishment of the lands to the River Penobscot, or even Kennebec, as a part of Nova Scotia."

"Topographical Description of the Middle British American Colonies," published in the year 1776:—

“All the rivers which have their sources amidst the northern ridges of this great range fall into Canada or St. Lawrence River, as the St. Francis, Chaudière, and many others; all which have their sources amidst the southern ridges, fall into the Bay of Fundy or into the main ocean.

“Connecticut River rises in north latitude  $45^{\circ} 10'$ , at the height of land in longitude  $4^{\circ}$  east of the meridian of Philadelphia.

“A range running hence across the east boundary line in New Hampshire in latitude  $44\frac{1}{2}^{\circ}$ , and trending north-east, forms the height of land between the Kennebec and Chaudière rivers. Of the nature and course of this highland I am totally uninformed.

“As the River Kennebec has been now rendered famous as a pass by a march of some spirit and enterprise, made by the American following its course across the land to St. Lawrence or Canada River, I shall here give a more particular and detailed description of it than I should otherwise have entered into:—

“This river, in the years 1754 and 1755, was talked of as a route by which an army might pass the best and shortest way to attack Canada and Quebec.

“The River Kennebec, to begin from its principal branch, may be described as rising on the height of land in north latitude  $45^{\circ} 20'$ , and in east longitude from Philadelphia,  $5^{\circ} 10'$ , or thereabouts.

“The ranges in York and Cumberland counties trend to the northward of north-east; those in the County of Lincoln east of Kennebec, next the coast, do so likewise; but within land they trend more and more to the east of north-east. All the heads of Kennebec, Penobscot, and Passamaquada rivers are in the height of land running east north-east.” [pp. 15, 17, 22, 24.]

Speaking of the whole range of highlands at the head of the Atlantic rivers nearest to the Connecticut, the author observes as follows:—“Between this high mountainous tract and the ocean, both in its northern and its eastern range, there is a Piedmont of irregularly broken hilly land. Of that in the eastern parts of New England, especially east of Penobscot, I can say nothing with accuracy, and will therefore say nothing at all.” [p. 17.]

This, it is allowed, is the language of an author scrupulously attached to truth, and, on the whole, it may be inferred with safety from his work, that all the rivers flowing into the Atlantic between the Connecticut and the St. Croix were either known or supposed to have their head waters in a range of highlands or mountainous tract, stretching eastward with a strong northerly inclination, and that less was known of the range in proportion as it is extended towards Nova Scotia.

“What does the north-west angle of Nova Scotia mean? The words which follow in the treaty explain its signification:—‘That angle which is formed by a line drawn due north from the source of St. Croix river to the highlands.’ This definition which was not in the article as first proposed by the United States, and which was, therefore, in all probability made necessary by some subsequent consideration, evidently comprehends two lines, the one artificial, viz., a due north line drawn from the source of the River St. Croix; the other a natural line, formed by one of the most striking features of the country, that is to say, the ‘highlands.’ The former of these lines having been sufficiently ascertained for the purpose of this investigation, the first object of the present inquiry is to fix the proper sense of the term ‘highlands,’ as intended by the treaty.”

“It cannot be denied with any appearance of reason, that in common usage the word ‘highlands’ suggests the idea of a mountainous tract or range of conspicuous elevations. Such is the idea we naturally convey in speaking of the highlands of Scotland or those of the Hudson river. By the word highlander is meant, in general, a mountaineer.”



“The place called Mars Hill, is that which Great Britain claims as the point of departure for the northern boundary of the United States, and consequently as that spot which is designated in the treaty as the north-west angle of Nova Scotia. It appears from the Reports of the surveyors that the due north line crosses its eastern skirt or flank at a distance of about 40 miles from the monument which marks the source of the St. Croix, as fixed in execution of the treaty.”

“As to the third point, the British surveyor, Bouchette, in his Report dated the 21st of May, 1818, observes that he took ‘the bearings of the principal range of highlands extending from Mars Hill to the Catahdin Mountain, the general course of which is N.N.E. and S.S.W., and highly conspicuous for its height,’ another of the surveyors, Odell, states, in a Report filed the 11th of May, 1819, as follows:— ‘Looking westward from this place (Parks, near the Houlton settlement), which is itself considerably elevated, and is easily seen from the top of Mars Hill, there appears a continued range of highland, the view of which is terminated on one side by Mars Hill, and on the other by the Spencer Mountains.’ The general result of these documents, with respect to Mars Hill and the adjacent heights towards the west is, that ‘a generally hilly country is found to extend towards the eastern branch of the River Penobscot.’ This is confirmed by the Report of the American surveyor, Loring, dated in December, 1820. It may be added, that the British assistant surveyor, Campbell, describes the highlands where the monument is situated on the height of land between the Kennebec and Chaudière rivers, as extending in a N.E. to E.N.E. direction, and consequently tending to communicate with the highlands at the sources of the Penobscot river.”

It has been urged on the part of the United States that the three prepositions, “from,” “along,” and “to,” employed in defining the northern boundary line, “are the clearest and strongest which could have been selected for the purpose of declaring that the boundary thus described must, through its whole extent, from its beginning to its termination, be along highlands,” such as they presume the treaty to have intended. This remark is indeed made on grounds which do not apply to the view taken by Great Britain of the same subject. It is nevertheless, to be observed, that, in two acts of the highest authority connected with this discussion, a Royal Proclamation and an Act of Parliament, the very same prepositions are used in order to describe lines which have since been discovered to be too imperfect to admit of their being traced in conformity with this description. The Acts alluded to are the Proclamation of 1763 and the Quebec Act. The boundary described in the Proclamation has two evident interruptions in the course of its line, notwithstanding the use of the three prepositions, to which so much efficacy has been attributed. In the first place, the line which is described as passing along the highlands, and also along the coast of the Bay des Chaleurs to Cape Rosiers, has an intermediate space to traverse between the highlands, wherever they may terminate according to the supposition hitherto maintained, and the north coast of Chaleurs Bay, for which no provision appears to have been made by the terms of the Proclamation. Secondly, there is a similar interval between Lake Champlain and the opposite extremity of the highlands, which do not extend to the shores of the lake. According to the Quebec Act the line was to go from the Bay of Chaleurs, along the highlands, &c., to a point in 45° north latitude, on the eastern bank of the River Connecticut, keeping the same latitude directly westward through the Lake Champlain. This amendment of the proclamation itself occasioned a fresh difficulty, which it was subsequently found necessary to obviate in the treaty. A line described as passing along the highlands in which the sources of the Connecticut are situated could never, it is manifest, have reached a point on the bank of that river at a considerable distance below its sources. What relates to the want of continuity between the Bay of Chaleurs and the highlands is the same in the Act as in the Proclamation.

The highlands, which the American argument describes as passing without inter-

ruption from the point proposed by the United States as the true north-west angle of Nova Scotia to the north-westernmost head of Connecticut river, are wholly destitute of any marked or conspicuous elevation, though by far the greater part of their extent.

The line which they claim is, in fact, no other than the boundary line which they suppose to have existed as between Canada and Nova Scotia in virtue of the Royal Proclamation of 1763; but that line, it is well known, cannot continue along the highlands according to the condition on which the United States insist. It must leave those highlands in order to pass along the north coast of the Bay des Chaleurs. In this manner it is evident that whatever may be the character of the country in a direct line between Mars Hill and Chaleurs Bay, the line claimed by the United States is defective in that very quality to which they attach so great a degree of importance.

A line extending from the source of the St. Croix "towards the north," to the nearest part of the St. Lawrence, would, at all events, strike that river, owing to the obliquity of its source far to the west of that point where a due north line would intersect it. A reference to the map will make this clear. It must not be forgotten that the Commissioners, under the 5th Article of the Treaty of 1794, in deciding which was the true St. Croix, adopted the northern stream, to the exclusion of the western. Thus the variations of this one grant alone offer four several north-west angles of Nova Scotia. The western stream being the one named in Sir William Alexander's grant, the preference of the northern stream must surely invalidate the authority of the grant as a binding designation of the boundary of Nova Scotia; and at any periods subsequent to the Proclamation of 1763, Sir William Alexander's grant is altogether irrelevant as to the northern boundary of that Province.

The charter of Massachusetts, dated 1691, does not mention the territory of Sagadahock, which according to the Duke of York's grant, extended by its eastern and western limits to the River St. Lawrence. It annexes to the Province of Massachusetts only those "lands and hereditaments lying and extending between the said country or territory of Nova Scotia and the said River Sagadahock." Agreeably to these words, the northern limit of Sagadahock, as annexed to Massachusetts, would be a line drawn obliquely from the source of the Sagadahock or Kennebec river to the point of the intersection between the western boundary of Nova Scotia and the south bank of the River St. Lawrence. Besides the considerations arising out of this circumstance, it is to be remembered that the right of Massachusetts to retain any part of Sagadahock, at least that part of it which lies east of the Penobscot river, has been continually questioned and denied by the British Government.

The American line, prolonged in easterly direction, would extend to Cape Rosiers, leaving an interval of more than half a degree between its own course and that of the north coast of Chaleurs Bay; and supposing the line to be carried along the coast of Chaleurs Bay, agreeably to the terms of the Proclamation, a considerable part of it must necessarily pass, before it reaches that bay not between rivers falling on one side into the St. Lawrence, and on the other into the sea, but between the streams which fall into the Bay of Chaleurs only; and in a direction nearly at right angles with the direction of the line prolonged to Cape Rosiers. The truth is, that the line described in the proclamation was never put to the test of a practical application, nor did the circumstances of the country require that it should receive a more fixed and positive character throughout that central portion which intervenes from the Bay of Chaleurs to the dividing highlands situated immediately between the sources of the Kennebec and Chaudière rivers. On the Bay des Chaleurs there were settlements connected with the fisheries; at the other end of the line settlements were also to be found; and it was therefore desirable to provide for an actual delimitation relative to the rights of provincial jurisdiction in both those parts of the country.

In the "Quebec Gazette" of the 24th January, 1765, there is a notice issued from the office of the Provincial Secretary of that Province, by which all Canadian

inhabitants are prohibited from interfering with the hunting grounds of the Indians "down to the Great Falls of the River St. John." This is an act of clear jurisdiction by the Government of Quebec down to the place mentioned in the notice, viz., the Great Falls of the River St. John; and such a jurisdiction could not have been exercised had not the place have been deemed to be within the limits of the Province of Quebec, according to the bounds described in the then recent Proclamation of 1763.

In the month of November, 1784, Charles Nichau Noiste, a native Indian, was tried and convicted in the Court of Queen's Bench at Quebec for the murder of one Archibald McNeil at Madawaska. The place where the offence was committed is thus described in the indictment:—"Near unto the village of Madawaska, in the district of Quebec, in the Province of Quebec.

EXTRACT of the Report (1828), in the form of remarks, submitted by Joseph Bouchette, Esquire, Deputy Surveyor General, relative to the physical features of the "Highlands," defining the southern boundary of the Province of Canada, deduced from actual surveys and explorations of the country between the Connecticut and Ristigouche Rivers, communicated to the Royal Commission in 1838.

That from the heights dividing the Rivers Metgermette and Penobscot, proceeding thence northward along a line dividing the waters of the St. Lawrence and those of the River St. John, there are no "lands which can be fairly designated as highlands," but on the contrary, one general level plain, the greater part of it savanne, prevailing about the opposed sources of those rivers, until the dividing line attains the northern Boundary of the Great Valley, at a point between the north-westernmost branch of the Daaquam or Mittaywanquam, and the north-easternmost branch of the LaFamine River, distant across the valley twenty-eight miles from the Metgermette; thence the dividing line proceeds easterly, northerly, and north-easterly along the edge of an elevated ridge (yet subordinate to the more elevated hills of the source of the River du Sud and Etchemin) between the tributaries of the Daaquam and Eseganetrogook, opposed to the sources of Etchemin and River du Sud, until it gradually descends upon the broad table-land which follows parallel with the St. Lawrence, in the rear of the Seigniories of Lepinay or St. Thomas, Bonsecour, Lessard, and River Ouelle, and the Township of Ixworth, in which the rivers emptying into the St. Lawrence, and those falling into the St. Johns, have their sources commonly in wet, swampy ground, which characterises this table-land, although at a mean elevation of about 1,600 or 1,700 feet above the tide-water, and which may be considered as the base of the elevated Mountains of Buckland and Eseganetrogook. Similar features of country as those that have been above described, as marking the line dividing at their sources the waters of the St. Lawrence and St. Johns, are to be traced in an equally striking degree in pursuing that line north-easterly towards its intersection with the due north exploring line.

From the north-easternmost source of the Black River, which is opposed to and in the level ground, with a small Lake at the head of a branch of the River Ouelle, the dividing line continues for thirty or forty miles through a varied country, occupying still what is commonly known as the table-land of the St. Lawrence, in which the character of spruce and fir timbered land, occasionally interspersed with white birch and pine, almost invariably prevails.

The surface of the Country becomes more gradually elevated in proportion as the dividing line reaches that mountainous section traversed by the Temiscouata Portage road, and forming that part of the northernmost Boundary of the Great Valley of the St. Johns where the leading features which have been noticed as peculiar to

the St. Lawrence waters, as opposed to those of the St. John, are strongly exemplified at the sources of the Green and Trois Pistoles Rivers, which lie in swampy or level ground, several miles south of the elevated Mountains known as the Grande Fouché Paradis, and St. François Mountains, and the lesser and Grande Fouché branches of the River St. Francis, rise in level lands at the base of these Mountains, several miles north of the Portage road. This position of the opposing waters occasions the dividing line to wind in a singular manner from the source of a branch of the Green River to another of the St. Francis, and then again from the latter to the head of the branch of the River Trois Pistoles, thereby intersecting the postage road in three different places, whence it finally bears N.N.E. through a less mountainous country, south of the River Trois Pistoles, and ultimately attains the generally level tract along the rear line of the Seigniorship of Nicholas Rioux, in which the eastern branches of the last-mentioned river, and the western branches of the River Rimouski, one of them called Rivières aux Écores, take their sources in common with the Lakes at the head of the streams which fall into Lake Temiscouata.

The dividing line, scarcely fifteen miles distant from the banks of the St. Lawrence, continues on a general course east, south-easterly from the south corner of the Seigniorship of Nicholas Rioux, through a varied country of hill and valley, but still generally flat about the Lakes at the head of the opposing rivers, viz.:—the Toledo falling into Lake Temiscouata, opposed to the southern branches of the River Rimouski, along which rivers the country is broken and mountainous, and in some parts rising to a considerable elevation above the table-land.

The line then proceeds easterly, passing near to the sources of the Quamquerticook or Green River, falling into the River St. John, intercepting in its course some Mountains which are the northern extremity of a broken ridge, wending south, between the eastern branches of the Green River and the western tributaries of the Restigouche, continuing thence still easterly, along varied ground, not, however, dividing the waters flowing into the St. Johns, but those of the Restigouche from the south-eastern branches of the Rimouski to a point between an inferior tributary of the River Mistone, falling into the Restigouche and River Métis, which empties itself into the St. Lawrence, being the termination of the due north line, and the north-west angle of Nova Scotia, according to the American claim.

It has, therefore, been satisfactorily shown that there are no lands which can be fairly designated as highlands along the line of Boundary claimed by the American Government, neither at the sources of the rivers emptying into the St. Lawrence nor at the sources of the River St. Johns, as opposed to each other, save and except where the inferior tributaries of the Rivers Daquam and Esaganetrogook happen to find their sources in the subordinate elevations which skirt the outlines of the Townships of Ware, Standon, and Buckland, and which embrace at the sources of the Etchemin and Du Sud, the highest land along the northern limits of the Great Valley.

(Certified,)

JOS. BOUCHETTE.

In obedience to His Excellency Sir George Provost, Baronet, Governor in Chief, &c., &c.'s commands, by Mr. Secretary Brenton's letter of the fifth March, 1814, I have proceeded to White Birch River, on the Madawaska, where I surveyed and laid out two lots of land for the settlers of the tenth R. V. Battalion, viz.:—

1st. For Serjeant William Smith, lot marked C, on the annexed plan, situated on the north side of the River Madawaska, bounded as follows, viz.:—beginning at Birch Point, near a pine tree on said point, which forms the entrance of White Birch River on the easterly side; running from thence magnetically N. 10° E., thirty-eight chains eighty links (having planted square posts on the bank at *a*, *b*,

to show more distinctly the course of the said line) to the north-westerly angle of said lot, thence S.  $80^{\circ}$  E. twenty-six chains; thence South  $10^{\circ}$  W., forty-four chains forty links to the River Madawaska, and from thence along the bank of said river as it winds and turns to the place of beginning, containing  $103\frac{1}{2}$  acres, and the usual allowance for highways.

2ndly. For James Simpson, private in the tenth R. V. Battalion, the lot marked D, on the annexed plan, bounded as follows, viz. :—beginning at a post planted on the bank of the Madawaska, standing on the division line between the lots C and D; running from thence magnetically N.  $10^{\circ}$  E. along said division line, sixty-three chains fifty links to the north-westerly angle of said lot; thence S.  $80^{\circ}$  E. twenty-six chains; thence S.  $10^{\circ}$  W. twenty-six chains to the River Madawaska; and from thence along the bank of said river as it winds and turns to the place of beginning, containing  $105\frac{1}{2}$  acres, and the usual allowance for highways.

The front of these two lots is in general very good meadow land, a mixture of birch and pine timber, and in rear the soil is still better, and rises gradually.

Given under my hand, Surveyor General's Office, Quebec, 29th June, 1814.

(Signed,)

JOS. BOUCHETTE,

Surveyor General.

True copy of Entry on Record,

Crown Land Department,  
Montreal, October 1, 1850.

In obedience to His Excellency Sir George Provost, Baronet, Governor in Chief, &c., &c.'s commands by Mr. Secretary Brenton's letter of the 6th May, 1814, I proceeded to the River St. Francis, in the Portage Temiscouata, and on the easterly side thereof surveyed and laid out two lots of land for two settlers of the 10th R. V. Battalion, viz., 1st, for David Gardener, lot marked A on the annexed plan, situated on the easterly side of the River St. Francis, bounded as follows, viz., beginning at a post planted at thirty-six links from the easterly bank of the River St. Francis on the Portage road, running from thence magnetically N.  $58^{\circ} 30'$  E. six chains ninety links from the river to a post planted on the northerly side of the road; thence S.  $82^{\circ} 30'$  E. forty chains to the easterly angle of the said lot; thence S.  $7^{\circ} 30'$  W. twenty-six chains; thence N.  $82^{\circ} 30'$  W. thirty-one chains forty links; thence S.  $58^{\circ} 30'$  W. eight chains to the River St. Francis, and from thence along the bank of the said river, as it winds and turns to the place of beginning, containing  $106\frac{1}{2}$  acres, and the usual allowance for highways.

2ndly, for William Clifford, also private in the 10th R. V. Battalion. The lot marked B on the annexed plan, situated on the easterly side of the River St. Francis, bounded as follows, viz., beginning at a picket planted at thirty-six links from the bank of the river, on the division line between said lot and that of David Gardner, running from thence along said division line six chains ninety links from the river to a picket on the north side of the Portage road; thence S.  $82^{\circ} 30'$  E. thirty-four chains fifty links to the south-easterly angle of the said lot; thence N.  $7^{\circ} 30'$  E. twenty-nine chains; thence N.  $82^{\circ} 30'$  W. forty chains; thence S.  $58^{\circ} 30'$  W. four chains eighty links to the River St. Francis, and from thence along the banks of said river, as it winds and turns to the place of beginning, containing  $111\frac{1}{2}$  acres, and the usual allowance for highways.

The land in the front of these two lots is low along the river, and will afford some meadow ground, but in some parts rather stony: but in the rear the land is high and open; timbered principally with maple and other hard wood.

Given under my hand, Surveyor General's Office, Quebec, 29th June, 1814.

(Signed,) JOS. BOUCHETTE,  
Surveyor General.

True Copy of the Entry on Record.

(Signed,) J. H. PRICE,  
Commissioner of Crown Lands.

Crown Land Department,  
Montreal, 1st October, 1850.

## No. 5.

(No. 525.)

Extract of a Despatch from Earl Grey to Governor General the Earl of Elgin and Kincardine, dated Downing Street, November 1, 1850.

I have the honor to acknowledge the receipt of Your Lordship's Despatch, with its Enclosures, No. 215, of the 10th ultimo, from which I am gratified to learn that the terms of the arbitration to which the question of the disputed boundary is to be submitted have been agreed to by the respective Governments of Canada and New Brunswick, and that there is every probability of the result proving equitable and satisfactory to both Provinces.

## No. 6.

Copy of a Letter from Benjamin Hawes, Esquire, M.P., to the Arbitrators on the Boundary Question.

DOWNING STREET, November 28, 1850.

Sir,—I am directed by Earl Grey to inform you that you have been appointed by Lord Elgin, with the advice of his Executive Council, to act as arbitrator in the pending question of boundary between the Provinces of Canada and New Brunswick.

I am further directed to transmit to you a copy of the Despatch of the Governor Sir E. Head, No. 60, General and Lieutenant Governor, and resolutions of his Executive Council, respecting the proposed arbitration; and to inform you that T. Twiss, Esquire, has been appointed under similar resolutions on behalf of New Brunswick.

And I am to add, that all documents in the custody of this Department which you may require to consult will be immediately placed under your inspection.

I have, &c.,

(Signed,) B. HAWES.

THOMAS FALCONER, Esquire,  
&c. &c.

[Similar letter to T. Twiss, Esquire, Arbitrator on behalf of New Brunswick.]

## No. 7.

(No. 535.)

Copy of a Despatch from Earl Grey to Governor General the Earl of Elgin and Kincardine.

DOWNING STREET, November 29, 1850.

My Lord,—In reference to your Despatch, No. 226, of October 31, I have now to inform you that Mr. T. Falconer has accepted the office of arbitrator in the pending boundary question; and that Travers Twiss, Esquire, D.C.L., has been similarly appointed on the part of New Brunswick. These gentlemen will enter on the functions assigned to them without delay, and you shall be further informed of their proceedings as occasion may require.

I have, &c.,

(Signed,) GREY.

The Earl of ELGIN and KINCARDINE,  
&c. &c. &c.

[A similar Despatch addressed to Sir E. Head.]

## No. 8.

(No. 537.)

Copy of a Despatch from Earl Grey to Governor General the Earl of Elgin and Kincardine.

DOWNING STREET, December 10, 1850.

My Lord,—With reference to my Despatch, No. 535, of the 29th ult., apprising you that Mr. Thomas Falconer and Doctor Travers Twiss had accepted the office of arbitrators in the pending boundary question, I have now the honour to acquaint your Lordship that these gentlemen have nominated the Right Honorable Stephen Lushington, Judge of the Admiralty Court, and a member of the Judicial Committee of the Privy Council, to act as third arbitrator in the decision of the question.

I have, &c.,

(Signed,) GREY.

The Earl of ELGIN and KINCARDINE,  
&c. &c. &c.

## No. 9.

Copy of a Letter from Benjamin Hawes, Esquire, M.P., to the Right Honorable Stephen Lushington.

DOWNING STREET, December 14, 1850.

Sir,—I am directed by Earl Grey to acquaint you that Doctor Travers Twiss and Thomas Falconer, Esquire, the Arbitrators appointed respectively by the Governor of Canada and the Lieutenant Governor of New Brunswick, with the advice of their Executive Councils, to act in the pending question of boundary between those Provinces, have, in pursuance of the powers vested in them, nominated you as third Arbitrator in the decision of the said question.

I am further directed to transmit to you copies of Despatches from Lord Elgin and Sir Edmund Head, together with the Resolutions of their Executive Councils respecting the proposed Arbitration, and I am to state that all documents in the custody of this Department which you may require to consult will be immediately placed under your inspection.

I have, &c.,

(Signed,) B. HAWES.

Right Honorable STEPHEN LUSHINGTON,  
&c. &c. &c.

## No. 10.

Copy of a Letter from the Arbitrators on the Boundary Question to Earl Grey.

(Received March 28, 1851.—Answered April 2, 1851.)

March 24, 1851.

My Lord,—The undersigned, the Arbitrators appointed to Report to Her Majesty's Government upon the question of Boundary between the Provinces of Canada and New Brunswick, have the honor to request, pursuant to the terms of the reference made to them, that the time for presenting their Report may be extended by Her Majesty's Government to the twenty-first day of April, 1851.

We have, &c.,

(Signed,) STEPHEN LUSHINGTON.  
TRAVERS TWISS.  
THOMAS FALCONER.

The Right Honorable Earl GREY,  
&c. &c. &c.

## No. 11.

Copy of a Letter from Benjamin Hawes, Esquire, M.P., to the Arbitrators on the Boundary Question.

DOWNING STREET, April 2, 1851.

Gentlemen,—In answer to your letter of the twenty-fourth of last month applying to have the time for presenting your Report on the question of Boundary between the Provinces of Canada and New Brunswick extended to the twenty-first April, I am directed by Earl Grey to inform you that Her Majesty's Government have extended the time accordingly, and have notified this extension to the Governor General and Lieutenant Governor of New Brunswick.

I have, &c.,

(Signed,) B. HAWES.

The Right Honorable S. LUSHINGTON,  
Doctor TWISS,  
T. FALCONER, Esquire.



## No. 12.

(No. 574.)

Copy of a Despatch from Earl Grey to Governor General the Earl of Elgin and Kincardine.

DOWNING STREET, April 1, 1851.

My Lord,—The arbitrators appointed to report upon the question of Boundary between the Provinces of Canada and New Brunswick, having requested that the time for presenting their Report may be extended by Her Majesty's Government to the twenty-first of this month, pursuant to the terms of the Minute of the Executive Council of Canada, approved by yourself, and concurred in by Sir E. Head, Her Majesty's Government have extended the time accordingly.

I have, &c.,

(Signed,) GREY.

The Earl of ELGIN and KINCARDINE,  
&c. &c. &c.

## No. 13.

Copy of a Letter from the Arbitrators on the Boundary Question to Earl Grey.

EATON PLACE, April 17, 1851.

My Lord,—We have the honor to transmit to Your Lordship a scheme for settling the Boundaries of Canada and New Brunswick, which is approved by both of us; we also send two maps which will illustrate that scheme.

We have, &c.,

(Signed,) STEPHEN LUSHINGTON.  
TRAVERS TWISS.

The Right Honorable Earl GREY,  
&c. &c. &c.

## No. 14.

That New Brunswick shall be bounded on the West by the Boundary of the United States, as traced by the Commissioners of Boundary under the Treaty of Washington, dated August, 1842, from the source of the St. Croix to a point near the outlet of Lake Pech-la-wee-kaa-co-nies, or Lake Beau, marked A in the accompanying copy of a part of Plan 17 of the survey of the boundary under the above treaty; thence by a straight line connecting that point with another point to be determined at the distance of one mile due south from the southernmost point of Long Lake; thence by a straight line drawn to the southernmost point of the Fiefs Madawaska and Temiscouata, and along the south-eastern boundary of those Fiefs to the south-east angle of the same; thence by a meridional line northwards till it meets a line running east and west, and tangent to the height of land dividing the waters flowing into the River Rimouski from those tributary to the St. John; thence along this tangent line eastward until it meets another meridional line tangent to the height of land, dividing waters flowing into the River Rimouski from

those flowing into the Restigouche River; thence along this meridional line to the forty-eighth parallel of latitude; thence along that parallel to the Mistouche River, and thence down the centre of the stream of that river to the Restigouche; thence down the centre of the stream of the Restigouche to its mouth in the Bay of Chaleurs, and thence through the middle of that Bay to the Gulf of the St. Lawrence, the Islands in the said Rivers Mistouche and Restigouche, to the mouth of the latter river at Dalhousie, being given to New Brunswick.

We have, &c.,

(Signed,) STEPHEN LUSHINGTON.  
TRAVERS TWISS.

## No. 15.

### Dr. Lushington's Reasons for the Opinion delivered by him in the Preceding Paper.

Having carefully read the whole of the papers sent to me respecting the question as to the Boundaries of Canada and New Brunswick, I came to the conclusion that the Report of Major Robinson, Captain Henderson, and Mr. Johnstone, was one of the most important documents to illustrate the true state of the case. That Report (save the comments subsequently made upon it) was a document of the most recent date. The Commissioners appointed to consider the subject were unquestionably of competent skill, so far as related to any question of topographical examination. They, with Mr. Johnstone, had every opportunity of hearing all that previously passed, and weighing the arguments advanced on both sides.

I deemed it necessary to give this Report the most attentive consideration, to test, as far as it was possible, the truth of its premises and the correctness of the deductions formed from these premises. To attain this end I carefully considered all the objections which had been urged against it, and all the views of the subject which had at any time been taken inconsistent with it.

That Report may be divided into three parts:—1st. Statements of topographical facts; 2nd. Of other facts and circumstances; 3rd. Legal and other deductions therefrom.

I do not find that the topographical facts are denied, nor (speaking generally) the other facts, but the principal objections have been raised to the inferences drawn from those facts.

It is admitted on all hands that the Commissioners, in laying down the basis for ascertaining the boundaries between the two Provinces, adopted the true grounds, viz., the Royal Proclamation of 1763, the commission to Governor Wilmot in the same year, and the Act of Parliament passed in 1774, fixing the limits of New Brunswick. The Commissioners were of opinion that the legal line of demarcation was capable of ascertainment, or, in other words, that a line of boundary did exist which might be traced, and which would be in conformity with the main requisitions in the Proclamation, Commission, and Act of Parliament.

The line so suggested by them was utterly at variance with all the claims preferred on the part of Canada.

The line of the southern mountains suggested by Canada was irreconcilable with the main provisions of the Proclamation, Commission, and Act of Parliament, and so obviously so that the position on the part of Canada was abandoned, and not attempted to be urged in the recent discussion with Dr. Twiss and Mr. Falconer.

Whether, however, the Royal Commissioners had discovered the true line, was another and a different proposition. This was denied on the part of Canada, and it was contended that no true line could be discovered. As it is now agreed by all to adopt a conventional line instead of abiding by the true legal limits, the proposition became of less importance; but I think it right to state my opinion that if I had been compelled to say yes or no as to the true line of demarcation stated by the Commissioners, I should, notwithstanding some difficulties, have given my assent to their conclusion.

It was not, as I have said, necessary to prosecute this inquiry to an absolute decision, as all agreed there must be a conventional line; still, the fact of there being a true line of legal demarcation is not wholly foreign to this point.

It appears to me that the Royal Commissioners discharged their duty with great ability—that they weighed with care and impartiality all the facts and arguments adduced on both sides—that their chain of reasoning is just and correct. I was therefore strongly disposed to adopt their conclusions, and in the main to approve of the conventional line suggested by them.

To that line Canada was strongly opposed; New Brunswick had made some objections, but had ultimately acquiesced.

When my co-arbitrators and myself commenced the subject, each of them proposed another conventional line. After several conferences and much discussion on paper, it was found impracticable to modify either of these two lines so as to get an unanimous decision.

It became necessary, therefore, that I should suggest a line myself: I took the line described by the Royal Commissioners as the foundation, and determined not to deviate from it without strong reason.

The Commissioners had stated in their Report that they would have assigned the Seigniories of Temiscouata and Madawaska to Canada, had it been possible to do so without much injury to the general arrangement.

On the part of Canada the loss of these Fiefs was considered to be a great grievance, not merely on account of intrinsic value, which cannot be great at present, but also as a matter of feeling, and certainly many reasons combined for assigning them to Canada, if it could be done; the Commissioners, too, had strongly expressed this opinion: the difficulty was to find a line which would give the Fiefs to Canada, and yet not (to use the words of the Report of the Commissioners) do much injury to the general arrangement. I did not think this difficulty wholly insuperable, and endeavored, to the best of my ability, to chalk out a practicable line giving these Fiefs to Canada. I could not, however, feel any confidence in the practicability of this line for want of local and engineering knowledge, I therefore asked for the assistance of Captain Simmons, and to that gentleman I am greatly indebted for the cordial and efficient manner in which he rendered that assistance. I found in him all that could be asked for,—local knowledge, engineering skill, and an earnest disposition to make them available.

The line now proposed to the Colonial Office has been approved by him as practicable and convenient.

Doctor Twiss, on the part of New Brunswick, acquiesced; I entertained some hopes that, as the Fiefs of Temiscouata and Madawaska were now to be assigned to Canada, Mr. Falconer might be induced to acquiesce also, but these hopes were not verified.

The line so suggested by me and approved by Doctor Twiss, is founded, as far as possible, upon the principle of possession, a principle laid down by Lord Hardwick in the Baltimore case as the true principle to govern all questions of disputed boundary. This, too, is the basis recommended by Lord Metcalfe.

One of the principal grounds of objection raised by Mr. Falconer was, that the territorial limits of Canada were not extended to the River St. John. It appeared to me that the objection was not tenable—that Canada had no just grounds whatever whereon to maintain this claim—and that with regard to general policy, it would be very inconvenient to establish two claims to this river which might produce confusion and litigation.

The line agreed upon by Doctor Twiss and myself may be described as a line founded on that of the Royal Commissioners, but modified so as to give Canada the Fiefs of Temiscouata and Madawaska, with some slight addition to New Brunswick on the north-west, of little value.

## No. 16.

Copy of a Letter from Thomas Falconer, Esquire, to Earl Grey.

3, FIGTREE COURT, TEMPLE, April 17, 1851.

My Lord,—The boundary line between the Provinces of Canada and New Brunswick, which the Right Honorable Doctor Lushington and Doctor Twiss have agreed to report to Your Lordship, has not received my assent.

The reasons which have compelled me to differ in opinion with my colleagues are contained in a statement of the case, which was delivered by me to them before we met to discuss the subject, and in three papers subsequently written.

I have requested Doctor Lushington, in whose possession these papers now are, to transmit them to the Colonial Office with the other documents, or to be good enough to enable me to transmit them.

Having engaged in the investigation of the case with the most sincere and earnest desire to concede whatever might produce unanimity of opinion among us, compatible with what I might regard to be just and politic in dealing with the ancient and prevailing rights and interests of both Provinces, I am anxious that the reasons which have influenced me in opposing the decision that has been made should reach Your Lordship, in order that the circumstances which, on my part, have prevented unanimity may be understood.

Every step in the discussion satisfied me that I was unanswered. I, therefore, feel no regret at the course I have pursued, though I should have esteemed it a fortunate event if a unanimous decision could have been made, which both Provinces might willingly have assented to, and which might have prevented any future difficulties to Her Majesty's Government.

I have, &c.,

(Signed,) THOMAS FALCONER.

The Right Honorable Earl GREY,  
&c.            &c.            &c.

## No. 17.

Copy of a Letter from Thomas Falconer, Esquire, to Earl Grey.

3, FIGTREE COURT, TEMPLE, April 19, 1851.

My Lord,—I have received a letter from Doctor Lushington, in which he promises to send to me the papers to which I referred in my former letter to Your

Lordship, and which were delivered by me for his perusal and that of Doctor Twiss, before their decision was made respecting the boundary between Canada and New Brunswick.

These papers, which I intend to send with this letter, contain the reasons which prevented my concurring in that decision. In ordinary cases it might not have been desirable to have presented such documents to Your Lordship; but as the question is not closed, and any measure to give effect to the decision must be a subject of discussion and debate in the North American Provinces and in the Imperial Parliament, they possess some importance.

When any discussion shall take place, these points will be observed:—

1. That so far as the principle of *uti possidetis* applies—territory which, in its application, should have been assigned to Canada, has been assigned to New Brunswick.

2. That the effort made by the majority of the arbiters to prevent what is termed a *divisum imperium* on the River St. John was not called for. The principle of an exclusive use to one Province of the waters of the St. John, was rejected in the Commission of the Crown issued in the year 1763; that Commission defining the legal western limit of Nova Scotia to be a due north line from the source of the River St. Croix, thus cutting off from Nova Scotia the important River Aroostook, then within British territory, and also cutting off from the same Province the upper branches and the northern basin of the St. John. It was again rejected, assuming that Canada did not, as the Commissioners infer, extend over the upper basin of the St. John to the due north line, when New Brunswick was erected into a separate Province, and the former western limit of Nova Scotia was assigned to it. And, lastly, such *divisum imperium*, in common with a foreign government, exists under the Treaty of Washington, which transferred to the United States of North America, the southern bank of the River St. John along the whole line of territory now in dispute between the Provinces, on the western side of the due north line.

The present difficulties have not arisen from any alleged evils arising out of the legal exclusion of New Brunswick from the Upper St. John. Moreover, its exclusion is positively and distinctly made under two Imperial Orders—the first being made when the western limit of Nova Scotia was assigned, and the second when Nova Scotia was divided.

The decision of the arbiters will admit New Brunswick, which can have no legal title whatever to the possession of the whole territory of the upper St. John, on the northern side of the river, exclusive of the seignioriy of Madawaska, and entirely exclude Canada; yet Canada has the earliest and the most rightful title to this territory.

The principle of excluding Canada from the river St. John ought, I think, to have been sustained by some distinct evidence of an actual necessity of *entirely* condemning the Imperial arrangement of 1763, as respects the territory west of the due north line. Certain New Brunswick settlements, illegally and irregularly made, suggested only a *partial* departure from the arrangement of 1763 and 1784.

3. The proposals and conclusions of the Commissioners were entitled to attention and to examination, but not to the weight and authority given to them by the Right Honorable Doctor Lushington and Doctor Twiss. The moment any presumed legal limits are abandoned and a conventional line is to be traced, the presumptions and conclusions arising out of the solemn acts and declarations of the British Government itself in its negotiations with the United States of America under the Treaty of 1783, respecting the extent of the jurisdiction of the government of Canada, are of pre-eminent importance and authority in opposition to the opinions of the Commissioners.

We had to suggest to the Government the correction of certain words in the Act of 1774, which were similar to the words contained in the Treaty of 1783, and corrected by the Treaty of Washington. But the decision made invites a correction in a manner adverse to prevailing interests, to the enjoyment of existing rights, and to the well-founded public expectations of the Province of Canada; and this is done, chiefly, on the ground of a survey, and the opinions of the Commissioners, which put out of sight the most essential facts and arguments of the case.

“Assuming,” states Doctor Lushington, “for the purpose of argument, that no compensation was due on account of the north bank of the Restigouche being assigned to Canada, still it must be recollected that some weight is fairly due to the Report of the Royal Commissioners. Seeing how strong your feeling was as to Madawaska, I have ventured to disregard that Report as to the inconvenience of assigning that district to Canada. It appeared to me further, that, if Madawaska (seigniory) was assigned to Canada, still something was due to New Brunswick on that account, and, therefore, I proposed the lands between the Kedgewick and the Mistouche.”—(Manuscript of the Right Honorable Doctor Lushington, dated the sixteenth April, 1851.)

The district north of the river Restigouche, as well as that river itself, and its southern side, I believe to be north of the boundary line intended to have been designated in 1763 and in 1774. I accept the arguments and declarations of the British Government under the Treaty of 1783 to be conclusive on this point. But the district north of the Restigouche has also, from the year 1763, been received to be a portion of the territory of Canada. It is now proposed to take from Canada, out of deference to the Report of the Commissioners, part of the received territory of Canada north of the Restigouche, and to assign it as something due to New Brunswick for confirming to Canada the Madawaska seigniory, which the British Government has, on all public occasions, declared to be a part of Canada, and has treated as such under its municipal laws. At the same time a vast tract of land beyond the boundary of the seigniory, and west of the legal limit of New Brunswick, is assigned to the Province of New Brunswick.

As the accompanying papers would be imperfect without this statement, it has appeared to me to be proper to make it,

Though I have not assented to the decision that has been made, I desire to be understood as treating respectfully opinions opposed to my own.

I have, &c.,

(Signed,) THOMAS FALCONER.

To the Right Honorable Earl GREY,  
&c.            &c.            &c.

#### CANADA AND NEW BRUNSWICK BOUNDARY.

THE OPINION of Thomas Falconer, Esquire, the Arbitrator appointed by the Right Honorable the Earl of Elgin and Kincardine, Governor General of the British North American Provinces, and by the Executive Council of the Province of Canada.

The questions to be decided in this case are—

1. Whether that portion of the territory which was claimed by the Government of the United States of North America in its negotiations with the Government of Great Britain, respecting the north-eastern boundary, and which lies between the northern highlands on the south bank of the River St. Lawrence and the upper course of the River St. John, which

now forms a portion of the boundary of the United States, is or is not within the limits of Canada, as declared in a Proclamation issued in 1763, and in an Imperial Act passed in the year 1774?

2. What line of boundary forms, or was intended to form, the northern boundary of New Brunswick, under certain Acts of the Crown which professedly described its northern boundary?
3. What line of boundary it is advisable at the present time to establish between the Provinces of Canada and New Brunswick:

1. The territory in dispute nominally comprises upwards of five million acres of land, but by the admissions of the authorities of both provinces it is, in fact, much more limited in extent. That which is really the subject of discussion includes the valuable and important district on the northern side of the upper basin of the River St. John, in which are situated the Madawaska (or Madoueska) settlements, and also a large portion of the northern side of the basin of the River Restigouche, which discharges its waters into the Bay of Chaleurs. The southern portion of the upper basin of the River St. John, bounded on the north by this river, forms, under the Treaty of Washington, part of the territory of the United States of North America.

So soon as the pretensions of the Government of the United States to the district north of the River St. John were abandoned, the Province of New Brunswick, through its Lieutenant Governor Sir William M. G. Colebrooke, laid a distinct claim to the said district, founded on the alleged exercise of jurisdiction within it. This was done as early as the 30th September, 1842. It was repeated again in a Despatch dated Fredericton, the 14th of November, 1843, when Sir W. M. G. Colebrooke informed the Right Honorable Lord Stanley that "a decided opinion is here entertained that Canada possesses no claim whatever to any territory south of her southern boundary, as defined in the Quebec Act by the range of hills extending westward from the head of the Baie des Chaleurs, and there being, in fact, no other line of hills northward of the St. John river which could by any possibility constitute her southern boundary. The intermediate territory in question, which was claimed by the Americans, necessarily reverted to this province when that claim was relinquished by the Treaty of Washington."

This claim on the part of the Province of New Brunswick was opposed by the Government of Canada. In the expectation of an early termination of the discussions which arose, the Honorable A. Wells, Commissioner of Crown Lands in Canada, was appointed, with the Honorable Thomas Baillie, of New Brunswick, to act as Provincial Commissioners, to trace a boundary line between the two Provinces. No joint action between these officers was agreed on, and they made separate reports. The very able report of Mr. Wells is dated in August, 1844.

While discussions respecting the conflicting claims of each Province to the upper basin of the River St. John were pending between the Governors of the two Provinces, active steps were taken by the authorities of New Brunswick to assert jurisdiction over the district. A considerable amount of timber cut near the Upper St. John, by Messrs. Tibbets and others, under licenses granted by the Government of Canada, was seized in the province of New Brunswick for the non-payment of stumpage dues, a due payable for timber cut in certain assigned berths or localities. A correspondence between the Governors of the provinces ensued, in the course of which Lord Metcalfe (May 3, 1844) expressed his trust that "it would not be deemed necessary in one British colony to regard as trespassers merchants who had acted honestly under the authority of another British colony, especially as the right to the territory on which the timber was cut was still disputed and undecided." The Executive Council of New Brunswick, however, expressed its approval of the seizures.

In 1844 opinions were very strongly declared in the debates, both of the Legislative Council and of the House of Assembly of New Brunswick, against the title of the Province of Canada to any part of the territory. A Bill was also brought in and passed, to divide the county of Carleton, apparently with the purpose of advancing the claims of the Province, though its operation was, on this account, and, at the request of the Government of Canada, suspended by the Imperial Government.

In the same year (1844) an Act was passed by the Legislature of New Brunswick to carry into effect the fourth Article of the Treaty of Washington. That Treaty declares, "That all grants of land heretofore made by either party shall be held valid, ratified and confirmed to the persons in possession under such grants to the same extent as if such territory had by this Treaty fallen within the dominions of the party by whom such grants were made." The provincial Act, it was said, was passed to give effect to this guarantee. Under it two Commissioners, Messrs. McLauchlan and Allan, were engaged to lay out settlers' lots, but the actual instructions given to them do not appear. They commenced operations in the season of 1845, and passing by the older settlements, between the Great Falls of the St. John and the Green River, worked from about the mouth of the Green River along the north bank of the River St. John to the River St. Francis, and along both banks of the Madawaska River, setting out in the course of their proceedings about 450 allotments. This transaction it will be hereafter necessary to notice. It excited attention in Canada, and the Earl of Cathcart, who had succeeded Lord Metcalfe as Governor General was informed by Sir W. Colebrooke (February 13, 1846), in reply to inquiries addressed to him, "that the provisions of the Treaty of Washington were ordered by the Secretary of State for the Colonies to be carried into effect, and that the Commissioners appointed, and who were responsible for their proceedings, had, from time to time, made reports which had been duly transmitted to the Secretary of State, accompanied by a plan of the surveys executed by them."

It is very important, however, to remark, that no grants or concessions of land were made under these surveys. [Sir W. Colebrooke, 24 April, 1846].

Sometime in April, 1846, and, consequently, after the surveys of Messrs. McLauchlan and Allan were known in Canada, two surveyors were reported to have been sent by the government of Canada, to survey the same ground, but there is no report of their proceedings before me. They were said to have been withdrawn by the order of Her Majesty's Government. (Mr. Allen, 11th September, 1846).

In order to effect an agreement between the two Provinces, the Honorable W. H. Draper and the Honorable D. B. Papineau, two members of the Executive Council of Canada, were deputed by Lord Metcalfe in July, 1845, to proceed to Fredericton. They were there met, under the order of Sir W. Colebrooke, by Mr. Street and Mr. Saunders, and after holding two interviews, failed in coming to any agreement. It was then (19th August, 1845) that Lord Metcalfe solicited the decision of Her Majesty's Government, and proposed a line of boundary between the Provinces which I shall hereafter state.

In the following year (1846) the right of Canada to the territory north of the River Ristigouche, and to the territory west of a due north line, drawn from the source of the River St. Croix, including the Madawaska settlements, was asserted in a joint Address of the Legislative Council and House of Assembly of Canada to Her Majesty. It prayed Her Majesty to maintain the Canadian Government in the possession of territory over which it had formerly exercised jurisdiction and authority. This Address received the entire concurrence of the Governor General the Earl Cathcart.

In the month of February of the same year, the Legislative Council and House of Assembly of New Brunswick, also passed a joint Address to Her Majesty, re-



presenting the subject to be one of vital importance to the present and future interests of the Province, and that when the Civil List of the Province was granted in perpetuity, there was no reason to apprehend that the line of Boundary claimed by the British Government, and disputed by the Government of the United States, would have been abandoned, "whereby a large extent of territorial resources for defraying the Civil List would be lost to the Province;" representing, also, that the Province of Canada was seeking to deprive the Province of New Brunswick of the residue of the said territory, and of a large additional tract of land, "the proceeds whereof had been transferred to the Province by a solemn compact with the Imperial Government," it prayed that the Boundary between the Provinces might be marked out along "the highlands," according to the terms of the Imperial Act of 1774.

In July, 1846, the Secretary of State for the Colonies, the Right Honorable W. G. Gladstone, appointed Captain Pipon, R.E., Captain Henderson, R.E., and Mr. Johnstone, the Attorney General of Nova Scotia, Commissioners to report:—

- I. If any line could be drawn for the demarcation of the two Provinces which would satisfy the strict legal claims of each?
- II. If they should find it to be impossible to discover such a line, to consider and report how a line could be drawn which would combine the greatest amount of practical convenience to both Provinces with the least amount of practical inconvenience to either, advertent, at the same time, to such interests (if there be any such) which the Empire at large might have in the adjustment of the question.

Captain Pipon was unfortunately drowned in the performance of his duties; when descending the Restigouche River, October 28, 1846, his canoe was upset; and though he reached the shore in safety, he shortly after lost his life in an effort to save one of his companions. He was succeeded by Major Robinson, R.E.

These Commissioners, Major Robinson, Captain Henderson, and Mr. Johnstone, made their Report, July 20, 1848, and I have given to it very careful attention. Appointed as impartial persons, at a distance from local influences—expected and required to express a judgment that should contribute to the removal of existing difficulties, and having been named in this Country, their statements and conclusions are entitled to special notice.

While these Commissioners were engaged in the exploration of the territory in dispute, a further complexity in the relationship of the two Provinces arose, on account of a Writ of attachment being issued by the Court of Queen's Bench at Quebec, against the property of one Walsh, in some place about five miles above the mouth of the Madawaska River, and which was executed by the Deputy Sheriff of Quebec. It was regarded to be an encroachment on the Province of New Brunswick, one of the Supreme Courts of New Brunswick having held, in a case of Tibbits and Pickard *v.* Allen, that the Provincial Jurisdiction extended over the District where the Writ was executed.

Such are the circumstances which have given importance to this case, and which have caused a temporary dispute between Provinces having common interests, and whose rivalry should be directed to the promotion of their common union and advancement.

II. The questions for consideration are peculiarly and especially such as are within the functions of the Imperial Government to determine.

Soon after the British Government had acquired possession of Canada, the limits of the Provincial Government were declared by a Royal Proclamation to be as follows:—

“ The Government of Quebec, bounded on the Labrador Coast by the River St. John, and, from thence, by a line drawn from the head of that river, through the Lake St. John to the south end of Lake Nepissim, from whence the said line crossing the River St. Lawrence and the Lake Champlain in forty-five degrees of north latitude, passes along the highlands which divide the rivers that empty themselves into the said River St. Lawrence, from those which fall into the sea, and also along the north coast of the Baie des Chaleurs and the coast of the Gulf of St. Lawrence to Cap Rosier—and, from thence, crossing the mouth of the River St. Lawrence by the west end of the Island of Anticosti, terminates at the aforesaid River St. John.”

This Proclamation was dated October 7, 1763. In the same year, namely, on the twenty-first of November, 1763, a Royal Commission was issued to Sir Montague Wilmot, as Captain General and Governor in Chief of the Province of Nova Scotia, in which the limits of the Provincial Government of Nova Scotia were thus described:—

“ To the northward, our said Province shall be bounded by the southern Boundary of our Province of Quebec, as far as the western extremity of the Baie des Chaleurs—to the eastward by the said Bay and the Gulf of St. Lawrence—and to the westward, although our said Province hath anciently extended, and doth, of right, extend as far as the River Pentagoet or Penobscot, it shall be bounded by a line drawn from Cape Sable across the entrance of the Bay of Fundy to the mouth of the River St. Croix, by the said river to its source, and by a line drawn due north from thence to the southern Boundary of our Province of Quebec.”

The terms of the Proclamation of 1763, and of Sir Montague Wilmot's Commission of contemporaneous date, apply to coincident portions of the Boundary of adjacent Provinces. The western Boundary of Nova Scotia was to be formed by a line drawn from “the source of the River St. Croix due north from thence to the southern Boundary of our Province of Quebec.” To the “northward” Nova Scotia was to be bounded “by the southern Boundary of our Province of Quebec as far as the western extremity of the Baie des Chaleurs.” There was no intermediate territory contemplated under these terms to exist between Nova Scotia and the Province of Quebec. So much of “the southern Boundary” as lay between the termination of a line drawn due north from the source of the River St. Croix to that southern Boundary, and from thence “by the southern Boundary” to the western extremity of the Baie des Chaleurs, was to be the “northward” Boundary of Nova Scotia.

The southern Boundary of Canada, which was to be the “northward” Boundary of Nova Scotia, was an undefined line “crossing the River St. Lawrence and the Lake Champlain in forty-five degrees of North latitude, passing along the highlands which divide the rivers that empty themselves into the River St. Lawrence from those which fall into the sea, and also along the north coast of the Baie des Chaleurs.”

The boundaries thus set out in the Proclamation and Royal Commission were declared to be the legal limits of the Provinces in virtue of that authority possessed by the Crown which, when unrestrained by any Act of the Imperial Parliament, may fix and limit the extent of subordinate or Colonial Provinces having no local Legislatures. It is an example of one of those not very numerous cases, but of which the existing Crown Colonies supply others, in which the Crown is not simply supreme but *sovereign*—in which, without the intervention of Parliament, the Crown alone can originate and make the law. The Proclamation of 1763, and the Royal Commission of the same year, relating to Nova Scotia, are distinct laws, in the proper, technical, and strict meaning of the term law. As laws they are binding, operative, and imperative. Their observance affects both public and private

rights; their interpretation does not belong to nor is it within the jurisdiction of the Provincial Legislatures, and they are so fundamental in their character as Provincial laws, that the Legislature of neither Province has the power to enlarge or to limit their operation.

It is not immaterial to remark this significant distinction of the Proclamation of 1763 as the proclamation of a law, for it is connected with a question of interpretation to be hereafter noticed.

By the Imperial Act of the 14th Geo. IV. cap. 83, (Anno 1774), intituled, "An Act for making more effectual provision for the government of the Province of Quebec in North America," it was recited: "Whereas His Majesty, by His Royal Proclamation, bearing date the seventh day of October, in the third year of His Reign (Anno 1763), thought fit to declare the provisions which had been made in respect to certain counties, territories, and islands in America ceded to His Majesty by the definitive Treaty of Peace concluded at Paris on the tenth day of February, 1763; and whereas by the arrangements made by the said Royal Proclamation a very large extent of country, within which there were several Colonies and settlements of the subjects of France who claimed to remain therein under the faith of the said Treaty, was left without any provision being made for the administration of the civil government therein; and certain parts of the territory of Canada where sedentary fisheries had been established and carried on by the subjects of France, inhabitants of the said Province of Canada, under grants and concessions from the government thereof, were annexed to the government of Newfoundland, and thereby subjected to regulations inconsistent with the nature of such fisheries."

According to this Preamble the object of the Act was not to limit or abridge, but to enlarge the extent of the Province of Canada.

With the view, therefore, to include within a new boundary several Colonies and settlements of the subjects of France who claimed to remain therein, it was by the same Act declared:—"That all the territories, islands, and countries in North America belonging to the Crown of Great Britain, bounded on the south by a line from the Bay of Chaleurs, along the high lands which divide the rivers that empty themselves in the River St. Lawrence from those which fall into the sea, to a point in forty-five degrees of northern latitude on the eastern bank of the River Connecticut, keeping the same latitude directly west, through the Lake Champlain, until, in the same latitude, it meets the River St. Lawrence, &c.; . . . . . and, also, all such territories, islands, and countries which have, since the tenth of February, 1763, been made part of the government of Newfoundland, should be and were thereby, during His Majesty's pleasure annexed to and made part and parcel of the Province of Quebec, as created and established by the said Royal Proclamation of the seventh of October, 1763. Provided always, that nothing herein contained relative to the boundary of the Province of Quebec should in anywise affect the boundary of any other Colony."

The differences in the description of the boundary of Canada given in the Proclamation of 1763 and in this Act of 1774 are—

1. The course of the description, or the commencement of the line described in 1763, is reversed in the Act of 1774. The observance of this fact is of peculiar importance, and I shall hereafter explain it. The Proclamation gives a western commencement to the southern boundary of Canada, and the Act gives an eastern commencement to it.
2. The Proclamation directs that the line of boundary shall pass: "along the highlands which divide the rivers, &c., and also along the north coast of the Baie des Chaleurs." The Act simply declares that Canada shall be "bounded on the south by a line from the Bay of Chaleurs along the

“highlands which divide the rivers, &c., to a point in forty-five degrees of northern latitude,” &c.

3. The Act fixes “a point in forty-five degrees of northern latitude on the eastern bank of the River Connecticut, keeping the same latitude directly west through Lake Champlain, &c.” The Proclamation indefinitely directs that the line shall cross “the River St. Lawrence and the Lake Champlain in forty-five degrees of north latitude, passing along the highlands.”

In 1774 the Province of Massachusetts lay to the west, and Canada to the north and north-west of Nova Scotia.

By the Treaty of Peace made between Great Britain and the United States of North America, and signed third September, 1783, the boundary on the north-eastern part of the United States was thus described:—

“From the north-west angle of Nova Scotia, viz., the angle which is formed by a line drawn due north from the source of the St. Croix river to the highlands, along the said highlands which divide those rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean to the north-westernmost head of the Connecticut River; thence along the middle of that river to the forty-fifth degree north latitude.” And then continuing the boundary elsewhere, the eastern boundary is resumed thus:—“East by a line drawn along the middle of the River St. Croix from its mouth, in the Bay of Fundy, to its source, and, from its source, directly north to the aforesaid highlands which divide the rivers which fall into the Atlantic Ocean from those which fall into the River St. Lawrence.”

The differences in the expressions used in this Treaty and in the Act of 1774, are:—

1. That the rivers divided by the highlands are, in the Act, described to flow into “the sea” and, in the Treaty, into the “Atlantic Ocean.”
2. In the Act, the termini of the highlands are,—on the east the Bay of Chaleurs, and, on the west, a point in 45° of north latitude on the eastern bank of the River Connecticut. In the Treaty, the termini are,—on the east, the north-west angle of Nova Scotia, or where a due north line from the River St. Croix would strike the highlands, and, on the west, the north-westernmost head of the Connecticut River.

The change in expression, as respects the Connecticut River, was probably made in order to exclude any pretensions of the British Government to its navigation by bringing it entirely within the American boundary.

We have also:—

1. The same due north line from the River St. Croix, described in 1763 in the Royal Commission of Nova Scotia, described also in this Treaty.
2. The due north line of the Royal Commission of 1763 is described to strike “the southern boundary” of the Province of Quebec. In the Treaty such due north line is described to strike “the highland” at the north-west angle of Nova Scotia. In the Proclamation of 1763, and in the Imperial Act of 1774, “highlands,” described in the same terms as in the Treaty, are declared to form part of the southern boundary of Canada.

The inferences appear to be obvious:—

1. That the highlands, described in 1774 and 1783, were intended to be one and the same.
2. Where, also, the north-west angle of Nova Scotia was to be found, from thence “northward by the southern boundary of our Province of Quebec,

“as far as the western extremity of the Baie des Chaleurs,” was to be traced the northward boundary of Nova Scotia.

It is perfectly correct to state, that the Treaty of 1783 does not describe “the highlands” to be “the southern boundary” of the Province of Quebec, nor allude to them as the boundary of the Province. It simply describes, in identical expressions, the same description of highlands pointed out in 1763 and 1774 as part of the southern boundary of Canada.

In the year 1784 a change was made in the government of Nova Scotia.

The new and separate government of New Brunswick was erected out of it; and the limits of the jurisdiction of the new government were declared in the Royal Commission to be:—

“Bounded on the westward by the mouth of the River St. Croix, by the said river to its source; and by a line drawn due north from thence to the southern boundary of our Province of Quebec; to the northward, by the said boundary as far as the western extremity of the Bay of Chaleurs; to the eastward, by the said Bay and the Gulf of St. Lawrence to the bay called Bay Verte; to the south, by a line in the centre of the Bay of Fundy, from the River St. Croix aforesaid, to the mouth of the Musquat River, by the said river to its source; and, from thence, by a due east line across the isthmus into the Bay Verte, to join the eastern line above described.”

This Royal Commission of 1784, as well as that of Nova Scotia of 1763, determined:—

1. That the due north line, from the River St. Croix, was to extend to the southern boundary of Canada.
2. That the southern boundary of Canada from the point where it was to be struck by the due north line, was to be the boundary of New Brunswick, northward to the Bay of Chaleurs.
3. That the Province of New Brunswick was limited, to the west, by the due north line running north from the source of the River St. Croix.

Whatever exaggerated expectations may have prevailed in New Brunswick of an extension of Provincial territory to the west of the due north line are not to be ascribed to any ambiguity in the legal description of the western limits of the Province. What line was intended to be described as “the southern boundary” of Canada depends on the solution of the long-disputed question relating to the highlands, namely, what were the highlands referred to dividing the rivers emptying themselves into the River St. Lawrence from the rivers which fall into the sea? That the same “highlands” alluded to in the Treaty of 1783 were the highlands of the Proclamation of 1763, and of the Imperial Act of 1774, I entertain no doubt; but it is necessary briefly to refer to proceedings which were pending for very many years in relation to these same highlands between the Governments of Great Britain and of the United States.

III. A range of highlands were, at an early period of the last century, known to exist about the head waters of the Connecticut River, and to trend eastward. The information the British Government possessed of them is ascribed to Governor Pownall, who, when he held the Governorship of Massachusetts, laudably exerted himself to obtain a knowledge of a then unknown and wild district. In his “Topographical Description” of his map of the country, he says, “All the heads of the Kennebaig and Penobscaig and Passamaquada rivers are in that height of land running east-north-east.” He placed these heights of land at the heads of certain important rivers running into the sea to the south, and, in this particular instance, ascribed to them a course or direction that would lead to the Bay of Chaleurs; but he did not say that any height of land he referred to divided the rivers

flowing into the St. Lawrence from rivers flowing into the sea. If the height of land trending east-north-east beyond the rivers named by Governor Pownall were intended to be the highlands of the Treaty of 1783, as the British Government for nearly 60 years affirmed, a misdescription was added to them which is not to be ascribed to General Pownall; for the height of land trending to the east-north-east does not divide the rivers flowing into the St. Lawrence from the rivers flowing into the sea, nor did he so describe the highland. From the head waters of the River Connecticut, along the head waters of the River Chaudière, and along the head waters of the Kennebec and western streams of the Penobscot, such a range of highlands dividing the rivers indicated as flowing to the sea and to the St. Lawrence is, for a distance of upwards of 100 miles, to be found; but beyond, to the east and to the north-east as respects such rivers, the description fails. A mountain range of highlands does distinctly appear along a north-east course from the head of the River Connecticut to the River St. John, and from thence to the Bay of Chaleurs (see the Official Map of Colonel Mudge), but it does not in its entire course divide the specified class of rivers. Distinctions were taken in the interpretation of the Treaty of 1783 between the words "sea," "Atlantic Ocean," and "Bay of Fundy," in order to keep the boundary on this southern mountain range, and the British Government proposed that the Rivers Restigouche and the St. John should not be regarded as rivers flowing into the Atlantic. These distinctions were resorted to in order to give a strict interpretation to the words used, and they were perfectly proper, for they were not suggested to evade the fulfilment of a known intention, but means to avoid the effect of a misdescription, which at the earliest moment was declared by the British Government to be opposed to its intention.

On the one side, the British Government represented "the highlands" of the Treaty to be this southern mountain range passing from the head of the River Connecticut to the Bay of Chaleurs. On the other side, the Government of the United States contended, that "the highlands" were a northern range of land on the northern side of the upper basin of the St. John, and not very distant from the south bank of the River St. Lawrence.

Not to evade an obligation, but to effect the intention of the Treaty, the British Government strictly interpreted certain words. To justify its doing so, it alleged, among other facts, that, in the negotiations prior to the Treaty, it was proposed, on the part of the United States, that the River St. John should form part of the north-eastern boundary from its mouth. This proposal was not insisted on, for the River St. Croix and the due north line were then known to form the western boundary of Nova Scotia. The claim of the people of the United States was, that they themselves should govern the territory they had occupied as British colonists and British subjects, and not to advance pretensions of conquest or to extend the boundary of their own Provinces. In abandoning the River St. John, a compliance might reasonably have been inferred with the intention of the British Government to retain the tributaries of that river and its upper basin. To abandon, by name, the River St. John as a boundary was to abandon the whole river. To accept the boundary from the St. Croix without alluding to the River St. John, certainly did not imply that the substituted boundary was to include a great part of the River St. John and its important and valuable upper basin.

Confiding in the sincerity and veracity of its representations, the British Government protracted the negotiations for nearly sixty years, and no stronger testimony can be offered of the rectitude of our Government throughout than that of the late Mr. Albert Gallatin, who after that long interval of time might, if a proper sense of morality had not governed that eminent man, have cited delay and lengthened discussions to excite against us the reproaches of ill-informed persons; but who, nevertheless, while arguing in favour of the strict fulfilment of the words of the Treaty, spoke thus of the honor of our public acts:—"In the various nego-

“tiations with Great Britain in which I have been employed, there was always an earnest desire to remove subjects of contention, and to promote friendly relations; on almost all questions a conciliatory disposition; nothing, at any time, that could shake my confidence in the sincerity and good faith of that Government. And I do believe it would do justice, if it were once satisfied that justice were due.”

The gentle tones of moderation and of justice are not, however, often heard by all men. Whatever was the strength of our claims, imperfectly formed opinions and border disputes rendered it proper and right that the British Government should consult the peace of its own Provinces, and accept an opportunity to bring the negotiations to as satisfactory a termination as their long continuance—the partizanship they had created—and the interests and passions of persons living under both Governments would permit.

By the Treaty of Washington, signed ninth of August, 1842, the northern and southern highlands, on both the northern and southern sides of the basin of the Upper St. John, were rejected, and a boundary line agreed on, running from the outlet of Lake Pohenaganook along the River St. Francis, and thence along the River St. John to the point where a due north line drawn from the River St. Croix strikes the River St. John. In justification of entering on such a compromise, the Honorable Daniel Webster, in a Despatch addressed to the late Lord Ashburton, dated eleventh July, 1842, wrote:—“It is not without reason that it has been decided by so many persons, after careful examination, that this boundary (of the Treaty of 1783) is not susceptible of settlement according to the precise words of the Treaty. This decision has been come to by Mr. Madison in 1802, by Mr. Jefferson in 1803, by Judge Sullivan about the same time, by the Arbiter (the King of the Netherlands) in 1831, and it has been acted on by nearly every Secretary of State during the controversy from that time to this; for, although in a case of dispute, each party endeavors to hold his own, I am not aware that any Secretary of State or any President of the United States has ever treated this subject otherwise than one attended by that degree of uncertainty that it could only be solved by an Arbiter or a compromise.”

The territory lying between the boundary thus agreed on by the two Governments, and the northern highlands of the St. Lawrence, is that which Sir William Colebrooke stated to have, in the opinion of the people of New Brunswick “reverted” to their Province.

But if the southern boundary of Canada, west of a line running due north from the River St. Croix, were intended, under the Treaty of 1783, to be coincident with the boundary described in the Imperial Act of 1774, and the terms of the description of both are identical, we are bound to accept the decision of the British Government in its negotiations with the Government of the United States, and to declare the southern boundary of Canada to be, at this time, coincident with the boundary substituted for the line connected with the highlands, which line included both sides of the upper basin of the River St. John, and was declared by the British Government to be the line of boundary designated in the Treaty of 1783.

IV. But it appears to me that those who have argued in favor of the claims of Canada to the northern basis of the Upper St. John have too much trammelled themselves with discussions relating to the Treaty of 1783. I think the case may be decided on the Proclamation of 1763, the Royal Commissions of 1763 and 1784, and the Imperial Act alone.

The Proclamation of 1763, the Royal Commissions and the Imperial Act of 1774 are equally imperative laws. The Act of 1774 does not repeal the Proclamation of 1763. It is in affirmance of it, and, though based subsequently, we are entitled to use the one in explanation of the other, and to give a consistent interpretation to both—to use the Proclamation and the Royal Commissions to remove any doubt that may arise from the language of the Imperial Act.

The Proclamation declares that the Government of Quebec shall be "bounded on the Labrador Coast by the River St. John, and from thence by a line drawn from the head of that river through the Lake St. John to the south end of the Lake Nipissim; from whence the said line, crossing the River St. Lawrence and the Lake Champlain in forty-five degrees of north latitude, passes along the highlands which divide the rivers that empty themselves into the River St. Lawrence from those which fall into the sea, and also along the north coast of the Baie des Chaleurs."

The line was to pass along the highlands, and also along the north coast of the Baie des Chaleurs.

The Royal Commission of 1763 declares that the Province of Nova Scotia shall be bounded "northward by the southern boundary of our Province of Quebec as far as the western extremity of the Bay of Chaleurs." The same expressions are contained in the Royal Commission of 1784, relating to New Brunswick.

Let us interpolate, in the words of the Proclamation of 1763, the words of the Royal Commission of 1763.

The whole passage would then read thus:—"Along the highlands, northward by the southern boundary of our Province of Quebec, as far as the western extremity of the Baie des Chaleurs, and also along the north coast of the Baie des Chaleurs."

The term "southern boundary" must be converted into an equivalent and more descriptive expression to give sense to the passage, and the simple extent of this conversion I will explain presently.

It is remarkable that the due north line, described in the Royal Commissions of Nova Scotia and New Brunswick, is not represented to strike any "highlands." Their western boundary is to pass by the River St. Croix to its source, "and by a line drawn due north from thence to the southern boundary of our Colony of Quebec." So also from this point to the Baie des Chaleurs, no highlands are referred to in the Royal Commissions; the line was to pass northward "by the southern boundary of our Province of Quebec as far as the western extremity of the Baie des Chaleurs."

If we read the Proclamation and the Royal Commission of 1763 together, it is obvious the line at the Bay of Chaleurs was to come from the southward, or proceed from the south "northward;" that the line "by the southern boundary of our Province of Quebec, as far as the western extremity of the Baie des Chaleurs," was, when it reached the Bay, to be on the southward of the extension of the same line "along the north coast of the Bay of Chaleurs," and that, as a continuous line, it was connected at the western extremity of the Bay.

Are we compelled to affirm that the Proclamation of 1763, though it describes a continuous line of boundary to the Bay of Chaleurs, describes also a continuous line of highlands? The distance from the River Connecticut to the Bay of Chaleurs is five degrees of longitude. The Proclamation of 1763 simply directs that the boundary line shall, after crossing the Lake Champlain, pass "along the highlands which divide the rivers that empty themselves into the River St. Lawrence from those which fall into the sea, and also along the north coast of the Bay of Chaleurs." Looking at the immense interval in distance between the Lake and the Bay, were such highlands dividing a certain class of rivers described to be continuous? Have we more than two points of a given line? The due north line described in the Royal Commission is not described to reach any highlands. It is simply directed to touch the "southern boundary" of the Province of Quebec.

If the Proclamation merely described the ends of a given line, there is no error in the description of the boundary it contains as applied to the southern highlands; and, so limited, its description would be in perfect accordance with the representa-



tion of the British Government respecting the Treaty line of 1783. At the west end of the line described, there is, after leaving Lake Champlain, for the distance of upward of one hundred miles, a range of highlands which do divide rivers flowing into the St. Lawrence from rivers flowing into the sea. This end of the line is clearly marked out. There are no words requiring continuity in this range of highlands to the Bay of Chaleurs, and there are no words in the Royal Commission of 1763 implying the existence of such highlands where the due north line is to strike the southern boundary of Canada. Thus explaining the terms used, there are no physical difficulties to disturb the correctness of the given description of a line from Lake Champlain running E.N.E., or in about that direction, to the Bay of Chaleurs.

Assume, however, that as applied to a line from the River Connecticut to the Bay of Chaleurs, the highlands were described to be continuous. Then the reversed course of the description ought to be correct when applied to the physical character of the country on the east end of the line. But such reversed description would be erroneous and inapplicable on the east end, though correct on the west end, for southern highlands do divide the given class of rivers on the west, but not on the east. May not the inference, therefore, be, that the physical description applied alone to the west end of the boundary, and not to the whole line; that the boundary was defined by highlands on the west, and by the Bay of Chaleurs on the east:

Admitting this, and converting the words "southern boundary" in the Royal Commission of 1763 into "the southern line of boundary," and the Commission and the Proclamation together describe a line running from Lake Champlain to the Bay of Chaleurs in a north-easterly direction.

Is not this, also, the solution of all the difficulties in which the British Government were involved? The description of 1763 was reversed in 1774. The Act of 1774 directs that the line shall pass "from the Bay of Chaleurs along the highlands (which, &c.) to a point in forty-five degrees north latitude on the east bank of the River Connecticut." By thus reversing the course described the misdescription I have explained is produced.

The Treaty of 1783 adopted the reversed course of the description, first so reversed in 1774, and still further complicated the description by describing the due north line from the St. Croix to strike the highlands, while the Commission of 1763 merely describes it as striking "the southern boundary" of Canada. It was this addition in the Treaty of 1783 to the terms used in the Proclamation of 1763 that enabled Mr. Webster (Parliamentary Paper, 1843, p. 11), to make use of this "argument:—" "What may be doubtful in itself may be made certain by other things which are certain, and, inasmuch as the Treaty does certainly demand a "due north line, and does certainly demand the extension of that line to the highlands"—thence he inferred particular rivers and highlands to be designated. But the Royal Commission directs the due north line to be drawn to the "southern boundary" of Canada, thus omitting the most material of those things which Mr. Webster described "as certain," but the insertion of which in the Treaty produced the consequences which the British Government opposed.

Different hands prepared the Proclamation of 1763, and the Imperial Act of 1774. They agree, however, in terms, and, as they are affirmative laws, relating to the same subject, they may be made to read consistently and to agree with that to which they relate.

In confirmation of the view taken in this explanation, the authority of Governor Pownall may now be appealed to.

He published his Topographical Description of a Map of North America in the year 1776.

At page 24, he says—"All the heads of the Kennebaig, Penobscaig, and Passa-magnâda rivers are on the height of land running east-north-east."

At page 17, he says—"A range running hence crosses the east boundary line of New Hampshire, in latitude  $44\frac{1}{2}$  degrees, and, trending north-east, forms the height of land between Kennebaig and Chaudière rivers. Of the nature and course of this highland in these parts I am totally uninformed, and the map in these parts is so engraved as not to assume any great authority,"

In 1761 Governor Pownall returned to England from America. The Government could have had no knowledge of the country in 1763, but that which they had obtained through him. If he did not know the nature or course of these highlands even when his work was published in 1776, is it at all probable, as is now affirmed, that they were accurately described throughout their whole course in the Proclamation of 1763, or that any description at all of them was contemplated throughout that part of the country, which was then unknown, whether northern or southern highlands as a continuous line, are relied on?

The passages cited from the work of Governor Pownall as applied to the western extremity of the line, agree with the terms of the Proclamation of 1763; but that part of the line running through a country of which he was totally uninformed, the Royal Commission of 1763 describes simply as "the southern boundary" of Canada, and not as "highlands."

The words of the Proclamation and of the Royal Commission do not require us to assume that they do more than describe the western and eastern parts of a line of immense length. Thus receiving them, they agree with the knowledge of the country which at that time obtained, and are still correct, when applied to the southern highlands,

[If the words are held to have a more extensive application, and to relate to a continuous line, then the eastern termination of the boundary on the Bay of Chaleurs becomes mis-described, both as relates to northern and southern highlands; for if the northern line of boundary of New Brunswick was to proceed northward from the southern boundary of Canada to the western extremity of the Bay of Chaleurs (according to the Royal Commission), and also along the north coast of the Bay of Chaleurs (according to the Proclamation), then the southern range of highlands (as a continuous range from Lake Champlain) do not divide the north and south flowing rivers at this east end; and again, the northern range of highlands, partly formed by a connexion with the Tracadagash range, are excluded, by the terms of the description, from being joined from the northward to the boundary along the north coast of the bay, for the described line is to be continuous from the western extremity on the south side of the bay, with a line along the north side of the bay.

This last statement requires the demonstration of a map. The Tracadagash Mountains are said to be the termination of the northern highlands on the north side of the Bay of Chaleurs. They are represented to come, as a mountain range, from the north, near Cape Chat, to the bay. Their termination is best exhibited in the large official map in the Colonial Office.

As, however, there is a dispute respecting the point that forms the western extremity of the Baie des Chaleurs, I place this and the last two paragraphs in brackets, in order that it may be understood that the conclusions I have previously drawn regard to be complete without this further illustration of them. If a strict meaning is to be given to the words, "western extremity of the Baie des Chaleurs," I agree with Mr. Wells of Canada in thinking it must be that point in a curve formed by the western coast of the bay, which would be touched by a tangent drawn in the direction of the true meridian, and that such point is to be found on the south side of the bay. But what is the Bay of Chaleurs? I consider it to be explained by the usage of the words, and by the physical characteristics of the bay. The points of

land called Indian Point and Miquasha Point appear, at a short distance, to close in the western side of the bay, and here I consider the bay to terminate. There is an inner basin, but in the deed of concession of the Shoolbred Seignior, it is called the River of Restigouche. It is right, however, to observe, that in the concession of the Seignior of Shoolbred, in 1788, the eastern limit of the Shoolbred Seignior is placed "at the westernmost extremity of the Bay of Chaleurs," and this was on the north side; but in this instance, it is distinctly connected with the north side. It is not the western extremity of the bay simply that is mentioned, but the western extremity connected with the north side of the bay.]

The great value of these explanations, even omitting the last four paragraphs, is, that while the source of the errors that have prevailed is explained, the veracity of the representations made by the British Government that it intended, in the Treaty of 1783, to designate a boundary line on the southern side of the upper basin of the River St. John, is apparent.

V. I now proceed to notice the Report of Major Henderson, Captain Robinson, and Mr. Johnstone, the Attorney General of Nova Scotia, to whom the consideration of this question was referred, under the authority of the Right Honorable W. G. Gladstone.

a. In their statement of the facts of the case, the Commissioners say—"That the Act of 1774 does not profess to substitute any boundaries for the Province of Quebec in place of those defined in the Proclamation [of 1763], nor does it declare the limits by which that Province had been or was to be bounded. It enacts, that certain territories, islands, and countries should be, during His Majesty's pleasure, annexed to and made part and parcel of the Province of Quebec, as created and established by the Royal Proclamation of the 7th of October, 1763."

If the Imperial Act of 1774 could be thus easily disposed of, and the description of the boundary merely depended on the Proclamation of 1763, the difficulty I have shown arising from the reversed course of the description of the boundary contained in this Act would be avoided. The fact, however, is, that the Act does most distinctly declare the limits of the Province of Quebec. It enacts—not that *certain*, but—"that *all* the territories, islands, and countries in North America, belonging to the Crown of Great Britain, bounded on the south by a line from the Bay of Chaleurs, along the highlands which divide the rivers that empty themselves into the River St. Lawrence from those which fall into the sea to a point in 45° north latitude on the eastern bank of the River Connecticut;" and then, pursuing the line of boundary west, and finally along the territory granted to the merchants adventurers trading to Hudson's Bay, adds—"and also all such territories, islands, and countries which have, since the 10th of February, 1763, been made part of the Government of Newfoundland, be, and they are hereby annexed to, and made part and parcel of the Province of Quebec, as corrected and established by the said Royal Proclamation, of the 7th October, 1763."

The Act, therefore, does most distinctly determine the limits of the Province of Quebec; and it describes those limits to the south in the reversed direction in which they were described in 1763, producing that ambiguity, in consequence, which I have explained. The southern boundary existing before the Act passed is not disturbed; but where the Act does alter the older boundary, it was for the purpose expressed in the Preamble, namely, to include within the limits of Canada several colonies and settlements of the subjects of France who claimed to remain in the country and were without any provision for the administration of the civil government. The boundary, enlarged with this object, was no doubt contemplated to be sufficient to include all the French settlement and colonies of Canada.

VI. The Commissioners say—"Nothing that has been advanced by the Canadian Commissioners, however correct it otherwise might be, can warrant the conclusion, "that the opinion of the British Government, as supposed to be expressed "in the Treaty, and as afterwards advanced in discussion with the United States, "was authoritative between the Colonies; for, as the Treaty was not designed to "alter the Colonial boundaries [which remained to be ascertained *after* the Treaty, "by the same distinctive features as *before*], if, in fact, the line of highlands claimed "by Great Britain as the boundary with the United States was not the ancient "Provincial boundary, a mistaken assumption on that point could not affect the "latter boundary. Nor if the true position of the north-west angle, as capable of "being ascertained, should prove inconsistent with the *indicia* of the highlands be- "tween Great Britain and the United States, as described in the Treaty, could it "be proper for the mere purpose of removing a discrepancy arising from the intro- "duction (very needless it would seem to have been) of the north-west angle into "the Treaty, either on the one part to change the true position of that angle, or "on the other to substitute other highlands for those marked out in the Treaty."

The meaning I give to these obscure and incomplete sentences is, that the range of highlands insisted on by the British Government as the proper highlands of the Treaty is not the same range of highlands mentioned in the Act of 1774. The termini of the Treaty line were,—on the east, that spot, not needlessly marked, the north-west angle of Nova Scotia; and, on the west, the River Connecticut. Where the due north line, under the Royal Commissions of 1763 and 1784, would strike the boundary of Canada, there, also, would have been the north-west angle of Nova Scotia. The western termination of the line of 1774 agrees with the western termination of the Treaty line. A coincident line was, on all occasions, referred to.

So greatly, however, do I consider the Commissioners to be mistaken in saying, that the opinions of the British Government, whether expressed in the Treaty of 1783, or in the discussions with the Government of the United States, are not authoritative in this matter between the Provinces, that I at once declare that I accept them, as I accept all such opinions of our Government delivered in solemn negotiations with foreign powers, to have been made with deliberation and in good faith. They are entitled to the highest authority,—and I receive such opinions as authoritative without hesitation. That the British Government acted with truth and honor is admitted in the passages I have cited from the writings of Mr. Webster and the late Mr. Gallatin, and is confirmed by the authority of the illustrious persons named by Mr. Webster, and who, from their official position, could not have been misled. What, therefore, was said and done, not by inferior agents but by the distinct sanction of or by the British Government itself, in the settlement of the north-east boundary, I am so satisfied was blameless and right, that I attend to it as having the weight of an imperative command upon such points, as a reference to it is needed either for the purpose of information or the guidance of my own judgment.

c. "The Treaty of 1842, say the Commissioners, and the supposed intentions of "the British Government, as evinced by the Treaty, and, as subsequently mani- "fested in negotiating its execution, have been appealed to in this connexion [*sic*. "MS.—*quare*, controversy]. But as the Proclamation and Governor Wilmot's "commission passed nearly twenty years previously, neither the Treaty, nor what "occurred under it, could affect the condition of the description throughout that "long interval of time, and the title existing then must have continued the same in "its inherent nature afterwards. The Treaty, too, was made when the circum- "stances were greatly altered—a foreign and independent party was introduced, "and the subject was less extended than that over which the Proclamation had "operation, and it was contracted just to that extent which made the term 'Atlan-

“tic Ocean’ appropriate; for the territory to be defined, under the Treaty, extended no further east than did that ocean.”

The Act of the Imperial Parliament of 1774 was passed nine years before the Treaty. They both contain the same description of highlands mentioned in the Proclamation of 1763, whatever error may have been caused by the reversal in 1774, of the course whence the line was previously described to pass. The interval of time between the repetition of the description, from 1763 to 1774, and from 1774 to 1783, may, if the words are not obscure, permit us to infer that “the condition of the description” was unchanged, and that “the inherent nature of the title” was undisturbed; but I am quite unable to perceive what conclusion opposed to the fact that the same highlands were on each occasion referred to I can be permitted to make.

The circumstances under which the Imperial Act of 1774 and the Treaty of 1783 were made, were, no doubt, different; but it is impossible, on this account, correctly to represent that the terms used in 1763 and 1774 to describe the whole of the boundary line from the River Connecticut to the Bay of Chaleurs should not relate to a line described in 1783, because the latter is less extended than the former; identical expressions being used in the descriptions of 1774 and 1783.

The words “sea” in the Act of 1774, and “Atlantic Ocean” in the Treaty of 1783, have an equally extensive signification; though, in order to limit their application, they were opposed to the words “Bay of Fundy” and “Bay of Chaleurs.” As the Commissioners, however, have only parenthetically alluded to arguments used on another occasion in connexion with these words, it is needless to explain them.

*d.* “Had no inherent characteristics, say the Commissioners, been selected to mark the highlands that were designed to form the demarcation between Canada and the adjoining possessions of the Crown, the descriptions contain nothing else which could ensure a boundary capable of being ascertained through an unexplored and wilderness country, the interior of which was almost unknown, extending over the great distance that separates the Bay of Chaleurs from the Connecticut River, and, an object deemed by the Government of no small importance would have been placed at the hazard of conjecture or accidental coincidences and made subject to very great risk, if not the almost certainty of failure. The physical attribute of the highlands was, therefore, the only security employed for attaining the needful certainty. It may reasonably be presumed, in addition to this advantage, another benefit was contemplated from the peculiar nature of the boundary, namely, the giving to each Province the jurisdiction over the whole course of such rivers as emptied themselves within it—a convenience likely to be much regarded at a time when, in the absence of roads, the facilities of water-carriage directed the course of settlements. This presumption is the more probable as the object of securing a certain definable boundary might have been effected by the ordinary means of lines running by magnetic courses, or between given points; the latter object could only be attained in the mode that was adopted.”

The reasons assumed in this paragraph to have governed the policy of the Government do not bear examination. That the Government intended to designate a line which it believed could be verified in accordance with limited information it possessed may be quite true, but no such presumptions afford assistance on points on which it had no information. It most certainly was not “contemplated from the peculiar nature of the boundary to give to each Province jurisdiction over the whole course of such rivers as emptied themselves within it.” The very contrary of the affirmative statement of the Commissioners can be demonstrated. The line running due north from the River St. Croix, forming the western boundary of New Brunswick, whether it terminated north or south of the Upper St. John, must have been intended to cut off the upper stream of the St. John and its many tribu-

tarries from the main stream of the St. John, and, consequently, from the jurisdiction of New Brunswick, notwithstanding that it was known that the mouth of that noble river was within the limits of this Province. The slightest attempt to verify the proposition so distinctly advanced would have exhibited the great error it propounds.

It is with regret that I notice such inaccuracies.

My desire, in the examination of the papers before me, has been to discover any even plausible reason to distinguish the southern boundary of Canada, west of the due north line, from the boundary of the United States. The reasons apparently given by the Commissioners to distinguish them, are :—

1. That agents of the British Government, employed in negotiating a boundary line with the Government of the United States, refused to admit of the identity of the Provincial and the Treaty line.
2. That such agents required the north-west angle of Nova Scotia to be ascertained by first determining the highlands described in the Treaty, and the rivers between which they were said to intervene.
3. That Colonel Mudge and Mr. Featherstonhaugh exposed the fallacy of attempting to determine the true range of highlands from a previous assumption of the north-west angle of Nova Scotia.
4. That in the statement made on the part of the Government of Great Britain, under the Convention of 1827, it was said, referring to the evidence of Simon Hebert, that “ this last-cited evidence proves an actual jurisdiction over this territory since the Treaty of 1783 by the British Province of New Brunswick. The claims of this Province and Canada with respect to this and other parts of this territory, in this quarter, are conflicting *inter se*, and show the uncertainty of their respective boundaries, which, in fact, have never been settled, and may require the interference of the mother-country to adjust; but the conflicting inter-colonial claims which have arisen since the Treaty of 1783 are altogether irrelevant to the present controversy between Great Britain and a foreign power under that Treaty; whether under one Province or the other, the possession is British.”
5. That the Canadian Commissioners, the Honorable Mr. Draper and the Honorable D. B. Papineau, in 1845, conceded, that a boundary was required by them, between the due north line and the Bay of Chaleurs, which was not in conformity with the terms of the Proclamation of 1763, and the Imperial Act of 1774.
6. That the British Commissioners, Colonel Mudge and Mr. Featherstonhaugh, were of opinion, “ that the Acts of the British Government, touching the portionment of lands between the Provinces of New Brunswick and Canada, were not appropriate matters for discussion in the dispute with the United States.”
7. That the Commission under which the Commissioners themselves were acting, was decisive in showing that Her Majesty’s Government did not consider the legal claims of the Provinces to be concluded by the Treaty of 1783, or by anything that had taken place under it.

The 1st, 2nd, and 3rd of these reasons merely relate to the proper course to be pursued in a certain inquiry. They are of no importance in the present case.

The 4th reason notices the existence of conflicting claims between the Provinces, which were correctly disregarded in the negotiations with the United States.

The 5th reason is connected with the impracticability of drawing a line of boundary according to the description of the Act of 1774, if alone relied on, an ad-

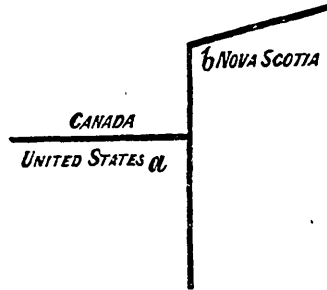
mission that may be made without hesitation, and without, in the least, favouring the claims of New Brunswick.

The 6th reason is, that Colonel Mudge and Mr. Featherstonhaugh were of opinion, that the certain Acts of the British Government could not be appealed to in the construction of the Treaty. But let it not be supposed that these gentlemen, if to be cited as authority, have not formed an opinion on the present question.

“We have,” say they, (Report, p. 53), “in the first place endeavoured to show that we should have been acting inconsistently with the information we possess, and with the facts which we have to report, if we had adopted the ground which the official British agents, who have preceded us in the investigation of this boundary, relied on as essential to the maintenance of the British view of the question, namely, that the boundary intended to be established by the 2nd Article of the Treaty of 1783, was to be a line distinct from the southern boundary of the Province of Quebec, as established by the Royal Proclamation of 1763. In opposition to that erroneous impression, we have felt it our duty to show that those lines were one and the same thing. Indeed, the very definition of the point in the Treaty, namely, the coincidence of the due north line with the highlands, proves that the Commissioners for negotiating the Treaty of 1783 considered the ‘highlands’ of the Treaty to be one and the same thing with the southern boundary of the Province of Quebec; for if Nova Scotia had extended further to the north, or to the west, than where the due north line was to intersect the highlands, that point would have been the north-east angle of the State of Maine, but could not have been the north-west angle of Nova Scotia; for the true north-west

If the angles do not adjoin.

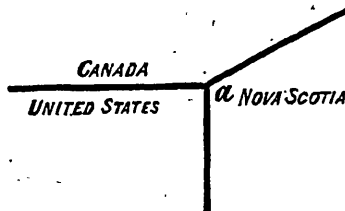
1. Hypothesis.



α North-east angle of Maine, and not an angle of Nova Scotia.

β North-west angle of Nova Scotia.

2. Treaty line.



α North-west angle of Nova Scotia, and North-east angle of Maine, coincident in their North line, and are adjoining angles.

“angle would have been still further to the north or to the west at whatever point  
“the western boundary of Nova Scotia touched the southern boundary of the  
“Province of Quebec.” (See also Parliamentary Papers, p. 9, printed 1840.)

The Commissioners having cited Colonel Mudge and Mr. Featherstonhaugh, ought not to have relied on any statement of these gentlemen without setting out this opinion. The parenthesis in a former page, “that the introduction of the  
“north angle of Nova Scotia in the Treaty seemed to have been very needless,” does not avoid the significance of the reference to that angle.

The 7th reason might be left unnoticed. If the Government were of opinion the appointment of the Commissioners would effect the determination of the dispute, it is not for judges to cite their own nomination as evidence of the merits of the case.

The conclusion at which the Commissioners arrive is remarkable.

They say, “whatever line shall be found substantially to answer the description  
“these documents [the Proclamation of 1763 and the Imperial Act of 1774] give  
“of the boundaries of the Provinces, must control the legal claims of Canada and  
“New Brunswick. Whether a boundary of that character actually existed was a  
“question demanding, for its solution, exploration and scientific research. At this  
“point it is, that appeal must be made to the topographical result of the labours of  
“those Commissioners to whom the exploration and research directed under Mr.  
“Gladstone’s Despatch were committed; and from observations made and know-  
“ledge acquired in the fulfilment of this duty, they have felt no hesitation in  
“pronouncing as their clear and decided opinion, that highlands do exist which  
“separate the rivers that empty themselves into the River St. Lawrence from those  
“that fall into the sea; and that these highlands connect themselves continuously  
“by highlands with the north coast of the Bay of Chaleurs at its western extremity,  
“and reach 45° of north latitude at the western branch of the Connecticut River,  
“thus essentially fulfilling the several requirements of the Proclamations, Act of  
“Parliament, and Commissions, for the southern boundary of Canada, and laying  
“the foundation for establishing the strict legal claims of the two Provinces. On  
“the accompanying map, prepared by Major Robinson and Captain Henderson,  
“this line is coloured green, and it will be seen, that the northern highlands claimed  
“by New Brunswick are adopted, and the line contended for by Canada, is  
“rejected.”

The Commissioners then—“further report that a tract of country lies between  
“the north highlands westward of the due north line and the line of the United  
“States, which, according to the strict legal rights of the two Provinces, belongs  
“to neither, being included within the lines marked B, C, and D, on the map, and  
“which, in 1763, formed part of the ancient territory of Sagadahock.”

No doubt could possibly have been entertained, without the aid of exploration or research, that highlands were to be found at the head of all the rivers flowing into the St. Lawrence. The converse could not have been solved by exploration. The chief part of the line of such highlands was marked out by the Government of the United States very many years since. No re-discovery of it was needed. The existence of the northern highlands does not establish the fact that they are the highlands forming the legal southern boundary of Canada. That fact required other proof, and it was given again and again by the British Government in its assertion, that the southern highlands were alone intended to be described. All argument was essentially concluded on this point when the Treaty of Washington was signed; for the highlands described in 1763, in 1774, and 1783, were distinctly one and the same, and to them was affixed the mark of the north-west angle of Nova Scotia.

It has been with the greatest care that I have sought for arguments to separate the highlands mentioned in 1783 from those mentioned in 1774. I cannot discover any evidence to distinguish them. And what is the extraordinary conclusion which



their separation leads to? The Commissioners profess to have discovered an immense tract of country, without the bounds of either Province, and which, according to their distinctly expressed opinions, have never been within the limits of either Province, in the midst of which, in the years 1763 and 1774, there existed four seigniories, and in which the British Government in the year 1788 erected a fifth seigniory. The entire boundary which they describe to be the strict legal boundary of Canada in 1763, 1774, and at this time separates from Canada these seigniories.

1. The Madawaska seigniory, consisting of 279,000 acres, erected twenty-fifth November, 1683.
2. The now extinct seigniory of Cloridon, of eight leagues frontage and eight leagues in depth on the River Restigouche.
3. Part of the Mitis seigniory, erected sixth May 1675.
4. The greater part of the Madapediac seigniory, erected twenty-sixth May, 1694.
5. The Shoolbred seigniory, erected by the British Government, twenty-fourth July, 1788.

The boundary which is said to exclude these seigniories is described in that Imperial Act of 1774, the chief object of which was, to include within the limits of Canada all the French settlements.

I agree with Mr. Price in his opinion (27th January, 1849), that "all the possessions of the inhabitants of Canada at the conquest of 1759, that is, the various concessions of fiefs or seigniories made by the Intendants and Governors of Canada; the settlements and fishing establishments within the territory called Canada, were then (Anno 1774) intended to be comprised within the limits of the Province of Quebec, and subject, in matters of controversy, to be decided according to the laws and usages of Canada." I am, moreover, convinced that the limits described were sufficient to comprise and did comprise them.

The Commissioners add, "that they deem it their duty further to report, that the line of division which the strict legal rights of the Provinces, agreeably to the Proclamation and the Act of Parliament and Commissions, thus demand, is at variance with the actual possessions of both Provinces, and is incompatible with their mutual advantage and convenience."

The proposal of the Commissioners, of a new boundary, I shall mention hereafter.

VI. Mr. Price, of Canada, delivered a counter-statement to the Report of the Commissioners. It is carefully written, and without exaggeration, and it is necessary for me to notice it but shortly.

He informs us that in the year 1828, Lord Dalhousie, then Governor General of Canada, instructed certain Commissioners to examine the whole tract of country, from the head of the Metgermette branch of the River du Loup, to the sources of the River Ouelle, in order to ascertain if the dividing ridges could "be fairly designated highlands," and that they reported there were no continuous highlands on the line, such as are insisted on by New Brunswick, and that the southern highlands are continuous.

To these facts I do not attach importance. There are highlands consisting of mountain ranges and hills, "which may be fairly called highlands," meaning thereby, obvious to the sight; but there are highlands, properly so called, though to the sight they present no object of visible elevation, without artificial assistance, being mere elevations of land.

The southern range of highlands is distinct and visible as a mountain range, and may, on this account, have been chosen as a boundary, if, though not probable, it were known to be continuous (admitting, nevertheless, its misdescription, in con-  
 nex-

ion with certain rivers); but even had it not been lofty, hilly, or mountainous, the range might have been called highlands, for there may be no continuity of mountains or hills where there must be a continuity of highlands.

When, therefore, a mistake is attributed to Major Robinson and Captain Henderson, in describing the northern highlands to unite, on the west, with the southern highlands, an error is needlessly ascribed to those officers. They did not seek for what could "fairly be called highlands," but highlands only which might be mere elevations of land above a certain level.

Mr. Price objects to the northern range of highlands, as failing to answer the description they should fulfil. The Royal Commission of 1763 declares that after the due north line is drawn to the southern boundary of Canada, it shall proceed "northward by the said boundary, as far as the western extremity of the Bay of Chaleurs." The line of northern highlands, as explored and laid down by the late Commissioners, instead of going "northward" from the termination of the due north line, along a southern boundary to the bay, as a simple diverging line would do, goes far to the north, above the latitude of the bay. Instead of proceeding to the western extremity of the bay, by the boundary of Canada, it is carried up by the Commissioners to within a few miles of Cape Chat, on the River St. Lawrence, to the district between the Rivers Metane and Chat, and then descends south by the Tracagadash mountains to the bay,—thus, in fact, by this line, from the north to the south, giving to New Brunswick a prolonged eastern boundary.

Again, another objection is, that a line coming from the north by the Tracagadash mountains, as shown in the map of the Commissioners, breaks into the line running "along the north coast of the Bay of Chaleurs," and thus more especially disturbs the given description, if such line along the coast were intended to have been continuous, with a line touching the western extremity of the bay on the south. Such proposed line, also, as I have already mentioned, would, on this eastern side of the due north line, exclude from Canada the former seigniory of Cloridon, the existing seigniory of Shoolbred, and parts of the seigniories of Mitis and Madapediac.

VII. After considering the above facts, I am of opinion,—

1. That the line of boundary intended to be described in the Proclamation of 1763, in the Imperial Act of 1774, and in the Treaty of 1783, was one and the same line of boundary, so far as the line of 1783 touches the territory in dispute.
2. That the southern highlands which are described as highlands dividing rivers flowing into the St. Lawrence from rivers flowing into the sea, were mis-described, as a continuous line in respect of the rivers they were supposed to divide; but were not mis-described, even in respect of the rivers they are declared to divide, if the description of them is confined to the western termination of this southern boundary of Canada.
3. That the British Government having insisted in its negotiations with the Government of the United States, that the range of elevated and mountain land, (formed on the west by highlands dividing a given class of rivers,) which extends after it passes the heads of such rivers to between the Great Falls of the St. John and the River Aroostook (on the west bank of the St. John), and from thence to the Bay of Chaleurs, to have been the boundary line of 1783, as far as the due north line from the St. Croix; and as such representation appears to have been perfectly accurate, such boundary line was also, under the Proclamation of 1763, and the Imperial Act of 1774, the southern boundary of Canada.
4. That such elevated mountain range of land, on the eastern side of the River St. John, extends from near the mouth of the Tobique River to the south

side of the Bay of Chaleurs, forming the southern side of the basin of the Restigouche River, and bounding the head-waters of the Upsalquitch River.

5. That by the Treaty of Washington, signed ninth August, 1842, the entire southern portion of the basin of the Upper St. John, bounded on the north by the right bank of the River St. John, including the southern highlands, along which highlands the southern boundary of Canada (whether in the simple direction of a line or of a range of hills) would have passed under the terms used in 1763 and 1774, is transferred to the United States, and consequently the line of boundary of the United States, along the River St. Francis and the Upper St. John, becomes the present southern boundary of Canada, in place of the boundary formerly described.
6. That a due north line now drawn from the River St. Croix, to strike the present southern boundary of Canada on the River St. John, and thence north to the western extremity of the River Restigouche, and along that river to the Bay of Chaleurs, would include a larger territory than was intended to have been comprised within the boundary of Nova Scotia and New Brunswick, marked out in the Royal Commissions of 1763 and 1784.

VIII. According to the instructions given to the Commissioners, second July, 1846, by the Right Honorable W. G. Gladstone, they were directed, if it were impossible to find a boundary line which could satisfy the strict legal claims of each Province, to consider how a line could be drawn, combining the greatest amount of practical convenience to both Provinces, with the least amount of practical inconvenience to either, adverting at the same time to such interests, if any such there were, as the Empire at large might have in the adjustment of the question.

Though this second inquiry was only to be undertaken if the first were impossible, and though the Commissioners found the first possible, they very probably took the second into consideration.

To their conclusions on the first head of the inquiry I have expressed my dissent.

As respects Imperial interests, the Commissioners say, "that there do not appear to them to be any interests which the Empire at large has, in the settlement of the question."

I think this opinion is erroneous. Are there not important Imperial interests connected with this district and the St. Lawrence? Is the navigation of that great inland sea without influence on the Country which it borders, or on provincial interest, which the commerce of that river must control? Can the Imperial Government be unconcerned in the communication between that river and the American States to the south?

The chief subject for examination that remains is, what line of boundary it is at this time advisable to establish between the two Provinces? It must be determined by the state of existing interests. In the letter attached to the Minutes of the Council of Canada, relating to the terms of this arbitration, remitted to me, His Excellency the Right Honorable the Earl of Elgin and Kincardine expresses the expectation of the Executive Council of Canada, that we may arrive at a decision "which shall be equitable and satisfactory to the people of both Provinces."

In order to fulfil this honorable instruction, it becomes necessary to ascertain the concessions and settlements which have been made, and the extent of the jurisdiction that has been exercised.

*The Restigouche.*—It is admitted, in the official correspondence of the two Provinces, that the received boundary on the east has hitherto been the River Restigouche; that the settlements on its northern bank have been French or Canadian,

and that the settlements on the southern bank were made by the authority of the Government of Nova Scotia formerly, and of New Brunswick latterly.

As respects this river, how is it possible to deviate from the suggestion of the late Lord Metcalfe, made second of January, 1845? Whatever opinion may be entertained in Canada of the part he took in the politics of that Country, neither there nor elsewhere could any person impeach the nobleness of his private character, the manliness of his public actions, or that active sense of justice through which he reproachlessly lifted himself above the contests of party.

“I presume,” said Lord Metcalfe, “that it may be considered as settled, that what has hitherto been acknowledged to belong to Canada or New Brunswick shall respectively remain so, and that the only difficulty will be as to such portions of the territory as are claimed by both, without having been understood as definitely annexed to either. Thus, the Restigouche River, one side of which has been long occupied by Canada, and the other by New Brunswick, may, I conclude, be regarded as the boundary from the Bay of Chaleurs upwards towards its source until it divides disputed territory, when the difficulty of adopting a conventional line will commence, and can only be solved by mutual moderation in both Provinces, or, failing of that, by the decision of the Crown. In communicating these sentiments, I beg that they may be considered as conveying only my individual opinions, and not as the result of deliberation with the Executive Council of this Province.”

As evidence of the jurisdiction exercised on the north and south banks of the River Restigouche, it appears that, in the year 1785, Letters Patent, under the Great Seal of the Province of New Brunswick, were issued, describing the limits of a new county of Northumberland, thus: “Northumberland—bounded southerly by the county of Westmorland; easterly, by the Gulf of St. Lawrence and the Baie des Chaleurs; northerly, by the said bay and the southern boundary of the Province of Quebec; and westerly, by a continuation of the western boundary line of the said county of Westmorland.” The county of York was at the same time declared to be bounded “on the northward by the county of Westmorland, and on the north-west by the Province of Quebec.”

There is no evidence of any jurisdiction having been exercised by the Province of New Brunswick on the north side of the river.

The Canadian evidence relating to the Restigouche is confined to the north side of the river. In 1763, 1774, and also in 1784, the Seigniorship of Cloridon existed. It ran eight leagues fronting the river, commencing, on its eastern side, at the mouth of the River Porcépic, a tributary of the Restigouche, and extended eight leagues in depth. It was traversed by the important stream of the River Madapediac. In 1784, this Seigniorship was purchased by private parties from the heirs of one d'Eneau. In 1787, it was considered to be advisable, for certain public objects, that the Crown should exercise the “*droit de retrait*,” and that it should be resumed as part of the public domains of the Province. The instructions given at the time by Lieutenant Governor Hope (31st May, 1786) prove that there was no intention to extinguish the jurisdiction of the Province of Canada over the district. Mr. Collins was informed by General Hope that, in order “to prevent difficulties arising by the jarring of the interests of individuals, it had lately been found expedient to assume for the King the Seigniorships of Port Daniel and Restigouche, by the *droit de retrait*, from persons who had offered the same for sale. As in using the right of *retrait* in this instance there was no intention to deprive the proposed purchasers of any advantages that might be derived therefrom, if not inconsistent with the rights and privileges of the Indians or settlers in that quarter, I request you will particularly examine into the consequences which might result from privileges annexed to the said Seigniorships remaining possessed by individuals, in order that, after the reservation of such thereof as might prove pre-

“judicial to the interests of the Indians and new settlers, or beneficial in any other respect to the Government, the proposed purchasers may have an optional preference in the acquisition of these Seigniories if again to be disposed of.”

Without criticising the legal proposition involved in the last sentence, it is clear that the jurisdiction of Canada over the district was to continue. The *droit de retrait* could only have been exercised on account of the Seigniorship being within the limits of the Government of Canada.

Again: in 1788, an Order of Council was made in Canada for a concession of land fronting the River Restigouche, for three miles to the west from the mouth of the River du Loup. In the same year Letters Patent were issued, erecting the Seigniorship of Shoobred, situated on “the westernmost extremity of Chaleurs Bay, and running up the River Restigouche about fifteen miles to the first point of land below Battery Point.”

The River Restigouche, therefore, as part of the boundary between the two Provinces, would not disturb existing settlements; and Mr. Wells reported, in 1844, that, on the northern side of the Restigouche, all the granted lands have been, and still are, held under the sole authority of the Government of Canada.

*Madapediac Seigniorship.*—North of the River Restigouche is the Seigniorship of Madapediac. It is situated on the Lake of that name, the waters of which flow by the course of the Madapediac River into the River Restigouche, by which it is connected with the Bay of Chaleurs. This Seigniorship connects the jurisdiction of Canada on the north-east with its jurisdiction on the Restigouche.

*Lake Mitis.*—Westward of the seigniorship of Madapediac is the seigniorship of Lake Mitis, on the south-west of which is the great seigniorship of Madawaska, or as it was formerly written, Madoneska.

*Madawaska Settlements.*—It is upon account of settlements made under the authority of the Government of New Brunswick, south of the Madawaska River, and from thence along the River St. John to the Great Falls, or rather to where the due north line strikes the American boundary, that the difficulties of this case arise.

I shall first mention the New Brunswick evidence in relation to them, and then the evidence on the part of Canada.

*New Brunswick Evidence.*—The chief settlements made under the authority of the Government of New Brunswick have been:—

1. East of the Grand River, on the north bank of the St. John, a grant was made to one Souci, in the year 1794.
2. West of the same river a grant of 200 acres was made in 1794, and of 300 acres in 1826.
3. At Green River also, on the north bank of the St. John, concessions of 1,065 acres were made in 1794, and a little further west, concessions of 4,261 acres were made in the year 1790.
4. At the Little Falls, near the mouth of the Madawaska River, a concession of 200 acres was made to Simon Hebert in the year 1825.
5. There were other lots conceded: July 17, 1789, of 200 acres, below the Madawaska; another, July 1, 1791; and other concessions made in the district in the years 1792, 1820, 1824, 1825, and 1826. I am not satisfied with the maps relative to these concessions, but whether there is any error in them is not now material.

I have no means of ascertaining under what law or what provincial regulations any of these concessions were made. There is a Minute of the Council of the Province of New Brunswick cited, dated December 28, 1787, by which it was ordered

that the inhabitants near Madawaska should be registered for their lots, conformably to a plan of that settlement this day exhibited by the surveyor.

I think the earliest settlements may be traced to Captain Spronk, the surveyor of the Province of New Brunswick, who appears to have interpreted highlands dividing the north and south-flowing rivers to the same effect as the Government of the United States, and to have applied the expressions to restrict the limits of Canada, though without any correct investigation of the facts. The only value to be given to a letter produced of this officer is to show the error he entertained, and also part of the facts connected with the origin of the present difficulty.

In 1828, on the trial of John Baker in New Brunswick, the Court held that it had actual jurisdiction within the district of Madawaska. The same opinion was asserted and upheld in the late case of Tibbits and others, *versus* Allen.

*Evidence on the part of Canada.*—In 1784 an Indian was tried and convicted at Quebec, and afterwards suffered death for a murder committed at Madawaska. What are considered the limits of Madawaska beyond the seigniory and banks of the river, I am unable to explain, except according to a letter of the Right Honorable Sir G. Murray, hereafter quoted.

In 1790, in a cause tried before the Court of Common Pleas at Quebec, the defendants pleaded they were not within the jurisdiction. The question was raised if Madawaska and the Great Falls were within the Province of Quebec. The defendants were ordered to plead to the merits of the action.

At the Little Falls the River Madawaska joins the River St. John, and at the head of the River Madawaska is the great fief or seigniory of Madawaska. It was constituted a seigniory in 1683; it extends over 279,400 acres, and the present title to it is traced to the original grant. In the statement made on the part of Great Britain in its negotiations with the United States, it was described "to have preserved its individuality under the original grant, and constantly to have been and to have been and to be subject to the jurisdiction of Canada."

The claims of New Brunswick, however, would, if allowed, include this seigniory.

In October, 1787, that is, the month before the date of the Minutes of the Council of New Brunswick, referred to above, were entered, the Committee of the Council of Quebec reported to the Governor General, Lord Dorchester, "That if the Province of New Brunswick may, of right, claim the sources of rivers that take their rise in the height of land which divides the rivers that empty themselves into the St. Lawrence from those which fall into the Atlantic Ocean, the ancient limits of this Government will be curtailed towards New Brunswick, and seigniories under Canadian grants, as far back as the years 1623 and 1683, be taken into that Province; besides the Acadians already settled there above the Great Falls of St. John River, and such people as may choose hereafter to settle there would be greatly incommoded, if those parts shall be included in the Province of New Brunswick." And the Committee added, "that they submitted to his Lordship whether it would not be for the advantage of both Governments that the Province of Quebec be separated from that of New Brunswick by a line running along the highlands that extend from the head of Chaleurs Bay to the foot of the Great Falls of St. Johns River, and from thence, crossing the river (so as to include the whole portage or carrying place), and continuing in a straight line towards the sources of the River Chaudière, which rise in the highlands that commence at the said head of the Bay of Chaleurs, and extend all the way to the westernmost head of the Connecticut River."

How easily the words of the Proclamation of 1763 were capable of being interpreted when unconnected with the confusion in which they were involved by the simple change made in the Act of 1774!

This proposal, which nearly repeated what appears, if my previous opinion is correct, to have been the original intention of the Government in its description of the boundary, probably was not acted on, lest it might have been inferred to extend unduly the northern boundary of Massachusetts.

In 1792 a petition was addressed to Sir Alured Clarke, the Lieutenant Governor of Canada, setting forth, that one Thomas Costin, calling himself a Justice of the Peace for the Province of New Brunswick, had caused new officers of militia to be elected at Madawaska, by a majority of voices, at an assembly of the inhabitants; that one Robichaud had been fined by Costin for seizing goods under a writ issued in the district of Quebec; and that Lieutenant Sir, of the militia, had been made a prisoner, and compelled to redeem his liberty by the payment of money. It was ordered (4th August, 1792) that the papers should be entered on the minutes, and copies transmitted to the Lieutenant Governor of New Brunswick, for his co-operation in calling the attention of His Majesty's Ministers to the adjustment of the limits necessary to preserve public tranquillity on the borders of the Province.

There then appears to be a long interval of time during which silence on this subject was observed in Canada, though from the dates of some of the New Brunswick concessions the ground of former complaints are shown to have continued to exist. There may be an explanation of this, and, perhaps, it may be that given in a letter of the Honorable D. B. Papineau. It is proper not to suggest matter which cannot effect our opinions, and, therefore, I do not state it.

There is one paper of a rather late date which has been commented on. It is a Despatch (8th April, 1830) of the Right Honorable Sir G. Murray to General Sir James Kempt, and is as follows:—

“(Confidential.)

“DOWNING STREET, April 8, 1830.

“Sir,—With reference to my Despatch of the 7th instant, ‘confidential,’ transmitting the first statement on the part of Great Britain of the disputed points under the fifth Article of the Treaty of Ghent, I have now the honor to acquaint you, that in order that our conduct may be consistent with our arguments, it is necessary that the Province of Lower Canada should continue, without interruption, to exercise actual jurisdiction over the fief of Madawaska. This fief covers the whole of the Temiscouta Lake, and nine miles in length down the River Madawaska, which issues from that lake. The Province of New Brunswick, as proved on the trial of John Baker, exercises actual jurisdiction over the Madawaska settlement; but this settlement extends along the main River St. John, both above and below the confluence of the Madawaska River, and no jurisdiction appears to have been exercised by New Brunswick on the Madawaska River above its mouth, where a grant of land was made by the Government of that Province to Simon Hebert, in 1825. Under these circumstances, therefore, it is advisable for the Government of Lower Canada to maintain and exercise its jurisdiction over the Lake Temiscouta and the River Madawaska, quite down to the aforesaid grant to Simon Hebert, at its mouth, which will include the whole fief of Madawaska; and the Government of New Brunswick to maintain and exercise its jurisdiction, as heretofore, in other parts of the-disputed territory, including the Madawaska settlement on the main River St. John, but not to extend it up the River Madawaska. I have communicated corresponding instructions to Mr. President Black, administering the Government of New Brunswick.

I have, &c.,

(Signed,) “G. MURRAY.”

The occasion of this interference is described in a laxity of tone which may be accounted for from the letter having been originally confidential. It was not writ-

ten to settle or to appease the troubles of the two Provinces. It is a very accurate statement of the actual condition of the settlements, and though written twenty years ago, we have this day to decide with information before us of the Madawaska settlements which does not add one material fact to those mentioned by Sir G. Murray. Simon Hebert's location, at the mouth of the Madawaska, is still so called, and from thence to the Great Falls are New Brunswick settlements, but from whence the settlers came, or by whom the concessions were made, or when the locations were assigned, it is only in a few instances (comparatively to what is represented to be the total number of settlers) we are informed. Nor is more precise information than that given by Sir G. Murray needed with respect to the fact of the actual settlements, though their history, and the authority under which they were made, might have been accurately investigated in New Brunswick, for the purpose of facilitating a decision respecting them.

I confine these remarks to the mere fact of existing settlements, and to what was known of them long since. The general question of the boundary of Canada is not in the same position as formerly, for in 1830 it was unknown what agreement might be made respecting it.

These are the only particulars relating to the origin of these settlements which it is necessary to notice.

*The present state of the Settlements.*—The Canadian authorities say, first, that the settlements on both banks of the River St. John, situate between the Grand Falls and the Little Falls, at the mouth of the Madawaska, commonly called “the Madawaska settlements,” appear to be composed partly of Acadians and their descendants, and partly of Canadians, and formed, as early as the year 1781, the parish of Madawaska, served by Adrien LeClerc, *curé* of Isle Verte. Secondly, that the settlements on both banks of the St. John, between the Little Falls at the mouth of the Madawaska and the River St. Francis, are chiefly Canadian, and form the Catholic parish of St. Basil. Thirdly, that the settlements on both banks of the River Madawaska, between the River St. John and the seigniory of Madawaska and Lake Temiscouata, are chiefly Canadian, with some Irish and Scotch emigrants. Military locations, also, were made here by the Canadian Government, in 1813, to disbanded non-commissioned officers and privates, some of whom are now residing on the land surveyed for them.

Lieutenant Simmons, R.E., writing in July, 1845, “reports that the population “is settled in a narrow belt from one to three miles wide, on the left bank of the St. John, and is tolerably dense from the Grand to the Little Falls, comprising about 1,800 souls; thence up the Madawaska River to the southern boundary of the seigniory of Lake Temiscouata, fourteen miles, about 250 souls, whence, northerly and westerly to Canada, the settlements are so scattered and few that they are not worth considering; not exceeding, altogether, twenty families.”

Of a list of the names of 135 persons to whom Messrs. McLaughlan and Allen assigned locations when they surveyed the St. John and Madawaska Rivers, eighty-five are set down to be Canadians, or of Canadian origin, and twenty-seven Acadians; or a total of 111, out of 135 persons, of French origin.

Of persons settled in the district, 593 have signed, or put their marks to an address, praying to be included within the limits of Canada. If Lieutenant Simmons is correct in stating the number of souls, the names of 593 men must comprise nearly the whole male population of all the settlements. On the other hand, it is asserted that many were ignorant of the contents of the paper to which their names were attached. Admitting, however, that the names alone are correctly given, it is certainly evident that the population has a nearer affinity to Canada than to New Brunswick. I could have desired some information of those persons whose names are appended to the address, and whose names indicate their British



origin. I did intend to compare the names affixed to the address with the names given by Messrs. McLauchlan and Allen, but I put them aside, as the identity of persons could not be established by identity of names, and if any error were made, my opinions might be supposed to be connected with it.

It is remarkable that there is no evidence of any Canadian grants to Acadians settled above the Great Falls who were mentioned in the Report of the Committee of Council made to Lord Dorchester.

The Madawaska district must always have been known to be west of the due north line forming the western boundary of New Brunswick, and without the limits of that Province; and the evidence given, so far as it extends, shows the far greater portion of the population to be of Canadian, Acadian, or French origin.

*The St. Francis River.*—On the St. Francis River, two concessions appear to have been made, in 1814, by the Government of Canada, with the sanction of that very eminent and most honorable Governor, Sir George Prevost.

*The Survey of 1845.*—It is now necessary to advert to a transaction of much singularity in every particular connected with it. Up to the year 1844, the Government of New Brunswick does not appear to have interfered in the Madawaska district further to the west than the mouth of the Madawaska River, nor further up that river than the concession of 1825 made to Simon Hebert.

In the year 1845, Messrs. McLauchlan and Allen were deputed to carry on surveys on the River St. John, and to set out allotments under the Provincial Act of the Legislature of New Brunswick, passed in 1844, professedly to carry into effect the fourth Article of the Treaty of Washington. Under this Provincial Act, these surveyors had no authority whatever on the Upper St. John. At the due north line from the St. Croix, the western jurisdiction of the Legislature of New Brunswick ceases. Beyond that point, these surveyors were without authority to make surveys, to examine into titles, or to set out a single allotment. The execution of any Treaty, even if a Provincial Legislature were authorized by the Supreme Government to undertake it, could not be accomplished on the Upper St. John by the Government of New Brunswick under a Provincial Act. But it is impossible to affect blindness to the purposes of the whole transaction, and they are too manifest to be concealed. What interest had New Brunswick in the execution of the fourth Article of the Treaty? What confirmation could the Treaty give to the New Brunswick settlements on the Madawaska? Were the locations of New Brunswick grants doubtful or unknown, and, if so, what words in any treaty could possibly remove such doubts, or give certainty to their locality? The old settlements to which New Brunswick asserted a title are between the Great and the Little Falls, and they do not extend up the Madawaska River, nor beyond the Little Falls on the west. The labours, therefore, of the surveyors, if needed, should have been confined to the district between the Great and the Little Falls. Their operations were, however, carried on along both sides of the Madawaska River, and from thence along the River St. John to the River St. Francis. Out of about 450 allotments, mentioned in their Report and map, about eighty are set down between the Madawaska and the St. Francis. The only survey reported is that of 1845, and I am not informed if it was continued in any subsequent year. It was at once completed where the Province of New Brunswick never, even irregularly, exercised jurisdiction; and it was left, in 1845, incomplete where such jurisdiction had been asserted. If convenience were consulted, or if accident coincided with convenience in directing the course, or the line of the survey, they both coincided with Provincial pretensions, which required some evidence to countenance their assertion west of the mouth of the River Madawaska.

These surveys, as evidence of any jurisdiction exercised by the Province of New Brunswick in the district in which they were made, I set aside without any hesita-

tion. Sir William Colebrooke stated, twenty-sixth April, 1846, that no grants had been made in respect of them.

IX. With these facts relating to the existing settlements before me, I proceed to examine the different proposals that have been made for the future boundary between the two Provinces.

The first proposal on the part of New Brunswick was communicated by Sir W. G. Colebrooke, thirteenth January, 1845.

“Whatever,” stated Sir W. Colebrooke, “may originally have been the claims of the two Provinces to the intermediate territory, and which were so long held in abeyance by the disputes with America, the question at present resolves itself into one of possession. Ascending the Restigouche from the Bay of Chaleurs, in a westerly direction, the settlements of Canada have progressively extended along left bank as high as the Metapediac, where a parish or township appears to have been formed in 1841; and the parishes of New Brunswick, in like manner, have extended to the same distance along the right bank. As far as this point, therefore, no material difficulty presents itself. But a short distance above the junction of the Metapediac the Restigouche changes its direction, and ascends to its source in a more southerly direction, and the country watered by it, above the settlements I have mentioned, has hitherto been unoccupied except by a few settlers and lumberers from this Province. The same observation applies to the tributaries at the Upper St. John, and the settlements formed on them have progressively extended from the main river on which the claims of the settlers are secured by the Treaty of Washington. Even if considerations arising from occupation and settlement of the territory watered by these waters did not intervene, I should still be disposed to doubt the convenience of a line of boundary carried to the source of the Restigouche and extending from thence westward. Such a circuitous and prolonged line would be attended with much inconvenience to both Provinces, without any corresponding advantages to either; and, advert- ing to the views of Her Majesty’s Government in the conventional settlement of the American boundary by the Treaty of Washington, it appears to me that the most direct line which can be drawn from the junction of the American line on the St. Francis (a tributary of the St. John) to the angle above the highest Canadian settlements on the Restigouche, where the river changes its direction, would, at once, be the shortest and most equitable division of the territory. Such a line would obviate, as far as practicable, the inconvenience of a prolonged river boundary, and without encroaching on any settlement formed on either side. Giving to Canada the Lake Temiscouata, would, with this exception, confirm to New Brunswick the possession of the St. John and its tributaries, so far as they are not included in the concessions to America by the Treaty of Washington.”

There is an opinion expressed in this Despatch which is very erroneous. Whatever territory is within the bounds of either Province is bound by the laws of the Province irrespective of the Treaty of Washington. The Treaty, without the aid of an Imperial Act or of a Provincial Act, could not have changed the rights of property, the interests of private persons in the settlements they had made, nor have secured or conferred rights to land. It determined the limits of one Province consequentially, but, directly, it determined the limits between the United States and British possessions. Within our own limits it could of itself have no force in establishing or securing the claims of settlers or others. When a treaty disturbs private rights, or engages to give municipal rights to aliens, a special law is requisite to give to it effect. The language used in the Despatch implies that territory had been acquired under the Treaty, and then, if this were correct, the Article of the Treaty guaranteeing or securing to the subjects of each nation the estates they had previously acquired, would have applied, and a legislative measure would have been needed to continue to aliens the possessions within our acquired limits held by

them; but this language, implying acquisition, is contradicted by the expressions in the same Despatch, of "confirming" to New Brunswick what had not been "conceded" to the United States; thus denying any acquisition. If there were no settlements within our limits made by the authority of the American Government, the Article of the Treaty referred to could have had no effect, or rather no application under it would have been made. It bound the good faith of the Government, if such settlements existed, to preserve the acquisitions of certain aliens. It respected the existing interests of our own subjects within our territories; no engagement with a foreign power was required, and it would have been absurd if it had been entered into. Such interests are secured under the protection of our own laws at all times, and they can obtain no confirmation by a treaty, for they exist, and are, and must be, respected independently of any foreign power with whom a treaty may be made.

The Treaty did not confirm to New Brunswick any territory, for its title must have had a previous existence in order to be confirmed, even if such confirmation under a treaty were possible. That it had no such previous title I have shown, and its non-existence is admitted by the Commissioners in a passage of their Report before cited. Nevertheless, the Legislature of New Brunswick acted on the error mentioned when it passed an Act to give effect to the Fourth Article of the Treaty of Washington. A misconception, uncorrected by the Governor of the Province, prevailed in both Chambers of the Provincial Parliament of the effect of a most important international act of the Supreme Government.

The objections to the proposal of Sir W. Colebrooke are:—

1. That the River Restigouche forms a natural boundary, easy to be ascertained, and is the great outlet to the sea of the produce of both Provinces. Rivers have usually been preferred as lines of demarcation, and the River St. John is the boundary between Canada and the United States; and to the west, for an enormous distance, rivers and lakes divide the same countries. It would most seriously retard the improvement of the upper country if it were excluded by a Provincial line from the river; but with so extensive an American water boundary the objection to the Restigouche loses all its force, if it had any, when applied to a boundary separating two Provinces subject to the British Government.

The proposed line would also intersect or cut many important tributaries of the St. John and Restigouche Rivers, leaving the upper streams within the Province of Canada, and transferring their outlets to New Brunswick, besides excluding Canada from the main stream of the St. John.

This line would also give territory to New Brunswick, over which it had no right, and had never exercised jurisdiction; transferring to it part of the County of Bonaventure, and on the west separating the seigniory of Madawaska, and placing it under laws incompatible with its tenure, besides depriving Canada of the district between Madawaska and the St. Francis River.

This proposal is, therefore, clearly inadmissible, and Major Robinson and Captain Henderson state that, practically, there would be difficulty in marking out such a boundary.

2. The second proposal on the part of New Brunswick was made in July 1845, at Frederickton, by Mr. Street and Mr. Saunders, and was communicated to the Canadian Government through Mr. Draper and Mr. Papineau.

It repeated the proposal of Sir W. Colebrooke, with an alteration by which the whole of the Temiscouata Lake should be left on the Canada side.

3. The third proposal was made at the same time with the last. It was this :—“The Restigouche River to be the boundary to the mouth of the branch of that River, called the Tomkissnac; thence up that branch to the fifth fork thereof; thence to run in a direct course from the fork of the river, towards the angle of the River St. Francis, of the United States boundary, as settled by the Treaty of Washington, until it intersects the northern eastern boundary line of the Madawaska Seigniory, so called; thence following the boundary line of the said Seigniory south-easterly, south-westerly, and north-westerly, until it will intersect the prolongation of a line on the first-mentioned course, running from the said fork of the Tomkissnac River, and thence along that line to the said angle of the United States boundary on the River St. Francis.”

The same objections apply to the last two proposals as to that one made through Sir W. Colebrooke. They all transfer to New Brunswick nearly the whole of the upper basin of the north side of the River St. John—exclude Canada from the bank of the main stream of the St. John, and take from it the territory on both sides of the Madawaska River, as well as that above the Madawaska River west and between this river and the River St. Francis.

There have been four proposals made on the part of the Province of Canada.

1. (April 28, 1845.)—To prolong the due north line from the River St. Croix until it should strike the River Restigouche, which would in fact, as nearly as practicable, be the strict legal boundary of New Brunswick.
2. The proposal made in July, 1845, by Mr. Draper and Mr. Papineau, at Frederickton, namely,—A line to be drawn from the mouth of the River Restigouche, following its different windings south-westerly, until it reaches the due north line, from the source of the River St. Croix, and thence in a direct course to the nearest angle of the Madawaska Seigniory; thence to the River Madawaska, along the boundary of the Seigniory; thence down the river to the River St. John, and the boundary of the United States: reserving a right to Canada to construct a railroad from the River St. John to the River Restigouche, through the territory to be acquired by New Brunswick, such railway to be under the control of Canada, in order to facilitate the conveyance of her products to the Bay of Chaleurs, without being subject to the internal regulations of the Government and Legislature of New Brunswick.
3. The proposal of Lord Metcalfe, (August 19, 1845,) who after alluding to the prolongation of the due north line, added :—“As a strict adherence to that line would deprive New Brunswick of territory over which, under peculiar circumstances, she has hitherto been allowed to exercise jurisdiction, Canada has been willing to make a considerable concession to the westward of that line, in order to produce an amicable agreement. It has, therefore, been proposed, on the part of Canada, that the River Madawaska, on the west, and the hitherto acknowledged main stream of the Restigouche, on the north, and a line drawn from the one to the other, should form the boundary between the two Provinces; by which arrangement the Madawaska settlement, eastward of the Madawaska River, will be left in possession of New Brunswick, and a large territory permanently annexed to that Province, which is claimed as belonging to Canada. This arrangement may, I conceive, be adopted without creating any insuperable discontent in Canada, but this Province, I fear, could not be reconciled to any further alienation of what is considered to be Canadian territory. In expressing the opinion that Canada might be reconciled to the arrangement described, I am far

“ from supposing it would satisfy New Brunswick, the pretensions of that Province appearing to me to extend beyond reasonable bounds.”

4. The fourth proposal is contained in the counter-statement of Mr. Price, in reply to the proposal, hereafter mentioned, of the Commissioners, Major Robinson, Captain Henderson, and Mr. Johnstone. It is as follows:—
- “ Commencing on the north bank of the River St. John, at the mouth of the River commonly called ‘Madawaska;’ thence running north-east, on a course parallel with the line traced by the Commissioners of boundary, under the Treaty of Washington, from the outlet of Lake Pohenagamook, to the north-east branch of the River St. John, until intersected by that branch of the River Restigouche called the Grand Fourche or Redgewicke, then to the middle of the channel of the said river, and then south-easterly down the middle of the channel of the said River Redgewicke, to the middle of the channel of the Restigouche River, then down the middle of the said channel easterly to the mouth of the said River Ristigouche, in the Bay of Chaleurs, and thence through the middle of the Bay to the Gulf of St. Lawrence, giving to the Provinces of Canada and New Brunswick the islands in the Rivers Redgewicke and Restigouche, nearest to the shores in front of the said Provinces.”

This line of boundary I propose to adhere to; and I am of opinion that no claim on the part of the Province of New Brunswick to a larger concession is sustained by any facts presented to my notice.

There is a non-official proposal of Lieutenant Simmons, R.E. It is—A line drawn due east from the outlet of Lake Pohenagamook, on the American boundary, to strike the River Restigouche.

No reasons for this proposal accompany it; but it was forwarded with some intelligent and instructive observations on this district of Canada. The objections to the line are similar to those already mentioned.

The proposal of Major Robinson, R.E., Captain Henderson, R.E., and Mr. Johnstone, is—“ That New Brunswick shall be bounded on the west by the boundary of the United States, as traced by the Commissioners of boundary, under the Treaty of Washington, dated August, 1842, from the source of the St. Croix to the outlet of Lake Pohenagamook; thence north-easterly by the prolongation of the straight line which has been laid down on the ground as the boundary of the United States, between the iron monument at the north-west branch of the River St. John and the iron monument at the said outlet of Lake Pohenagamook, until the line so prolonged shall reach the parallel of 47° 50' of north latitude, to that branch of the Restigouche River called the Redgewick or Grand Fourche; then along the centre of its stream to the Restigouche River; then down the centre of the stream of the Restigouche River to its mouth in the Bay of Chaleurs; and then through the middle of that bay to the Gulf of St. Lawrence; giving to New Brunswick the islands in the said River Redgewick and Restigouche to its mouth at Dalhousie.”

Having already shown how erroneous are the views entertained by the Commissioners of the principles on which their decision should have proceeded, I might, without impropriety, disregard what they state in favor of this line. They say, however, “ This is a line which may be easily ascertained, defined, and marked, with comparatively little expense, and with ease and certainty. It gives to the Provinces a convenient form, and confirms to each its possessions and inhabitants; or, if there is any exception, it is too inconsiderable for notice in determining a question of this nature, and in every particular, as far as the knowledge and belief of the Commissioners extend, divides the territory in dispute in

“ the manner likely to be most beneficial as regards the Provinces comparatively, and as respects the interest and convenience of its inhabitants. The territory lying west of the due north line, which the ancient boundary leaves without the strict limits of either Province, comprises 4,400 square miles. Of these the proposed conventual line will give 2,300 square miles to New Brunswick, and 2,100 square miles to Canada; and of that tract of country lying to the north of the Restigouche which lies within the limits of New Brunswick, 2,660 square miles are assigned to Canada. The Seigniories of Temiscouata and Madawaska fall within the limits of New Brunswick, or very principally. The Commissioners would have assigned them to Canada, had it been possible to do so without much injury to the general arrangement. They believe, however, that the inconvenience of separating them from Canada is more nominal than real. The inhabitants are few, not exceeding 20 families of poor humble settlers. The tenure of a large portion of these Seigniories has been changed to common soccage by legislative enactment at the instance of the owners; and it is believed that the proprietor , will be content with a similar change.”

Private dealings with the Madawaska fief, or the acts private parties may possibly do in the management of their own property, I cannot notice. The conversion of the seigniorial tenure into soccage tenure must have been effected, not by legislative enactments at the instance of the owners, but by the owners acting on the legislative enactments of the Imperial Act of the 6 Geo. IV., cap. 59, which especially and alone applies to land within the jurisdiction of Lower Canada. The Commissioners have cited the effect of a law, confined in its operation to Lower Canada, on the tenure of the property of the seignior, and at the same time deny that the property is within the limits of Lower Canada.

I have already shown that the territory in question is within, and not without, the limits of Canada.

The proposed line confirms to New Brunswick infinitely more than its possessions and its inhabitants. That which is to the north of the Restigouche is within Canada. The important district on the west is also part of Canada. The apparent equal division that is proposed is fallacious. It assigns to New Brunswick almost the entire western side of the upper basin of the St. John; and, if Lord Ashburton was correctly informed, this upper basin is not fertile, with the exception of the Madawaska district. (Parl. Paper, p. 7, 1842.)\*

The proposed boundary can hardly be thought to consult the convenience of the Province of Canada. It is of the highest importance, even to Imperial interests, trade and navigation of the Upper St. John and of the State of Maine should be connected with the navigation of the St. Lawrence, and no attempt ought to be made to separate the communication of Canada with the River St. John by a provincial boundary.

The proposal of the Commissioners I regard to be impolitic and inequitable. I, therefore, feel that I am bound to adhere to the proposal, unless some similar one is suggested, made on the part of the Government of Canada through Mr. Price. It concedes as much as I think is required. The extent of the concession, which circumstances have rendered proper, for the purpose of establishing a cordial under-

\* Parl. Paper, 1842, p. 7.—“ Of the land likely to come to us by any practical settlement, nine-tenths of it are, from its position and quality, wholly worthless. It can support no population, it grows even little timber of value, and can be of no service but as a boundary, though from its desert nature an useful boundary for the two governments. In considering, on a map, a division of the territory in question, this remarkable circumstance must be kept in mind, that a division of acres by their number would be a very unequal division of their value. The southern portion of this territory, the Valley of Aristook, is represented to be one of the most beautiful and fertile tracts of land in this part of the continent, capable of the highest state of cultivation, and covered with fine timber, while the northern portion, with the exception of that small part comprised within the Madawaska settlement, is of the miserable description I have stated.”—(Lord Ashburton, Parl. Papers, 1840, p. 7.)

standing between the two Provinces, local authorities are more competent to comprehend than I can be. What has been offered will, I think, and it certainly ought, to satisfy the reasonable expectations of the people of New Brunswick, and to be regarded as a highly honorable proposal to remove existing difficulties.

There are two alterations I should suggest, if the arbitrators acting with me should adopt the proposal of the Government of Canada: instead of attempting to describe a line "parallel" to one at so great a distance as that referred to, it would be better to substitute a compass line. Secondly, I think Simon Hebert's concession, at its north-west angle, should be made the point of departure of the direct compass line.

It is desired that the land which may be included within the limits of New Brunswick may be declared, in the Act of the Imperial Parliament which will be necessary to carry into effect our award, to be held under the tenure of common soccage. There can be no actual necessity for such a provision. All land falling within the limits of the Province will become subject to its ordinary law relating to real property. An injustice might be done through our awards, if lands so included within the limits of New Brunswick were already charged or encumbered under the Law of Lower Canada.

(Signed,) THOMAS FALCONER.

3, Fig Tree Court,  
Temple, December 26, 1840.

## No. 18

Copy of a letter from T. Falconer, Esquire, to Earl Grey.

WOTTON, LYMINGTON, HANT, May 5, 1851.

My Lord,—Doctor Lushington, it appears has lost two of the papers; and I am, therefore, only enabled to send the enclosed as part of the papers alluded to in my letter of the 19th of April.

I have, &c.,

(Signed,) T. FALCONER.

To the Right Honorable Earl GREY,  
&c. &c. &c.

### III.

NOTE upon the discussion relating to the CANADA and NEW BRUNSWICK  
BOUNDARY, 2nd April, 1851.

1. I suggested that the boundary line, described in the Proclamation of 1763, namely, the line passing "along the highlands which divide the rivers that empty themselves into the River St. Lawrence from those which fall into the sea, and also along the north coast of the Baie des Chaleurs and the coast of the Gulf of St. Lawrence to Cape Rosiers," applied on the west of such line, to highlands which divide the rivers answering the description on the western limit of the line, and did not necessarily imply "highlands" from the western extremity of the line continuously to the Baie des Chaleurs. This was not assented to: had it been, the words of the Imperial Act of 1774 might have been shown to be governed by this interpretation of the Proclamation.

2. I admitted that the Imperial Act of 1774 does not describe a line agreeing with the physical character of the country on the eastern extremity of the southern highlands, but suggested that, as the words of the Act of 1774 and of the Treaty of 1783 are the same in all material expressions, the solution of the doubts which affected the Terms of the Treaty of 1783 should be followed so far as the Treaty of Washington might apply to the question; this was not assented to.

3. I held that the northern highlands, marked out by the Commissioners do not, on the eastern extremity of the line, comply either with the terms of the Proclamation of 1763 or of the Imperial Act of 1774.

4. It was agreed that a conventional line should be drawn.

5. If the Act of 1774 cannot, in consequence of the Treaty of Washington, be complied with—if the southern highlands are to be a guide—and if the boundary line of the Commissioners cannot be taken correctly to fulfil the words of the Act of 1774; if the northern highlands are to be a guide—and it is asked, what is the southern boundary line of Canada? the reply must be, that it is, necessarily, undefined.

6. If, then, there is no defined southern boundary line of Canada, the next consideration is, what parts of the territory in dispute may be assumed to be parts of Canada irrespective of any legally-defined southern boundary?

I consider that all seigniories are to be assumed to be distinctly portions of Canada; such as the seigniory of Madawaska and the seigniory of Shoobred, and also the territory within the extinct seigniory of Cloridon.

Whatever interpretation may be given to the Act of 1774, it cannot be said, even by implication, to have been designed to deprive Canada of any of its seigniories.

We ought not, therefore, to draw any line of boundary which shall take from Canada any portion of territory which has been defined as seigniories to be within the jurisdiction of its government.

The settlements of New Brunswick, to the west of the due north line from the River St. Croix, are distinctly beyond any presumable limits of the Province of New Brunswick. We pass the well-marked limit of this due north line in proposing a new boundary, merely because there is a desire in both Provinces to respect these settlements, extending from the Great Falls of the River St. John to the mouth of the Madawaska River, though illegally made. We propose to assign to New Brunswick territory including these settlements; but this is no valid reason why we should interfere with the defined limits of seigniories, the settlements within which have not occasioned any provincial differences.

By setting aside the northern highlands of the Commissioners as a boundary, the seigniory of Madawaska, simply as a seigniory, remains a defined portion of Canada. It cannot be said to be without the legal limits of the Province, though the general Provincial limits may be uncertain.

In any apportionment of territory west of the due north line, the seigniory of Madawaska should, therefore, be left undisturbed, and remain excluded from consideration as part of a disputed district.

7. If we draw a line favorable to New Brunswick from the mouth of the Madawaska River, so as to include its Madawaska settlements, what remains, excluding from consideration the seigniory of Madawaska, which can be assigned to Canada? Merely the block of land bounded by the seigniory and the River Madawaska on the east, and by the River St. John on the south. If this block of land is not confirmed to Canada, there will be assigned to New Brunswick the whole of the district really in dispute west of the due north line, though this district is confessedly, throughout its whole extent, beyond the legal limits of the Province of New



Brunswick, and its settlements in Madawaska are admitted to have been encroachments.

For these reasons, the two lines proposed by Doctor Twiss are objectionable: the one passing through the water communication of the Madawaska seigniory, and depriving Canada of a large portion of this seigniory; and the other, simply assigning to Canada the land above, a line drawn from the outlet of Lake Poheganamook to the boundary of the seigniory.

8. The claim of New Brunswick to any territory east of the due north line from the River St. Croix, and north of the River Restigouche, is of a very late date indeed. The River Restigouche has, from the year 1763 until within a very few years—I believe until the late survey was made—been regarded, without any dispute, to be a portion of the boundary between the two Provinces.

On the north side of this river was the extinct seigniory of Cloridon, and there still exists the seigniory of Shoolbred. This latter seigniory was erected by the British Government since the Conquest, and the Crown could not have erected it subject to the incidents of the French tenure of land, unless it had been within the limits of Canada.

By a Provincial Act of the Legislature of Canada, 9 Geo. IV. cap. 73, the County of Bonaventure was declared to be “bounded on the east and the north by the County of Gaspé, and to consist of such part of the inferior District of Gaspé as is included between the said County of Gaspé and the District of Quebec, including all the islands in front thereof, in whole or in part, nearest to the said County; which County, so bounded, comprises the seigniory of Shoolbred, the Indian village, or mission, and the settlements above and below the same, on the north side of the River Restigouche, the townships and settlements of Carlton, Maria, Richmond, Hamilton, including Bonaventure, Cox, including the town of New Carlisle, Hope, including Paspédiac, La Nouvelle, and Port Daniel.”

Mr. Bouchette, the Surveyor of the Province, in his “Account of Canada,” states the following rivers to be within the limits of this County:—

|                     |                  |
|---------------------|------------------|
| Restigouche.        | Seminac.         |
| Metapediac.         | stone.           |
| Great Cascapediac.  | Gadnamgoushet.   |
| Little Cascapediac. | Goummitz.        |
| Bonaventure.        | Piscudy.         |
| Great Nouvelle.     | Wembrook.        |
| Little Nouvelle.    | Great Wagansis.  |
| East Nouvelle.      | Little Wagansis. |

This County returns one member to the Provincial Legislature of Canada.

By the Imperial Act of the 3rd and 4th Vic. (1840) cap. 35, sec. 18, it is enacted, “that every County which before and at the time of the passing of the said Act, intituled, ‘An Act to make temporary provision for the Government of Lower Canada,’ was entitled to be represented in the Assembly of the Province of Lower Canada, except the Counties of Montgomery, Orleans, L’Assumption, Las Chesnage, L’Acadie, Laprairie, Dorchester and Beauce, hereinafter mentioned, shall be represented by one member in the Legislative Assembly of the Province of Canada.”

And by the 26th section of the same Act, it is enacted, “That it shall be lawful for the Legislature of the Province of Canada, by an Act or Acts to be hereafter passed, to alter the divisions and extent of the several counties, ridings, cities, or towns, which shall be represented in the Legislative Assembly of the Province of Canada, and to establish new and other divisions of the same, and to alter the apportionment of representatives to be chosen in and for those parts of the Province of Canada which now constitute the said Provinces of Upper and Lower

“Canada respectively, and in and for the several counties, ridings and towns of the same.”

The effect of this section of the Imperial Act appears to be, to give to the Legislature of Canada jurisdiction over the whole district, constituting the County of Bonaventure, as described in the Provincial Act.

I may take this opportunity of saying, that I have probably assumed a wrong view of the expression of the Commissioners, that “no imperial interests were involved in the settlement of this question.” It may be presumed their remark was confined to military considerations.

THOMAS FALCONER.

3, Fig-tree Court,  
Temple, April 4, 1851.

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### III.

The principle respecting existing possessions was recognised in the case of *Penn v. Baltimore*, in the year 1750, a case which Lord Hardwicke described as “involving the right and boundaries of two great Provincial governments and three counties, and to have been worthy of the judicature of a Roman Senate rather than of a single judge.” \* \* \* “I am of opinion,” said Lord Hardwicke, “that full and actual possession is sufficient title to maintain a suit for settling boundaries; a strict title is never entered into in cases of this kind, neither ought it.” \* \* \* “In cases of this kind, of two great territories held by the Crown, I will say once for all, that long possession and cultivating countries is one of the best evidences of title to lands or district of lands of America that can be, and so have I thought in all cases since I have served the Crown; for the great beneficial advantages arising to the Crown from settling, &c., is, that the navigation and commerce of this country is thereby improved. These persons, therefore, who make these settlements ought to be protected in their possession as far as law and equity can,” &c.

THOMAS FALCONER.

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### IV.

Proposal of April 14, 1851.

That New Brunswick shall be bounded by a line drawn due north from the River St. John to the south-west corner of the Concession of Simon Erard, on the eastern side of the mouth of the River Madawaska, and prolonged to the parallel of latitude of 47° 50'. Hence along that parallel of latitude to the branch of the River Restigouche, called the Redgewick, or Grand Fourche. Hence along the centre of its stream to the Restigouche River; thence along the centre of the stream of the Restigouche River to its mouth in the Bay of Chaleurs; and thence through the middle of that bay to the Gulf of the St. Lawrence, giving to the Provinces of Canada and New Brunswick respectively, the islands in the River Redgewick and the River Restigouche in part, or in whole, nearest to the banks within the aforesaid boundary.

THOMAS FALCONER.

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## No. 19.

## Copy of a Letter from Doctor Travers Twiss to Earl Grey.

DOCTORS COMMONS, June 19, 1851.

My Lord,—I beg to acknowledge the receipt of a communication from Mr. Merivale, enclosing, by direction of Your Lordship, a copy of "certain notes received from Mr. Falconer, respecting the question of the boundary line between Canada and New Brunswick, and a copy of which notes has also been sent to the Right Honorable Doctor Lushington.

As it appears to me that Mr. Falconer's notes by themselves would furnish to your Lordship but an imperfect view of the difficulties which the question of boundary gave rise to, in the judgment of his colleagues in the arbitration, I beg to present to your Lordship, with the assent of the Right Honorable Doctor Lushington, a copy of the proposal submitted by myself to the consideration of the arbitrators. That proposal contains the original view, which I was led to form after a careful examination of the documents and maps transmitted on behalf of the two Provinces from the Colonial Office, and before the arbitrators met to discuss the question.

I beg likewise to present to your Lordship a note upon the discussion of April 2d, 1851, which may serve to elucidate more fully the two alternative lines of boundary, which I suggested in the course of that discussion, and to which Mr. Falconer alludes in his note No. 3, as appearing to him to be objectionable for certain reasons.

Your Lordship will thus be placed in possession of the views of the arbitrator appointed on behalf of the Province of New Brunswick, by the side of the opinion of the arbitrator on behalf of the Province of Canada, and will be enabled to appreciate the concessions, which have been made on either side, in order to promote an arrangement of the question.

With regard to the boundary line, upon which the Right Honorable Doctor Lushington and myself ultimately agreed to report to your Lordship, it would have been to myself a subject of much satisfaction if Mr. Falconer could have acceded to our decision. As the reasons of Mr. Falconer for withholding his assent have been stated by myself to your Lordship, I forbear to allude to them further than to observe that they received, in the course of the discussion, the fullest consideration.

I have, &amp;c.,

(Signed,) TRAVERS TWISS.

The Right Honorable Earl GREY,  
&c.            &c.            &c.

Proposal for an arrangement of the boundary between the Provinces of Canada, and New Brunswick, submitted on the part of Doctor Travers Twiss, the arbitrator nominated by His Excellency Sir E. W. Head, Baronet, Lieutenant Governor of New Brunswick, with the advice of the Executive Council of that Province.

The undersigned, in submitting a proposal for an arrangement of the boundary between the Provinces of New Brunswick and Canada, to the consideration of his colleagues in the arbitration, thinks that it may conduce to the more speedy settlement of the subject of the arbitration if he should prefix to it a statement of the grounds on which he has been led to make the proposal. He begs, therefore, to

lay before them, at some length, the view of the subject which he has formed after a careful examination of the data at his command,

It appears from the Despatch of Earl Grey to the Earl of Elgin and Kincardine, dated Downing Street, June 27, 1850, No. 507, that the duty of the arbitrators upon the question of boundary between the Provinces of New Brunswick and Canada is, "to report to Her Majesty's Government, and in that report to point out the line which they consider the most convenient, and the most equitable, without being tied to the mere interpretation of the law as it stands." It thus become necessary to consider the questions of fact, which will determine the convenience of a given boundary, in conjunction with the questions of fact which will determine the equity of a given boundary, and by the union of these two considerations, to satisfy the object of the arbitration.

The question of equity claims precedence with reason over the question of convenience, as the maintenance of a *de facto* order of things may be involved in the former question, whilst the latter mainly relates to the effect of future arrangements; but in order to determine the question of equity, it will be necessary to ascertain, if possible, the question of strict right, from which to measure the equity, and the question of right involves a question of law. The law, therefore, which gives rise to rights on behalf of either Province must be in the first place ascertained.

The question, then, being a question between two Provinces, subject to one and the same sovereign, the rights of each Province must rest upon the law of that sovereign, not upon those rules which determine the reciprocal rights of independent sovereign states. Hence use and occupation, which are acts that presume sovereignty, and may establish a title as between the claims of contending sovereign powers, do not serve for any such purpose between Provinces which are subject to a common sovereign. Again, treaties and conventions between the common sovereign and other sovereign powers, which serve to establish the boundaries of his territory, as against a foreign sovereign, afford no positive argument as to the subdivision of that territory, excepting so far as they incidentally supply historical evidence of facts, like other documents.

The Provinces in question being thus municipal divisions of territory instituted by a common sovereign, it becomes necessary to refer to the acts of that Sovereign, in order to ascertain their respective limits. Those acts in regard to Canada, consist of a proclamation of the Crown in 1763, declaring the boundaries of the Government of Quebec, and an Act of the Imperial Parliament of 1774 (14 Geo. III. cap. 83), enacted expressly to remedy the defects and inconveniences of the proclamation. In regard to New Brunswick, they consist of a Royal Commission to Montague Wilmot, Esquire, Governor of Nova Scotia, in 1763, and a Royal Commission in 1784, to the Governor of New Brunswick, upon the subdivision of the ancient Provinces of Nova Scotia, and the erection of New Brunswick out of it.

In 1763, the British Crown became sovereign, by conquest or cession, of all the territories of the French king, on the western side of the River Mississippi. Those territories had been at one time designated by the common name of New France, as distinguished from Louisiana, and the boundaries of French Canada, a territory of New France, had been the subject of various treaties and consequent discussions between the French and British Crowns, antecedently to the total cession of the country to Great Britain, by the Treaty of Paris in 1763. By the 4th article of that Treaty, the Most Christian King renounced all pretensions to Nova Scotia, or Acadia, and guaranteed it with its dependencies to the King of Great Britain. His Most Christian King further ceded and guaranteed in full property, "Canada with all its dependencies, as well as the isle of Cape Breton, and all the other isles and coasts in the Gulf and River of St. Lawrence;" and by the 7th Article, it was agreed that the limits of the French and British territories on the continent of America, should be the River Mississippi from its source to the sea. No limit is

thrown upon the subject by the language of this treaty, further than the inference, that certain coasts in the Gulf of the St. Lawrence were regarded as not forming part of the French Province of Canada, or of the French Province of Nova Scotia or Acadia, being enumerated and ceded to the British Crown, apart from either.

The object of the Acts of the British Crown in 1763 was to constitute a legal order of things with regard to the boundaries of its newly acquired territory, as the international limits of former days between the French and British Provinces, if they had in any way been maintained down to 1763, had become obliterated under the sceptre of a common sovereign. But those international limits had always been a subject of dispute, and the ancient limits of Acadia had not been agreed upon between the two Crowns, when the hostilities broke out which led to the conquest of Quebec and the treaty of Paris. It thus becomes useless to refer to the earlier treaties between the French and the British Crowns, as they had never received a definite interpretation. Besides the object of the present inquiry is not to determine the boundaries of Nova Scotia as granted to the Earl of Stirling in 1621 by King James I., or the boundaries of Nova Scotia as identified with or distinguished from Acadia, or the limits of the British Province of Nova Scotia as against the French Province of Canada, but the limits of the British Province of New Brunswick, erected in 1784 by the British Crown out of the British Province of Nova Scotia, constituted by the British Crown in 1763, as contradistinguished from the British Province of Canada, erected by the British Crown in 1763 out of the territory newly acquired by the British from the French Crown by the treaty of Paris.

In regard, then, to Canada, a proclamation was issued by the Crown immediately upon the conclusion of the treaty of Paris, defining the limits of the government of Quebec in these words (7th October, 1763):—

“The Government of Quebec is bounded on the Labrador coast by the River St. John, and from thence by a line drawn from the head of that river through the Lake St. John to the south end of the Lake Nipissim, from whence the said line, crossing the River St. Lawrence and the Lake Champlain in 45° north latitude, passes along the highlands which divide the rivers that empty themselves into the said River St. Lawrence from those which fall into the sea, and also along the north coast of the Bay of Chaleurs, and the coast of the Gulf of St. Lawrence to Cape Rosier, and from thence crossing the mouth of the River St. Lawrence by the west end of the island of Anticosti, terminates at the aforesaid River St. John.”

In the following month of the said year a Commission was issued by the Crown to Montague Wilmot, Esquire, as Governor of Nova Scotia, dated 21st November, 1763, and in this Commission the boundaries of Nova Scotia are thus defined:—

“To the northward our said Province (Nova Scotia) shall be bounded by the southern boundary of our Province of Quebec, as far as the western extremity of the Bay des Chaleurs, to the eastward by the said Bay and the Gulf of St. Lawrence, and to the westward, although our said Province hath anciently extended and doth of right extend as far as the River Pentagoet or Penobscot; it shall be bounded by a line drawn from Cape Sable across the entrance of the Bay of Fundy to the mouth of the River St. Croix, by the said River to its source, and by a line drawn due north from thence to the southern boundary of our colony of Quebec.”

It is obvious from the terms of this Commission, that its object was to limit, not to extend the heretofore boundaries of Nova Scotia to the westward. To travel therefore out of the four corners of this Commission into antecedent Commissions, which may have assigned a more extensive circumscription to this Province, would be to defeat its express object. In an analogous manner to travel out of the terms of the proclamation of seventh October, 1763, in order to determine the limits of Canada, would be to raise an issue which would frustrate the effect of that proclamation.

It would thus appear that the British Province of Nova Scotia, and the British Government of Quebec, were conterminous as far westward as a line drawn due north from the source of the St. Croix River, beyond which the boundary of the Government of Quebec was continued along the watershed, which divides streams running into the St. Lawrence from those which fall into the sea. The mutual boundary to the eastward of the due north line was "a line from the Bay of Chaleurs along the highlands, which divide the rivers that empty themselves into the St. Lawrence from those which fall into the sea."

It remains to be seen whether the respective territorial circumscriptions of the two Provinces have undergone any modifications from competent authority, and in what respect the boundary of the Province of New Brunswick is determinable or not from these instruments.

It appears from an Act of Parliament, known as the Quebec Act (14 Geo. III., cap. 83), passed in 1774, by which the boundaries of the Province of Quebec were defined in detail, and certain territories, islands, and countries were annexed to and made part and parcel of it, that the Province of Quebec was described as "bounded on the south by a line from the Bay of Chaleurs along the highlands which divide the rivers that empty themselves into the River St. Lawrence from those which fall into the sea, to a point in 45° north latitude on the eastern bank of the Lake Champlain."

The southern boundary therefore of the Province of Quebec was thus substantially the same with the southern boundary of the government of Quebec; and as this boundary was now established by an Act of Parliament, no subsequent commission or proclamation of the Crown could effect it. There can therefore be no legal doubt that the boundary of the Province of Quebec is to be gathered from the words of this Act of Parliament, there being no subsequent Act of the Legislature which has modified it.

Ten years subsequently the Province of Nova Scotia underwent a modification, and the Province of New Brunswick was erected out of it by a Royal Commission in the year 1784. It appears that this new Province was described henceforth in the Commissions issued to its Governors as "bounded on the westward by the mouth of river St. Croix, by the said river to its source, and by a line drawn due north from thence to the southern boundary of our Province of Quebec; to the northward by the said boundary as far as the western extremity of the Bay des Chaleurs, to the eastward by the said bay and the Gulf St. Lawrence to the bay called Bay Verte, &c."

No alteration has been made in the territorial circumscription of this Province, as far as the language of legal instruments can throw light upon it, further than that the disruption of the British Provinces of North America, west of the St. Croix River from the mother country, has necessarily led to the geographical determination by actual survey of the mouth and the source of the St. Croix River, in accordance with treaty arrangements between the United States of North America and Great Britain.

It may be convenient, perhaps, at once to dispose of this part of the question, as any cession of territory on the part of the British Crown to a foreign power for the purpose of international boundary, abrogates at once all provincial rights or claims in regard to that territory.

By the Treaty of 1783 it was agreed between Great Britain and the United States of America that the following are and shall be their boundaries, viz.:—"From the north-west angle of Nova Scotia, viz., that angle which is formed by a line drawn due north from the source of the St. Croix River to the highlands, along the said highlands which divide those rivers that empty themselves into the river St. Law-

rence from those which fall into the Atlantic Ocean, to the north-westernmost head of the Connecticut River.”

This Treaty, it may be observed, was concluded in the year preceding the erection of the Province of New Brunswick out of the Province of Nova Scotia, the definition, therefore, which it contains of the north-west angle of Nova Scotia would apply, after 1784, to the north-west angle of New Brunswick.

The boundary of the United States, from the aforesaid north-west angle, was continued “east by a line to be drawn along the middle of the River St. Croix, from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid highlands, which divide the rivers that fall into the Atlantic Ocean from those which fall into the River St. Lawrence.”

The boundary of Nova Scotia would thus appear to have undergone no alteration by the Treaty arrangements with the United States, from what it was defined to be in the Royal Commission granted to governor Wilmot in 1763, and New Brunswick would be entitled to all the rights of Nova Scotia.

It seems, however, that certain doubts arose as to the river which was truly intended in the Treaty of 1783, under the name of the River St. Croix, and Commissioners were thereupon appointed on behalf of the United States and of Great Britain to decide this question.

It would appear that, in the original letters patent to Sir W. Alexander, the western branch of the St. Croix is expressly named as the boundary of the Province of Nova Scotia. The words of the patent are, “*Ad fluvium vulgo nomine Sanctæ Crucis appellatum, ed ad scaturiginem remotissimam, sive fontem ex occidentali parte ejusdem, qui se primum prædicto fluvio immiscet, unde per imaginariam directam lineam quæ pergere per terram seu currere versus septentionem concipiatur ad proximum navium stationem, fluvium, vel scaturiginem in magno fluvio de Canada sese exonerantem, et ab eo pergendo versus orientem per maris oras littorales ejusdem fluvii de Canada, ad fluvium, stationem navium, portum, aut littus communiter nomine de Gachepe vel Gaspé notum et appellatum,*” &c.

According to this instrument the westernmost limit of Nova Scotia was originally the River St. Croix, from its mouth to its westernmost source. Whereas in the Commission granted to Montague Wilmot in 1763, Nova Scotia is said to have anciently extended, and doth of right extend, as far as the River Pentagoet or Penobscot. It would thus appear that the original letters patent of Sir W. Alexander (10th September, 1621) had been somehow or other\* superseded by an extension of the western boundary of Nova Scotia beyond the westernmost source of the St. Croix to the River Pentagoet or Penobscot. The original letters patent may accordingly be discarded. Further, as the object of Governor Wilmot’s Commission was to restrict the western limits of Nova Scotia, it is unnecessary to travel out of it to determine what was the western boundary of the original grant, the real problem before us being the western boundary under the Commission of 1784, formed by the River St. Croix and the due north line from its source.

Now it may be assumed that the true source of the St. Croix River, or the head-spring most distant from the Bay of Fundy, will best satisfy the terms of the Commission. In the earlier letters patent “the most remote source” had a specific signification attached to it from its equivalent, “the western spring which first mingles itself with the river,” so that it was necessary that a given headspring should satisfy the condition of being the most remote source westwardly; in other words, should either be the most westward of the springs which first mingle themselves

\* The grant from Cromwell to Sir Charles St. Stephen and others (9th August 1656), “of the country and territory called Acadia, and part of the country called Nova Scotia,” recites, “et de là,” i.e., le fort St. Jean “rangeant toute la côte jusqu’à Pentagoet et la rivière St. George dans Missourus, situé sur les confins de la Nouvelle Angleterre,” &c.

with the river, or be the most remote from the Bay of Fundy, and at the same time the most westward of the headsprings which could be regarded as sources. In the later Commission, however, with which we are now concerned, the source of the River St. Croix, whatever be its true source, is the point of departure for the due north line.

The Treaty of 1783 rendered it necessary to determine this point physically. Doubts seem to have arisen subsequently to this Treaty as to the river itself, which was intended to be described under the name of St. Croix. The Commissioners who were appointed to decide this question, in accordance with the Convention of 1794 (Jay's Treaty) decided, in the first place, by a majority of two to one, that the River Schoodie was the River St. Croix, intended in the Treaty of 1783, and that the western branch of that river was the trunk and main branch; but this Report was not accepted as final; and there is some uncertainty as to the grounds upon which the final Report of the Commissioners was made, which established the River Schoodie, and its northern branch to its source, to be the River St. Croix, as intended by the Treaty of 1783. It is immaterial, however, whether this was a line settled by way of accommodation or judicially determined according to the Convention of 1794, inasmuch as the settlement received the full concurrence of both parties, and the doubts which rested on the Treaty of 1783 were thereby removed, that Treaty being the formal instrument which settled the boundary between the United States of America and the possession of the British Crown in North America.

It would thus appear that the north-west angle of Nova Scotia was defined in the Treaty of 1783 to be "that angle which is formed by a line drawn due north, from the source of St. Croix River to the highlands," which divide those rivers that empty themselves into the St. Lawrence, from those which fall into the Atlantic Ocean; and that it was determined in 1789 that the source of the St. Croix was the northernmost source of the Schoodie River, described in some maps as the Chiputnaticook River.

The Royal Commission, therefore, of 1784, which erected the Province of New Brunswick out of the Province of Nova Scotia, and defined it as "bounded westward by the mouth of the river St. Croix, by the said river to its source, and by a line drawn due north from thence to the southern boundary of our Province of Quebec," must evidently be construed in subordination to the treaty of 1783, which had ceded in the previous year the country westward of the St. Croix to its source, and thence westward of the due north line to the United States.

The interpretation of the treaty of 1783, although finally settled in 1798, had a retrospective effect, and the Commission in 1784, as well as the subsequent Commissions, must be held to deal only with the territory which the Crown had not already ceded in 1783.

It results from these and other obvious considerations, that the legal boundary of the Province of New Brunswick, westwardly, must be held to be the river St. Croix and its northernmost source, and thence a straight line drawn due north to the point where it meets the southern boundary of the Province of Quebec.

It remains, then, that the southern boundary of the Province of Quebec should be determined.

Now the boundaries of the Province of Quebec, as settled by 14 Geo. III. cap. 88, are as follows:—"All the territories, islands, and countries in North America, belonging to the Crown of Great Britain, bounded on the south by a line from the Bay of Chaleurs, along the highlands, which divide the rivers that empty themselves into the river St. Lawrence from those which fall into the sea, to a point in 45° north latitude on the eastern bank of the river Connecticut, keeping the said latitude directly west through the lake Champlain, until in the same latitude it meets the River St. Lawrence."



It is obvious, on examining the various maps which have been submitted to the arbitrators, that the point upon the Bay of Chaleurs, from which this line was intended to commence, must be a point somewhere to the north of the mouth of the River Restigouche, as that river falls into the sea and not into the River St. Lawrence.

In the map of Canada and the northern part of Louisiana, published by Thomas Jefferys, geographer to His Royal Highness the Prince of Wales, in 1760, in his history of the French dominions in North and South America, and dedicated to Brigadier General Townsend, the captor of Quebec, five years subsequently to Mitchell's map, and the French map annexed to the "*Mémoires des Commissaires du Roi*," the Restigouche river is marked down by name as emptying itself into the Bay of Chaleurs, after pursuing a due east course from the southern base of the "*Mammelles du Matane*," which are represented as highlands throwing off from their northern slope waters emptying themselves into the River St. Lawrence.

In the same work of Jefferys' is to be found "a new map of Nova Scotia and Cape Breton, with the adjacent parts of New England and Canada, composed from a great number of actual surveys and other materials, regulated by many new astronomical observations of the longitude and latitude." In this map the Restigouche is represented as rising at the foot of a range of mountains, marked as *Monts Notre Dame*, of which the *Mammelles de Matane* are represented as a spur running northward, and are described in the text as "a double-headed mountain on the southern shore of the River St. Lawrence, about two leagues within land." After pursuing a course nearly due east, the Restigouche is laid down as emptying itself into the Bay des Chaleurs. The range of mountains eastward, marked as *Albany* or *Notre Dame Mountains*, are represented to become trifurcated in the peninsula of *Gaspé*, and their southern fork appears to abut on the northern shore of the Bay des Chaleurs.

Now the work of Jefferys' to which reference has been made, is a work upon which some reliance may be justly placed. It was prepared by the geographer to the Prince of Wales; it was dedicated to General Townshend, as the person who had subjected the French possessions in North America to the dominion of Great Britain, and it is stated to have been compiled from the best and most recent accounts of the country. Further, upon examination, the maps will be found to be far more accurate than any previously published by French authorities. If, therefore, it were necessary to have recourse to any map of that period for the purpose of determining the physical land-marks which correspond to the provisions of the proclamation of 1763, and the Act of Parliament of 1774, it would seem reasonable to have recourse to Jefferys' work, as indicating the state of geographical knowledge at that time possessed by the British authorities.

It appears further from the last and most accurate survey, completed by Major Henderson, R.E., Captain Robinson, R.E., and Mr. Johnstone, that in pursuing a course eastwardly from the embouchure of the River Restigouche, along the northern shore of the Bay of Chaleurs, we arrive at a well-defined point where highlands rise up at once from the shores of the bay, at no great distance from the embouchure of the river. These highlands are designated as the *Tragedicgash Mountains*, and are described in the report of the survey just alluded to, as "very remarkable high-lands at the north-west extremity of the Bay of Chaleurs (upwards of 1,000 feet "in height.)"

If the course of these highlands inland is pursued, they are found to constitute the watershed which turns off down its southern flank waters flowing into the Restigouche River, which empties itself into the sea. There can, therefore, be no doubt that a line drawn from this point of departure from the coast of the Bay des Chaleurs, so far satisfies the description of a line from the Bay of Chaleurs, along the highlands, which divide the rivers that empty themselves into the River St. Lawrence from those which fall into the sea.

It remains to be seen whether there are any other highlands which will satisfy the double condition of resting upon the Bay of Chaleurs and forming a watershed. But the inquiry is rendered unnecessary, on the present occasion, as the object being to ascertain the special boundary of the Province of Quebec, in reference to the Province of New Brunswick, the Commission to Governor Wilmot, of the date of November 21, 1763, which is the complement of the Royal Proclamation of October 7, 1763, says, "that to the northward the Province of Nova Scotia shall be bounded by the southern boundary of the Province of Quebec, as far as the western extremity of the Bay of Chaleurs."

The result of comparing the language of this Commission with that of the Royal Proclamation and the Quebec Act is to constitute a threefold condition for drawing the line of demarcation from a point in the Bay of Chaleurs. It must be a watershed line westward after leaving the Bay of Chaleurs; it must abut upon the coast of the Bay of Chaleurs somewhere to the north of the mouth of the Restigouche River, and must be continuous with a line extending eastward along the north coast of the bay.

It results from the survey alluded to, that no such watershed occurs north of the mouth of the Restigouche, until we arrive at the Tragedigash Mountains. These mountains appears to run in a north-west direction without cutting or intersecting any fall of water for about forty-five miles, when they meet the range of highlands visible from the River St. Lawrence, from the north flank of which waters flow into the River St. Lawrence, and from the south flank into the Restigouche River, or into rivers flowing into the sea at some point south of the mouth of the Restigouche. In following the line of these highlands, they are found to run westwardly for a comparatively short distance, when they turn to the south throwing off from their eastern flank streams tributary to the Restigouche, and they continue that course to a point between the sources of the Mistouche and the Kedgewick, two of the said tributaries. The southern course of the highlands is suddenly checked at a point where the Beaver stream, one of the head streams of the Metis River flowing into the St. Lawrence, is thrown off on their northern flank into the Lake Metis, and where the watershed takes a westwardly course, and is almost immediately struck by the due north line drawn from the source of the St. Croix.

After a careful examination of the various surveys and reports, as well as of the arguments in elucidation of them, it seems to the undersigned hardly to admit of a doubt, that the line of boundary between the British Province of Canada and the British Province of New Brunswick, which will satisfy the requirements of legal right, has been correctly laid down in the Report of Major Robinson, R.E., Captain Henderson, R.E., and Mr. Johnstone. Further, it results that the legal boundary of the Province of New Brunswick to the westward is the due north line from the source of the St. Croix, as finally decided between the United States and Great Britain, in accordance with the treaty of 1783. The western limits of the Province of New Brunswick, as defined in the commission to its Governor, in 1784, and in subsequent commissions, were conditional on the arrangements of the treaty of 1783, and although the interpretation of Article II, of that treaty was not placed beyond the reach of doubt before the year 1798, the determination of its intention had of course a retrospective effect.

On the other hand, the boundary of the Province of Canada, as settled by the 14 Geo. III., cap. 83, from which in point of law there can be no deviation, must be carried along the highlands, which divide the rivers that empty themselves into the St. Lawrence, from those which fall into the sea, to a point in 45° north latitude on the eastern bank of the River Connecticut.

Now, it appears from the survey of Major Robinson, R.E., Captain Henderson, R.E., and Mr. Johnstone, in conjunction with the survey of Mr. Featherstonehaugh, and Mr. Mudge, that there is a watershed line which satisfies these conditions, the

minimum elevation of which is 1,240 feet. This watershed line, which attains its lowest elevation in a district of morass, turns off down its western flank the head stream of the Fomine River, a tributary of the Chaudière River, which flows into the St. Lawrence, and down its eastern flank the head-stream of the Matawagwam River, a tributary of the St. John. It further continues its course, dividing streams flowing into the St. Lawrence from streams flowing into the sea, until it strikes the frontier line between the United States and the British territory, as settled by the Treaty of Washington, at a point very near the source of the St. John River, which empties itself into the Bay of Fundy. It so far satisfies completely the legal requirements, according to the Act of Parliament, of being highlands which divide the rivers that empty themselves into the River St. Lawrence from those which fall into the sea.

On examining the maps which have been submitted for the inspection and information of the arbitrators, it appears that the result of the Treaty of Washington has been, that a very considerable district lying between the frontiers of the United States on the one hand, and the legal boundaries of the two Provinces of Canada and New Brunswick on the other, is a possession of the British Crown, and remains as yet unassigned by the Crown to any provincial government.

This district is described in the Report of Major Robinson, R.E., Captain Henderson, R.E., and Mr. Johnstone, as comprising about 4,400 square miles.

Now, it is alleged on behalf of both Canada and New Brunswick, that the provincial authorities of either Province have exercised acts of jurisdiction over portions of this territory, and have instituted surveys and allotted districts of lands to settlers respectively from either Province. Such acts would no doubt furnish arguments in an international dispute, as they would imply the sovereignty of the British Crown represented by the provincial authorities, and might with reason be alleged in any question at issue between the Crown of England and an independent sovereign power, as evidence of use and occupation, and the undisputed exercise of sovereign power, &c. But such acts could only serve to establish the right of the Crown itself, and could not found any claims between Provinces belonging to the British Crown. No legal rights could therefore accrue to either Province from such acts.

The question as between the two Provinces is a question not of international, but of municipal law, and the proofs of their respective claims must be sought for in vouchers, which the municipal law recognises. Now, if we refer to the Proclamation of 1763, the power of the government of Quebec to make grants of land was confined to the limits of the Province of Quebec, as defined by the Proclamation, and that power would be subsequently extended in 1774 to the boundaries of the Provinces of Quebec, as defined by 14 Geo. III., cap. 83, but no further.

The fief of Madawaska appears to have been granted out in 1683 by the French Crown, with the liability to perform certain feudal services towards Quebec, and the tenure of the fiefs of Chloridon and Lake Metapediac was analogous. This feudal relation towards Quebec did not necessarily imply any territorial identity of the fiefs with the French Province of Canada. They might for other reasons be within the ancient French Province, but certainly not by reason of being fiefs of Quebec. But these fiefs were clearly beyond the territorial limits of the English Province of Quebec, as settled by the Proclamation and the Act of Parliament, and the territorial authority of the British Government of Quebec could only extend over the limits assigned to it by the Proclamation and the Act of Parliament; and it would appear from the letter of the Surveyor General of New Brunswick, 21st June, 1785, that a dispute respecting the territory on the Lake Temisquata and the Madawaska River arose in the year immediately following the erection of the Province of New Brunswick, (1784.)

As far, however, as the Madawaska fief is concerned, it appears that by some process of law, the details of which are not before the undersigned, the ancient feudal tenure is held to have been converted into free soccage, and the feudal relation of this District to Quebec has determined; so that it is now allodial land, held in capite from the British Crown within a district unassigned to any Provincial government; and, further, it appears to be at present the property of an American company. The fiefs of Chloridon and Metapediac, which are within the legal territorial limits of the Province of New Brunswick, appear to have undergone an analogous change of tenure.

The undersigned would observe in this place, that infeudation was a species of contract, and that when a given district was erected into a fief, it was alienated *sub modo* by the proprietors; in other words, it was granted out on condition of certain service to be performed by the grantee. The failure of the vassal to perform those services was one mode of terminating the contract; on the other hand, the lord himself might determine it by making over the *dominium supremum* to the vassal. This feudal relation was a personal, not a territorial relation. Accordingly, when the French king granted out the Madawaska district, as a "*fief relevant de Québec*," the grantee was personally bound to perform certain services, or pay certain dues to the town of Quebec. When the tenure of Madawaska was subsequently converted howsoever into free soccage tenure, the fief became allodial land, and the representative of the original grantee was henceforth released from all service. It would seem, that the British Crown, which had succeeded to all the rights of the French Crown in respect of its Lordship over this and other fiefs north of the Restigouche river, exercised towards the conclusion of the last century the *droit de retrait*, and resumed the *dominium utile* of certain of these fiefs, *e.g.*, (Metapediac, Port Daniel, Restigouche), so as to consolidate them, and then regranted them out on soccage tenure.

Much stress has been laid upon this fact, as if it furnished conclusive evidence of these fiefs being within the territorial limits of Canada. The undersigned apprehends that the *jus retractus* was exercised by the British king as lord of the fief, inasmuch as the feudal lord possessed, amongst other rights, by virtue of his direct dominion, the right of reclaiming a fief, if alienated, or about to be alienated, by sale on the part of the vassal, upon payment of the actual or proposed purchase-money. Thus the Lieutenant Governor of Canada (General Hope) in the Instructions given to Mr. Collins in 1786, says, that "it has lately been found expedient to assume for the King, the seignories of Port Daniel and Restigouche, by the *droit de retrait*, from persons who had offered the same for sale." Although the legal transactions connected with the exercise of the *droit de retrait*, and the subsequent change of tenure might formally be conducted in the Chancery at Quebec, this circumstance does not necessarily imply any territorial identity between these districts and the Province of Canada. There is more difficulty in reference to the seigniori of Shoolbred, which seems to have been erected in 1788, by the Crown, on the north bank of the Restigouche River, and abutting on the westernmost extremity of the Bay of Chaleurs, by letters patent out of the Chancery at Quebec. Whether the effect of this grant would have been valid, so as to supersede in any way the rights conveyed to the Governors of New Brunswick, under the previous Commission of 1784, cannot be determined without a careful examination of the letters patent and the Commission. It may be observed, however, that the Crown has not unfrequently issued grants of lands which were, in strict law, invalid by reason of previous grants of the same land; yet the title of the second grantee, not having been disputed at the proper time by the representative of the first grantee, has acquired the sanction of time, and may not be disturbed. But this applies only to grants of the Crown which do not conflict with an Act of Parliament. The description of New Brunswick in the Royal Commission had not received the sanction

of an Act of Parliament. There was, therefore, in this respect no insurmountable obstacle in the way of a Royal grant; whereas, as the southern boundary of Canada had been defined by an Act of Parliament in 1773, no Royal grant of land beyond that boundary, although valid for the purposes of the grantee, could have the effect of extending the territorial boundary of the Province of Canada.

In regard to acts of jurisdiction exercised by the respective governments of Quebec and New Brunswick in criminal matters, they were acts of the government in regard to subjects of Her Majesty, and they only serve to show how indeterminate for practical purposes the southern boundary of the Province of Quebec and the western boundary of the Province of New Brunswick have always been, as either government has exercised criminal jurisdiction in respect to offences committed by British subjects in the Madawaska territory.

On referring to the second Article of the Treaty of Paris of 1783, it will be seen that it was agreed between His Britannic Majesty and the United States of America, "that the following are and shall be their boundaries, viz., from the north-west angle of Nova Scotia, viz., that angle which is formed by a line drawn due north from the source of the St. Croix river to the highlands, along the said highlands which divide those rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, to the north-westernmost head of Connecticut river, &c.,.....east, by a line to be drawn along the middle of the River St. Croix from its mouth in the Bay of Fundy to its source, and from its source directly north of the aforesaid highlands which divide the rivers that fall into the Atlantic Ocean from those which fall into the St. Lawrence."

If the articles of this treaty had been drawn up to embody the results of actual survey, and were not speculative articles which were to be satisfied by a subsequent survey, they might, perhaps, be invoked to throw light upon the question before the arbitrators; but it appears that when the actual boundary came to be determined, a doubt arose as to the river intended by the name of the St. Croix; and when that difficulty had been settled in 1798, pursuant to a special convention, a further difficulty arose as to the highlands to which the direct north line was intended to be drawn. The result was a protracted negotiation, terminated by the Treaty of Washington, by which all discussion of the respective rights of Great Britain and the United States with regard to the second Article of the said treaty was waived, and "such a conventional line was agreed upon, in continuation of the boundary from the source of the St. Croix river, as was thought to be convenient to both parties, with such equivalents and compensations as were deemed just and reasonable." The ultimate decision, therefore, of this international boundary by the treaty of Washington, throws no light upon the Provincial boundaries.

It is obvious, however on comparing (1) the language of the Proclamation of 1763 and the Act of Parliament of 1774 with (2) the tenor of the Commission to Montague Wilmot, Esquire, in 1763, and (3) with the articles of the treaty of 1783, that the object of the British Crown was, in the first instance, to comprise, under the Government of Quebec,\* the entire basin of the St. Lawrence river, that is, all the countries watered by the St. Lawrence and its tributaries. In the second instance, to comprise within the Province of Nova Scotia the country watered by rivers flowing into the sea south of the St. Lawrence river, and into the Bay of Fundy, as far westward as the St. Croix river. And in the third instance, to con-

\* It is observed in the "Mémoires des Commissaires du Roi," vol. 1, p. 156:—"Toutes commissions des Gouverneurs de Canada au moins toutes celles dont on a pu retrouver des copies dans les dépôts, établissent, que leur gouvernement comprenait toutes les rivières qui se déchargent dans le fleuve St. Laurent, et à plus forte raison les deux rives du fleuve." In the map prefixed to the first volume of the "Mémoires," in which the limits of a great variety of grants from the French and British Crowns respectively are laid down, the limits of Nova Scotia, according to the grant of James I. in 1621, are traced out as well as the limits of the settlement of the Sieur Denys in 1654, on the coast of the Gulf of the St. Lawrence.

cede to the United States the basin of the Connecticut river, with a river boundary formed by the St. Croix, so that the United States would possess all the country watered by rivers flowing into the Atlantic Ocean, *i.e.*, emptying themselves to the westward of the Bay of Fundy.

In comparing the language of the Act of Parliament of 1774 and of the Treaty of 1783, although the term "sea" and "Atlantic Ocean" are expressions which, in certain cases, may be synonymous, yet in these documents those expressions have a specific application, the word "sea" in the Act of Parliament being opposed to "the River St. Lawrence," and the term "Atlantic Ocean," in the Treaty, to "the Bay of Fundy."

Unfortunately, however, the country had not been surveyed; it was not ascertained at that time that the high lands, which divide streams flowing into the St. Lawrence from streams emptying themselves into the Atlantic Ocean, *i.e.*, to the westward of the Bay of Fundy, were, strictly speaking, to the westward of the source of the St. John, and consequently would not be struck at all, at least in the part where they answered that description, by a straight line drawn due north from the source of the St. Croix. It is impossible, for instance, to regard the range of islands south of the Restigouche, and intersected by the St. John river and its tributaries, as the watershed in any sense of streams tributary to the St. Lawrence, as the Restigouche, for instance, empties itself into the sea, so that the southern range cannot satisfy the description of a watershed, which divides rivers flowing into the St. Lawrence from rivers flowing into the Atlantic Ocean. Again, the northern range of highlands, which is the watershed of the St. Lawrence, cannot be regarded as the watershed of rivers flowing into the Atlantic Ocean, until after it has reached a point westward of the source of the St. John river, where it cannot be struck by a direct north line from the St. Croix. The framers of the Treaty of 1783 most probably did not foresee that the source of the St. John river would prove to be so far to the westward of the source of the St. Croix River. On the other hand, it is difficult to suppose that those who framed the Commission to the Governor of Nova Scotia, or those who prepared the Treaty of 1783, believed the source of the St. Croix to be on the one hand in the highlands which separated waters flowing into the St. Lawrence from waters flowing into the sea, or, on the other hand, in the highlands which divided waters flowing into the St. Lawrence from waters flowing into the Atlantic Ocean, otherwise they would never have used the words a "line drawn due north from the source of the St. Croix river to those highlands respectively." It may further be observed, that the southern range of highlands satisfies the condition of being highlands, which divide rivers flowing into the Atlantic Ocean from rivers flowing into the St. Lawrence; for the Atlantic Ocean is distinguished in the Treaty of 1783 from the Bay of Fundy; and on the northern flank of these highlands, between the westernmost head of the Connecticut, which falls into the Atlantic, and the head spring of the St. John river, several tributaries of the St. Lawrence take their rise; but they fail to satisfy this condition in the part where the direct north line from the source of the St. Croix river strikes them. The confusion in this Treaty was increased by introducing the words "north-west angle of Nova Scotia," which had been otherwise defined to be formed by a line drawn due north to the highlands, which divide streams falling into the St. Lawrence from streams falling into the sea.

It seems to have been the opinion of the arbitrator (the King of the Netherlands) in 1831, that the boundary of the Treaty of 1783 was incapable of being determined in precise accordance with the words of the Treaty. But the language of the Treaty differs from the Act of Parliament of 1774 in this respect—that the Treaty speaks of rivers flowing into the Atlantic Ocean, the Act speaks of rivers flowing into the sea, so that the same insuperable difficulty may not arise in interpreting the Act of Parliament. At least the Crown and the Provincial Governments could not

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have entertained any such view, inasmuch as Commissions of Survey have been instituted since the Treaty of Washington for the express object of determining the highlands of the Act of Parliament.

If it were the business of the arbitrators on the present occasion to determine the legal boundaries of the two Provinces, the argument already advanced would determine the Province of New Brunswick to be the territory bounded on the west by the River St. Croix, as settled in 1798, and a due north line drawn from its source to the watershed in latitude  $48^{\circ} 1'$ , which divides the streams which flow down its northern flank into the St. Lawrence from those which flow down its southern flank into the Restigouche River; and on the north by a line drawn along the said watershed to the Bay of Chaleurs, agreeably to the Report of Major Robinson and his colleagues.

The Province of Quebec, on the other hand, would be legally bounded by a line drawn along the said watershed from the Bay of Chaleurs to the head spring of the Connecticut River. It would thus appear that a considerable territory belonging to the British Crown remains legally unassigned to either Government at present, although grants of land within its boundaries have been made from time to time by the Government of one or other of the two Provinces, and both Provinces claim to have executed acts of territorial jurisdiction within its limits. Further, it would seem, that the Province of Canada has exercised an administrative superintendence over certain districts south of its legal boundary, which stood in the relation of fiefs to Quebec whilst Quebec belonged to the French Crown and have been enfranchised since they became subject to the British Crown, although it would appear from a letter of the Surveyor General of Canada in 1787, that the country about the Temisquata lake and the Madawaska river, over which both Provinces claim to have exercised jurisdiction, was then unsettled.

It appears also from the Report of the Commission of Survey of July 20, 1848, that a tract of land westward of the due north line lies between the north highlands and the frontier of the United States, which, according to a strict legal right, belongs to neither Province, being included within the limits marked B, C, D, on the map, and which in 1763 formed part of the ancient territory of Sagadahok.

But it further appears from that Report, that the line of division which the strict legal rights of the Provinces agreeably to the Proclamation, and the Act of Parliament, and the Commissions to the Governors of Nova Scotia and New Brunswick, thus demand, is at variance with the actual possessions of both Provinces, and is also incompatible with their mutual advantage and convenience.

Keeping in mind, then, the legal right of the two Provinces, for the purpose of adjusting the equity which may arise, it remains for us to consider the question of convenience.

It is stated by the Commissioners of Survey, that Canada has exercised jurisdiction and extended its settlements along the Restigouche River for a considerable distance from its mouth, which river has practically become the boundary of the two Provinces. The fact of such settlements having been made shows that it suits the convenience of Canada to extend itself in that direction, and it is obvious that free access to the sea by the mouth of the Restigouche River must be a matter of great importance to those settlements, as well as to the district of Gaspé.

On the other hand, New Brunswick has extended its settlements to the westward of the direct north line drawn from the source of the St. Croix, and the inhabitants of the district which forms part of the ancient territory of Sagadahok, have been chiefly settled under the authority of New Brunswick, and are familiar with the laws and usages of that Province. It is obvious also that access to the Bay of Fundy down the St. John River must be matter of great importance to the settlers

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on the banks of the Madawaska and the St. Francis rivers, thereby enabling them to transfer the produce of that district to the ports of the Ocean.

The question of equity at once arises, if the arbitrators should assign to Canada an extent of territory between the Restigouche River and the watershed line, which legally belongs to the Province of New Brunswick. For this district, however, compensation may be made to New Brunswick by a proportionate assignment of territory to the west of the direct north line drawn from the St. Croix River.

The undersigned accordingly proposes that the boundary between the two Provinces be a straight line drawn from the base of the Iron Monument, which marks the north-west angle of the frontier of the United States at the outlet of the Lake Pohenagamok to the nearest point of the watershed, which divides waters flowing into the St. Lawrence River from the tributaries of the St. John River, the elevation of which point is marked in the map of the Commissioners of Survey as 1,919 feet high, thence along the watershed, as determined by the survey of those Commissioners, to wit, Major Robinson, R.E., Captain Henderson, R.E., and Mr. Johnstone, to the point where the said watershed is struck by a line drawn due north from the source of the St. Croix; thence by a line drawn due east to the head stream of the River Mistouche, thence along the mid-channel of the River Mistouche to the Restigouche river, and thence along the mid-channel of the Restigouche to its mouth in the Bay of Chaleurs; the islands in the said rivers to belong to one or other of the said Provinces according as they are on the one or other side respectively of the mid-channel nearest to each Province, and the navigation of the rivers Mistouche and Restigouche to be common to both Provinces.

The result of this arrangement will be to detach from New Brunswick, according to its strict legal limits, a tract of land south of the watershed line, and bounded by the Mistouche on the west and the Restigouche river on the south, comprising about 2,400 square miles, which will be transferred to Canada, and in compensation for this subtraction of territory, there will be assigned to New Brunswick a portion of the unassigned territory west of the due north line, comprising about 3,000 square miles; the remainder of the unassigned territory comprising about 1,400 square miles, may conveniently be assigned to Canada, as it lies immediately between the frontier of the United States and of Canada.

Although the result of this arrangement will be to add about 3,800 square miles to the present legal limits of the Province of Canada, whilst the Province of New Brunswick in surrendering up 2,400 square miles and in receiving in compensation 3,000, will only have an addition made to its territory of 600 square miles, still the arrangement seems calculated to suit the convenience of the two Provinces, and to harmonize as nearly as possibly with an existing order of things on the north bank of the Restigouche; whilst it will satisfy the equitable claims of New Brunswick; neither Province having any legal claim in respect of the territory to the westward of the direct north line drawn from the source of the St. Croix, which has remained hitherto unassigned.

(Signed,) TRAVERS TWISS.

Doctors Commons, February 22, 1851.

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*Note upon the Discussion of April 2, 1851.*

I held that the legal southern boundary of Canada was well defined; that the expression "along the highlands" denoted a continuous line from the Bay of Chaleurs to the Lake Champlain, and that the highlands north of the Restigouche River marked out by the Commissioners of Survey in their Report, July 20th, 1848,



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satisfied the terms of the proclamation of 1763, and of the Act of Parliament of 1774.

I also held that the seigniories south of the parliamentary boundary were not portions of the territory of the Province of Canada.

Mr. Falconer held that the seigniories were within the legal territorial limits of Canada, and ought to be preserved to that Province; and urged that it was a matter of feeling on the part of Canada to retain the seigniories.

I said that I had abandoned a portion of territory, which I held to belong legally to New Brunswick, and so far had disregarded the feeling of that Province as to surrendering land within its legal limits; but that I was willing to defer to the feeling of Canada on Mr. Falconer's representation, as far as was consistent with due consideration for New Brunswick.

I had already consented in my original proposal to assign the territory east of the Mistouche and north of the Restigouche River to Canada, and had met, by anticipation, Mr. Falconer's view in favour of assigning the seigniories to Canada, as far as the seignioaies to the eastward of the Mistouche were concerned.

It remained that the Madawaska seigniory should be considered.

The question of convenience, as far as the boundary line was concerned, appeared to me to require that this seigniory should be assigned to New Brunswick: its water communication pointing to the River St. John as its natural outlet, and the land not being the property of Canadians, but of an American company.

I said that I was willing to modify my proposal in this respect, if an equivalent could be found, which might be offered to New Brunswick, and if a convenient boundary could be otherwise drawn.

A suggestion was then made by Mr. Falconer, that a boundary line should be drawn which should give to Canada the entire Madawaska district, and also the north bank of the St. Francis River, and the north bank of the Upper St. John, and both banks of the Madawaska River.

In support of this suggestion, Mr. Falconer urged that the Madawaska district would be of no pecuniary value to Canada, as it was already allotted, but that the land on the north banks of the St. Francis and the Upper St. John was of considerable value, being as yet unallotted, and so far calculated to produce a revenue to the Province by its sale or otherwise.

I said that I had agreed to defer to the feeling of Canada, but that the question of interest, which was now raised, touched both Provinces. That I was willing to entertain either question apart from the other, but that I could not give way on both: that I had waived my original proposal in deference to the alleged strong feeling of Canada in favor of a territorial connexion with the Madawaska district, although the assignment of that district to Canada would make it difficult to establish a convenient boundary. I was also disposed to admit that New Brunswick had no paramount interest in possessing Madawaska, but that the case was different with regard to the north banks of the St. Francis and the Upper St. John; besides New Brunswick would not receive a fair equivalent for the territory east of the Mistouche if Mr. Falconer's suggestions were to be adopted.

It was urged by Mr. Falconer that it was more for the interest of the settlers on the Upper St. John that they should be Provincially connected with the navigation of the St. Lawrence than with that of the Lower St. John.

I could not accede to this view, as it appeared from the papers before the arbitrators that the produce of the Upper St. John had hitherto found its way to the ocean down the Lower St. John, and not across the highlands, between the Upper St. John and the St. Lawrence, and I thought it not desirable to separate the settlers on the Upper St. John by a Provincial boundary from the Lower St. John.

I was willing, however, to discuss the question of interest, provided a convenient boundary could be secured.

I suggested accordingly the consideration of one or other of the following boundaries:—1. Either a line to be drawn from the northern angle of the frontier of the United States, at the outlet to the Lake Pohenagamok, to the south-west angle of the Madawaska district, and along the southern and eastern edge of that district, until it met the river at the head of the Temisquata Lake; thence along that river to its source; thence due north to the watershed, and along the watershed eastward till it struck the Mistouche river; thence down the Mistouche and the Restigouche rivers to the sea, by which line the Madawaska district would be given to Canada: or, 2. If it should appear to both the other arbitrators that the interest of the settlers on the Upper St. John required that there should be no Provincial boundary between that river and the St. Lawrence, then that the question of feeling should be put out of sight, and that the Madawaska seigniory should be divided by a line drawn through the Lake Temisquata, so as to allow a convenient river and lake boundary to be drawn.

Mr. Falconer objected to both of these suggestions. I stated that I could not consent to the line proposed by him consistently with due regard to the equity and convenience of such a boundary, but that I was desirous to hear the views of the third arbitrator.

Dr. Lushington undertook to propose a line after examining the large map at the Colonial Office, and ascertaining that the details of it would be practicable.

I said that I would willingly listen to any suggestion, but that I should prefer a boundary line which should be constructed on the basis of not separating the settlers on the Upper St. John from the Lower St. John.

(Signed,) TRAVERS TWISS.

April 3, 1851.

## No. 20.

(No. 611.)

Copy of a Despatch from Earl Grey to Governor General the Earl of Elgin and Kincardine.

DOWNING STREET, June 25, 1851.

My Lord,—I have now to transmit to Your Lordship the enclosed award\* of the Right Honorable Doctor Lushington and Doctor Travers Twiss, two of the arbitrators nominated for the settlement of the question of Boundary between Canada and New Brunswick.

I have delayed its transmission for some time, in hopes of being able to accompany it with the observations of the two arbitrators on the ground of their award, as well as those of the third arbitrator, Mr. Thomas Falconer, who dissented from them. But these have not as yet reached me in a complete state: and as the Parliamentary session is now advancing, I can no longer delay submitting to Parliament a measure for the purpose of carrying into execution this award and terminating thereby the long-pending controversy between the two Provinces.

I have, &c.,

(Signed,) GREY.

The Earl of ELGIN and KINCARDINE,  
&c. &c. &c.

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**No. 21.**

Copy of a Letter from the Right Honorable Stephen Lushington to Earl Grey.

(Received July 1, 1851.)

18, EATON-PLACE, June 30, 1851.

My Lord,—I had, some time since, the honor of receiving, by Your Lordship's directions, a printed copy of the Protest, and other papers sent to the Colonial Office, by Mr. Falconer, the Arbitrator appointed by Canada, respecting the demarcation of the boundaries between that Province and New Brunswick.

I am also apprised that Doctor Twiss has forwarded to Your Lordship a copy of the paper which he originally produced when the arbitrators met for the discussion of the case. Permit me to assure Your Lordship that there is no argument contained in these papers which did not receive the most deliberate consideration before the award was made, and that, therefore, it appears to me only necessary to observe that, having again read Mr. Falconer's Protest, and other papers, I adhere, without the least change of opinion, to the determination I had previously come to.

I have, &c.,

STEPHEN LUSHINGTON.

The Right Honorable Earl GREY,  
&c. &c.

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# APPENDIX.

**No. 1.**

(No. 99.)

Copy of a Despatch from the Right Honorable W. E. Gladstone to Earl Cathcart.

DOWNING STREET, July 2, 1846.

My Lord,—The long-pending controversy between the Provinces of Canada and New Brunswick respecting the settlement of their boundary line, has been the subject of a correspondence already much protracted. So far as it is possible to throw light on such a question by the mere interchange of Despatches and explanatory Reports, nothing remains to be done for the elucidation of it. But the result of the study of those documents is to show that, the reconciliation of their seeming contradictions is unattainable at this distance from the territory to which the discussion refers. In fact, the accumulation of documents on the subject has been so great, as to perplex, rather than assist, any inquiries by Her Majesty's Government into the various topographical and other details into which they so copiously enter.

And yet, without the intervention of Her Majesty's Government in this Country, the prospect of any adjustment of the dispute seems entirely hopeless; so opposite are the views both of principles and of fact, on which the disputants on either side have proceeded.

To render that intervention effectual, I have therefore thought it necessary to delegate the task of examining this dispute, and of reporting on it, to two officers of Her Majesty's Royal Engineers. Captain Pipon and Lieutenant Henderson, assisted by Her Majesty's Attorney General of Nova Scotia. To the two former it will especially belong, to ascertain, by actual inspection, aided by their professional science, all the facts in dispute respecting the natural formation, and the military and other advantages of the territory in question. To those gentlemen, aided by their legal colleague, will then belong the duty of considering, and reporting for the information and guidance of Her Majesty's Government, whether there is any line which could be drawn for the demarcation of the two Provinces, which would satisfy the strict legal claims of each. If they should find it impossible to discover such a line, their next duty will be to consider and report how a line could be drawn which would combine the greatest amount of practical convenience to both Provinces with the least amount of practical inconvenience to either; adverting at the same time, to such interests (if there be any such) as the Empire at large may have in the adjustment of this question. These reports, when complete, will then be made to Her Majesty's Government, and, I trust, will form the basis of an early and satisfactory decision of this controversy.

I transmit to Your Lordship copies of the instructions which I have addressed to the three Commissioners of Inquiry on this subject, and a copy of the instructions respecting it which I have written to the Lieutenant Governor of Nova Scotia.

Your Lordship will afford to the Commissioners all the aid in your power in the prosecution of their inquiries, and you will especially afford them access to all maps, plans, reports, and other public documents bearing on the subject which may be found in the archives of your Government. You will also direct all the public officers of Canada, capable of throwing light on any of the questions in dispute, to answer any such inquiries, whether oral or written, as the Commissioners may address to them respecting the investigations with which they are charged. The high reputation of those Commissioners in their respective professions justifies the hope that they will pursue it with energy, and conduct it to a successful and satisfactory close.

I have, &c.,

(Signed,) W. E. GLADSTONE.

The Right Honorable Earl CATHCART,  
&c., &c., &c.

## No. 2.

Copy of Instructions from the Right Honorable W. E. Gladstone to  
Captain Pipon and Lieutenant Henderson.

DOWNING STREET, July 2, 1846.

Gentlemen,—In the prosecution of the inquiry with which you have been charged respecting the line of the proposed railway connecting the different Provinces of British North America, you will probably be brought into the immediate vicinity of the territory, which, since the Treaty of Washington, has been in dispute between the Provinces of Canada and New Brunswick. The adjustment of that

dispute by any mutual consent of the parties to it having proved impracticable, I have considered how far such an adjustment might be effected by the arbitrament of Her Majesty's Government in this Country. But the remoteness of the locality, and the conflict of so many voluminous statements and proofs, to the right understanding of which some knowledge of that locality is indispensable, have convinced me that the reconciliation of these differences could not be so affected. The only resource which has remained, is, that of committing to competent persons on the spot the duty of pursuing the inquiry, and of reporting, for the assistance of Her Majesty's Government, their joint opinions on the practical course it may be fit to take.

To you, therefore, as Her Majesty's Commissioners for the purpose, I propose to intrust this investigation, the Master General and Board of Ordnance having expressed to me their assent to your acceptance and discharge of that employment. I have also instructed the Lieutenant Governor of Nova Scotia to offer to Mr. Johnstone, the Attorney General of that Province, the office of your colleague as legal Commissioner. Assuming his acquiescence in the proposal, I have now briefly to indicate what will be the objects of your and his joint inquiry, and what the duty which will devolve on you and on him.

After actually inspecting the territory in dispute (as far any such inspection may be requisite, either for your thorough understanding of the reports hitherto made on the subject, or for clearing up any ambiguities in them,) you will prepare such plans and maps of the country as may be sufficient for the full explanation of the controversy. That duty performed, you will next consider with Mr. Johnstone whether any line can be drawn for the demarcation of the two Provinces which would satisfy the strict legal claims of each. If you should find it impossible to discover such a line, the three Commissioners will then consider how a line could be drawn which would combine the greatest amount of practical convenience to both Provinces, with the least amount of practical inconvenience to either. You will, at the same time, advert to such interests (if any such there be) as the Empire at large may have in the adjustment of this question.

The three Commissioners will then prepare and transmit to Her Majesty's Secretary of State having the department of the Colonies, the result of their inquiries, and a report of their conclusions on both of these questions, supported by such proofs and arguments as may appear to them, collectively, to be necessary in support of those conclusions.

You will keep a distinct account of all the expenses which you may incur in the execution of this duty.

The Governor of Canada and the Lieutenant Governor of New Brunswick, will afford you all the aid and facilities in their power in your discharge of this duty. I enclose, for your information, a copy of the instruction which I have addressed to them for this purpose.

I have, &c.,

(Signed,) W. E. GLADSTONE.

Captain PIPON and Lieutenant HENDERSON,  
&c. &c. &c.

## No. 3.

Copy of a Letter from the Right Honorable W. E. Gladstone to the Lord Falkland.

DOWNING STREET, July 2, 1846.

My Lord,—The mission of Captain Pipon and Lieutenant Henderson to survey the line of the projected Railway connecting the several Provinces of British North America has suggested to me the employment of those officers, at the same time, on another public duty: I advert to the investigation of the dispute between the Provinces of Canada and New Brunswick, on the subject of the division between them of the territory secured to Her Majesty by the Treaty of Washington. To the professional science and practical skill of those officers I propose to intrust the actual examination in person in the country in debate, and the preparation of all such maps and plans as may be necessary for the further elucidation of the controversy; but I have thought it right that some member of the legal profession should be associated with them in deliberating on the further questions which will engage their attention. Those questions are, first, whether any line can be drawn for the demarcation of the two Provinces which would satisfy the strict legal claims of each; and, secondly, (if no such line can be found), how a line can be drawn which would combine the greatest amount of practical convenience to both Provinces with the least amount of practical inconvenience to either, adverting at the same time to such interests (if any such there be) as the empire at large may have in the adjustment of this question.

My object in making this communication to Your Lordship is, to desire that you would propose to Mr. Johnstone, the Attorney General of Nova Scotia, the acceptance of the office of Legal Commissioner for the purposes I have explained. The weight so justly due to his present office, and the high reputation for learning and ability which Mr. Johnstone enjoys, combined with the perfect impartiality to be expected from him on such an occasion, point him out as of all persons the most eligible for the discharge of this duty, and I trust that he will not decline to assume it; if so, he will find Captain Pipon and Lieutenant Henderson fully prepared to co-operate with him in these inquiries, and to lay before him all the information, oral and documentary, which they may possess or may be able to collect on the subject.

For Mr. Johnstone's and Your Lordship's further information, I inclose the copy of the instruction I have addressed to Lord Cathcart and Sir William Colebrooke respecting the execution of the proposed Commission, and the facilities to be afforded to the Commissioners.

I have, &c.,

(Signed,) W. E. GLADSTONE.

Lord FALKLAND,

&c. &c. &c.

## No. 4.

(No. 99.)

Copy of a Despatch from the Right Honorable Earl Cathcart to W. E. Gladstone, Esquire.

(Received August 13, 1846.—Answered August 22, 1846, No. 22.)

GOVERNMENT HOUSE, Montreal, July 26, 1846.

Sir,—I have the honor to submit for your information, a copy of a Report of a Committee of the Executive Council, of which I have approved, on your Despatch,

No. 99, of the 2nd instant, relative to the question of Boundary between Canada and New Brunswick.

I have, &c.,

(Signed,) CATHCART.

The Right Honorable W. E. GLADSTONE,  
&c. &c. &c.

Enclosure in No. 4.

COPY of a Report of a Committee of the Honourable the Executive Council, dated 24th July, 1846, approved by His Excellency the Governor General, in Council, on the same day.

On the Despatch, No. 99, 2nd July, 1846, on the subject of the measures to be adopted by Her Majesty's Government for adjusting the question of Boundary between this Province and New Brunswick:—

The Committee of Council having carefully reflected on the above-mentioned Despatch, which Your Excellency was pleased to communicate for their information, beg leave to submit some observations thereon for Your Excellency's consideration.

They have felt some little disappointment that a Commission should be thought necessary in this matter, as from the Despatch of the 3rd March last, they had, as it appears, erroneously supposed that the Report therein alluded to was all that was required to enable Her Majesty's Government to dispose of the question between the two Provinces.

The feeling has, perhaps, been strengthened by the strong hope that was felt by the members of the Committee, that Her Majesty's Government would have assumed the decision of a question involving only the import of the words used by the Home Government in erecting the Province of New Brunswick. It appears to the Committee, that there was no other question, and their attention was not directed to any other consideration, so far as right was concerned, than the construction of these words, and they therefore rested confidently on the construction placed by the Home Government, on precisely similar words, when the boundary between the British dominions and the territory of the United States was in dispute.

Again, they have felt that the language used in the Despatch to His Excellency the Lieutenant Governor of New Brunswick, is calculated to lead to the impression that, by the Treaty of Washington, Great Britain has acquired title to some territory on this continent, to which she was not before clearly entitled, and which formed no part of her Provinces; and that the question now to be decided was, how shall this newly-acquired territory be divided?

To prevent any such misapprehensions, so far as the Committee of Council are concerned, they beg leave briefly to recapitulate their views of the question in dispute.

They thought it admitted of no dispute that to the westward of a line drawn due north from the source of the River St. Croix, the boundary line between the United States and the British Territory was the boundary between the United States and Canada, for as it appeared to them there was no possible construction by which the limits of New Brunswick could be extended to the westward of that due north line.

They further thought, that whatever range of highlands formed the boundary between British and United States territory, the same range would in its easterly continuation be the boundary between Canada and New Brunswick.

They relied confidently on the correctness of the claim of Great Britain to the

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territory to the northward of that range of highlands of which Mars Hill forms part, and consequently that the easterly continuation of that range of highlands would form the boundary between New Brunswick and Canada.

Feeling, however, that both those Provinces had adopted the River Restigouche as the boundary between them, they abstain from pressing any claim to the southward of that stream, though the preceding observation will show that they had strong ground for such an assertion.

But to their apprehension it seemed undeniable that New Brunswick could have no pretensions as of legal right, to land west of the "due north line," and whatever might be conceded to her, of such land, was a concession at the expense of Canada. In brief, they only relied on the arguments of the British Government, as to the true range of highlands, and they did not strive to add weight to them, even if it had been possible.

They also felt that by the Ashburton Treaty, Great Britain, in yielding a portion of the claims, had, in effect *pro tanto*, diminished the Province of Canada, and they more confidently thought that the pretensions of New Brunswick, to so much of what Great Britain retained, became the less reasonable in regard to this Province.

They now submit that the appointment of the Attorney General of Nova Scotia, as one of the Commission of Inquiry, will not be considered in Canada as the appointment of an impartial arbitrator, especially when it is coupled with the expression in the Despatch to His Excellency the Lieutenant Governor of New Brunswick, referring to a division of the territory in question. The establishment of the division line between the two Provinces in that part where the United States never set up a claim, has also to be considered, as the River Restigouche, though adopted as before-mentioned, is certainly not the boundary contemplated in any of the Royal Commissions or Proclamations bearing on the question.

They fear that it will be remembered that New Brunswick was formerly a part of Nova Scotia, that the claim of New Brunswick will, to a certain extent, at least, be founded on documents relating to Nova Scotia, and that every association and feeling connected with this question will naturally influence Nova Scotia more favourably to New Brunswick than to Canada, and therefore that an officer of Nova Scotia will, however unjustly, be suspected of a leaning unfavourable to this Province.

The Committee disclaim in the strongest manner any intention or idea of raising any imputation against the character and reputation of the Attorney General of that Province; but in a question of such vital interest to Canada, and in the decision of which its inhabitants will feel they have so much at stake, they could not refrain from stating the impressions produced on their own minds, by the reference of this subject to a Commission, and their apprehension of the feeling to which the constitution of the Commission may give rise.

They earnestly hope, however, that the question may be speedily brought to a close. New Brunswick, by her geographical position, possesses a control over the revenues from the lumber floated down the St. John, and seems disposed to exercise it as if Canada had really no right or claim at all on the territory in question.

Certified.

(Signed,) E. PARENT.

To the Civil Secretary.

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## No. 5.

(No. 75.)

Copy of a Despatch from the Lieutenant Governor Sir W. M. G. Colebrooke, to the Right Honorable W. E. Gladstone.

FREDERICTON, NEW BRUNSWICK, July 28, 1846.

Sir,—I have had the honor to receive your Despatch, No. 40, of the 2nd instant, apprising me of the appointment of Commissioners to consider and report to Her Majesty's Government on the line of boundary between this Province and Canada, and having received from the Commissioners an application for the information on the subject, I will take measures to furnish it, and to render to them all the assistance they may require in the prosecution of the duty intrusted to them.

I have, &c.,

(Signed,) W. M. G. COLEBROOKE.

The Right Honorable W. E. GLADSTONE,  
&c., &c., &c.

## No. 6.

(No. 22.)

Copy of a Despatch from Earl Grey to Earl Cathcart.

DOWNING STREET, August 22, 1846.

My Lord,—I have received Your Lordship's Despatch, No. 99, of the 26th ultimo, in which you enclose the copy of an approved Report of a Committee of the Executive Council of Canada, signifying the objections which they entertain to the course pursued by Her Majesty's late Government, in appointing a Commission to report upon the question of the proper boundary line between Canada and New Brunswick.

I regret that the proceedings which have been adopted with the view of terminating this lengthened debate, should not prove satisfactory to the Executive Council; but as I am not aware that a more appropriate course could have been taken than that of appointing a Commission of Inquiry, and as I cannot allow myself to doubt that Mr. Johnstone will impartially discharge the duties intrusted to him, I must decline to interrupt the proceedings of the Commission by any alteration in my predecessor's arrangement.

I have, &c.,

(Signed,) GREY.

The Right Honorable Earl CATHCART,  
&c., &c., &c.

## No. 7.

(Nos. 270 and 55.)

Copy of a Despatch from Earl Grey to Governor General the Earl of Elgin and Kincardine.

DOWNING STREET, August 26, 1848.

My Lord,—I have the honor to transmit to Your Lordship the accompanying copy of a Report, and its Appendix, which has been drawn up by the Commis-

sioners appointed by the Queen to investigate and report upon the respective claims of Canada and New Brunswick to the territory ceded to Great Britain by the Treaty of Washington.

I shall abstain from submitting this Report to the consideration of Her Majesty until I shall have learned the opinion which the authorities in Canada and New Brunswick entertain upon it; but I trust that both Provinces will regard the result of this inquiry as satisfactory, and as fairly determining upon their respective claims.

I have, &c.,

(Signed,)

GREY.

The Earl of ELGIN and KINCARDINE,  
&c., &c., &c.

P. S. The copies of the maps referred to in the accompanying Report are now in course of preparation, and will be forwarded to you as soon as they are completed.

Enclosure in No. 7.

HALIFAX, NOVA SCOTIA, July 20, 1848.

My Lord,—On the 2nd July, 1846, the Right Honorable W. E. Gladstone, then Her Majesty's Secretary of State for the Colonies, appointed the late Captain Pipon and Captain Henderson of the corps of Royal Engineers, Her Majesty's Commissioners for prosecuting the exploration and scientific investigation judged necessary for the adjustment of differences existing between Canada and New Brunswick in relation to the territory which, since the Treaty of Washington, has been in dispute between those Provinces; and the Right Honorable Secretary at the same time nominated Mr. Johnstone, the then Attorney General of Nova Scotia, to be the colleague of Captain Pipon and Captain Henderson as legal Commissioner.

The Secretary of State in indicating the duties that would devolve respectively on these Commissioners, instructed Captain Pipon and Captain Henderson, that after actually inspecting the territory in dispute as far as such inspection should be requisite, they should prepare such plans and maps of the country as might be sufficient for the full explanation of the controversy; and that duty being performed, they were directed to consider with Mr. Johnstone whether any line could be drawn for the demarcation of the two Provinces which would satisfy the strict legal claims of each. Should it be found impossible to discover such a line, the three Commissioners were then to consider how a line could be drawn combining the greatest amount of practical convenience to both Provinces with the least amount of practical inconvenience to either, adverting at the same time to such interests, if any such there were, as the Empire at large might have in the adjustment of that question. And the three Commissioners were instructed to prepare and transmit to Her Majesty's Secretary of State, having the Department of the Colonies, the result of their inquiries and a report of their conclusions on both of these questions, sustained by such proofs and arguments as may appear to them collectively to be necessary in support of those conclusions.

Under the authority and instructions thus communicated, Captains Pipon and Henderson in the summer of 1846, pursued their preliminary topographical surveys, until, by the ultimately death of the former officer, the whole duty devolved on Captain Henderson.

In the summer of 1847, Major Robinson (appointed by Her Majesty's Government to succeed Captain Pipon,) and Captain Henderson continued the needful

explorations; and these officers having returned to Halifax have been, during the last winter and spring, engaged in preparing the maps and other delineations requisite for the explanation on the subject.

Mr. Johnstone has been in correspondence and personal communication with the Commissioners as circumstances required; and being in Montreal in the autumn of last year on public business, he availed himself of the occasion to obtain, in personal conference, the views of Mr. Papineau, then the head of the Land Department in Canada, and formerly one of the Commissioners for settling this controversy, who, by command of Lord Metcalfe, visited Fredericton in July, 1845.

On his return Mr. Johnstone pursued the route by way of Fredericton and St. John, for the purpose of enjoying a like advantage in New Brunswick; and he had the benefit of meeting and conversing with, on the same subject, Mr. Baillie, the Surveyor General and Commissioner of Crown Lands of that Province, who had been appointed a Commissioner on the part of New Brunswick in 1844, for meeting a Commissioner from Canada with a view to the adjustment of the dispute.

The map and other papers proper for the full explanation of the controversy having been completed by Major Robinson and Captain Henderson, the three Commissioners have met and considered the subject, and they have the honor now to report the result of their deliberations in the order directed by Mr. Gladstone.

1st. On the question whether any line can be drawn for the demarcation of the two Provinces which would satisfy the strict legal claims of each.

In prosecuting this branch of the inquiry it seems proper, in consequence of arguments that have been advanced in the course of the controversy, to offer the preliminary observation that the object of the investigation being to ascertain the boundaries appointed to the Provinces after they came under the dominion of Great Britain, the question is not controlled by any previously-existing extent of territory, or jurisdiction.

The Proclamation of 7th October, 1763, is therefore the first subject of examination, and forms the foundation of the titles to be considered. By this instrument the Government of Quebec is declared to be bounded "on the Labrador Coast by the River St. John, and from thence by a line to be drawn from the head of that river through the Lake St. John to the south end of the Lake Nepissin, from whence the said line, crossing the River St. Lawrence and the Lake Champlain in forty-five degrees of north latitude, passes along the highlands which divide the rivers that empty themselves into the River St. Lawrence from those which fall into the sea, and also along the north coast of the Bay des Chaleurs and the coast of the Gulf of St. Lawrence to Cape Rosiers, and from thence, crossing the mouth of the River St. Lawrence by the west end of the Island of Anticosti, terminates at the aforesaid River St. John.

No reference being here made to the previously-existing limits of the territory or jurisdiction of Canada as held or exercised by the French, or to the real or supposed extent of Acadia, or any territory or colony previously possessed or claimed by Great Britain, and the British Crown having unquestionable authority to subdivide in any manner it saw fit the territories then recently ceded to it, the Province of Quebec could neither be extended beyond or circumscribed within the limits assigned to it by the Proclamation, except by authority of the Sovereign or Parliament of Great Britain.

In June, 1774, the Quebec Act, 14 Geo. III., cap. 83, was passed, with the declared object among other things, of remedying omissions and inconveniences that had been felt in the operation of the Proclamation.

It does not profess to substitute any boundaries for the Province of Quebec in place of those defined in the Proclamation, nor does it declare the limits by which that Province had been or was to be bounded. It enacts that certain territories,

islands, and countries should be, "during His Majesty's pleasure, annexed to and made part and parcel of the Province of Quebec as created and established by the Royal Proclamation of the 7th October, 1763."

The Proclamation, therefore, modified by the Act, remained in full vigour.

The description of the territories mentioned in the Act commences in the following manner:—"bounded on the south by a line from the Bay of Chaleurs along the highlands which divide the rivers that empty themselves into the River St. Lawrence from those which fall into the sea, to a point in 45 degrees of northern latitude on the east bank of the River Connecticut, keeping the same latitude directly west through the Lake Champlain," &c. &c.

The description terminates without bringing this line back to its place of beginning; and the north coast of the Bay of Chaleurs, one of the boundaries under the Proclamation, necessarily continued under the same authority to be so after the Act.

On examination it will be perceived that no alteration in the limits of the Province of Quebec from those established under the Proclamation was made by the Act, or could have been designed, and that the difference in the two descriptions is immaterial. The Act reverses the course followed in the Proclamation: it names a point at which the line meets 45 degrees of north latitude, on which the Proclamation is silent, and mentions as a boundary on the south a line from the Bay of Chaleurs along the highlands, while in the Proclamation the connexion between the bay and the highlands is left to implication.

The title of New Brunswick may be considered as commencing with the Commission to Montague Wilmot, Esquire, as Governor of Nova Scotia, dated 21st November, 1763, being only a few weeks after the Proclamation; and from the nearness of these dates it may be assumed that the laying off of the two Provinces of Quebec and Nova Scotia were simultaneous acts.

In this Commission the boundaries are stated thus:—

"To the northward our said Province (of Nova Scotia) shall be bounded by the southern boundary of our Province of Quebec as far as the western extremity of the Bay des Chaleurs, to the eastward by the said Bay and the Gulf of St. Lawrence, and to the westward, although our said Province hath anciently extended and doth of right extend as far as the River Pentagoet or Penobscot, it shall be bounded by a line drawn from Cape Sable across the entrance of the Bay of Fundy to the mouth of the River St. Croix, by the said river to its source, and by a line drawn due north from thence to the southern boundary of our colony of Quebec."

In the year 1784, Nova Scotia was divided, and the Province of New Brunswick erected out of it.

The new Province, as appears from the Commissions of the Governors at an early period, was defined as follows; "bounded on the westward by the mouth of the River St. Croix, by the said river to its source, and by a line drawn due north from thence to the southern boundary of our Province of Quebec, to the northward by the said boundary as far as the western extremity of the Bay des Chaleurs, to the eastward by the said bay and the Gulf of St. Lawrence to the bay called Bay Verte, &c."

The strict legal rights of the two Provinces being dependant on the terms and just construction of the Proclamation, and the Quebec Act explained by the Commission to Governor Wilmot, it is necessary to examine with precision the mode in which the boundaries are described, that, by the language of the documents, qualified by the nature and condition of the subject, the intention of the Government and the legitimate meaning of its declarations and acts may be ascertained.

The following conditions result from the several descriptions when considered together:—

1st. That Canada shall be bounded by the north coast of the Bay of Chaleurs as far as its western extremity, to which Nova Scotia is specifically stated to reach.

2nd. On the south side, by a line from such western extremity along certain highlands to the 45th degree of north latitude, at a point on the eastern bank of the Connecticut River.

3rd. That those highlands shall be “the highlands which divide the rivers that empty themselves into the River St. Lawrence from those which fall into the sea.”

Had no inherent characteristic been selected to mark the highlands that were designed to form the demarcation between Canada and the adjoining possessions of the Crown, the descriptions contain nothing else which could ensure a boundary capable of being ascertained through an unexplored and wilderness country, the interior of which was almost unknown, extending over the great distance that separates the Bay of Chaleurs from the Connecticut River, and an object deemed by the Government of no small importance would have been placed at the hazard of conjecture or accidental coincidences, and made subject to very great risk, if not the almost certainty of failure.

The physical attribute of the highlands was therefore the only security employed for attaining the needful certainty.

It may be reasonably presumed that in addition to this advantage another benefit was contemplated from the peculiar nature of the boundary, namely the giving to each Province jurisdiction over the whole course of such rivers as emptied themselves within it, a convenience likely to be much regarded at a time when, in the absence of roads, the facilities of water-carriage directed the course of settlement. This presumption is the more probable, as the object of securing a certain definable boundary might have been effected by the ordinary means of lines running by magnetic courses or between given points; the latter object could only be attained in the mode that was adopted.

It has been seen that the Proclamation and Act speak of “the highlands” dividing the rivers falling into the St. Lawrence from those falling into the sea, as of certain not conjectural existence, and it cannot be imagined that the Government did not apprehend the import and consequences of its own act; or however little may have been known with accuracy of the course and relative bearing in connexion with other objects of the highlands or the interior of the country, that it did not possess or suppose itself to possess adequate information of the River St. Lawrence and the Bays of Chaleurs and Fundy, and the rivers emptying themselves into them, and the general elevation of the land, to justify their assumption that such a boundary might safely be relied on, to say nothing of the intrinsic probability from natural causes that a range of highlands, fulfilling the condition, existed.

While, however, it may be well believed that the description was framed on a conviction that certainty and convenience were secured by a boundary dependant on its physical character, yet whatever may have been the notions and opinions that led to the selection of a line thus distinguished, or whatever may have been the ideas prevalent (if any were entertained) as to the actual location of the highlands, or their position relatively to other circumstances or features of the country, the Act of the Government in unconditionally adopting that boundary was decisive and clear, and the legal claims of the Provinces can now only be governed by the plain meaning and legal construction of the documents by which the title is created; and it is believed that no exposition can be conducted on sound principles that does not demand in the construction of these documents that the controlling and distinguishing element in the boundary shall be its division of the rivers that discharge their waters in the opposite directions indicated in the Proclamation and Act, and that to

this paramount consideration points less important for effecting the general objects shall be held subordinate.

Whatever line, therefore, shall be found substantially to answer the description these documents give of the boundaries of the Provinces, must control the legal claims of Canada and New Brunswick. Whether a boundary of that character actually existed was a question demanding for its solution exploration and scientific research.

At this point, then, it is that appeal must be made to the topographical result of the labours of those Commissioners to whom the exploration and research directed under Mr. Gladstone's Despatch were committed; and from the observations made and the knowledge acquired in the fulfilment of this duty, they have felt no hesitation in pronouncing as their clear and decided opinion that highlands do exist which separate the rivers that empty themselves into the River St. Lawrence from those that fall into the sea; that these highlands connect themselves continuously by highlands with the north coast of the Bay of Chaleurs at its western extremity, and reach the 45th degree of north latitude at the eastern branch of the Connecticut River, thus essentially fulfilling the several requirements of the Proclamation, Act of Parliament, and Commissions for the southern boundary of Canada, and laying the foundation for establishing the strict legal claims of the two Provinces.

On the accompanying map, prepared by Major Robinson and Captain Henderson, this line is colored green, and it will be seen that the northern highlands, claimed by New Brunswick, are adopted, and the line contended for by Canada as her southern boundary is rejected.

The determination and confidence with which the claims of both Provinces have been supported, and the arguments which on behalf of Canada have been used in support of the boundary to which that Province thinks herself entitled, call for some consideration of the principal objections that have been urged on her part against the northern highlands, which this report presents to Your Lordship as forming the southern boundary of Canada under the terms of the Proclamation and the Quebec Act.

In this view some of the observations that have been already offered have been made, which otherwise would have been deemed unnecessary.

In attempting to avert the application of the fundamental principle on which the northern highlands are preferred, and the southern range repudiated, namely, the necessity that the boundary heights should divide the rivers that empty into the St. Lawrence from those that fall into the sea, the advocates of the Canadian claims have intimated that the word "sea" in the Proclamation and Act might be read "Atlantic Ocean," and the conditions of the description he held to be adequately satisfied by highlands possessing the required qualification as far east from the 45th degree north latitude as the due north line and the St. Croix River.

It is difficult to apprehend the ground on which an exposition is proposed, so little in harmony with the letter and the apparent spirit of the written instruments to which it is applied, whether considered in relation to the nature of their subject or the policy of their framers.

The territories to be affected by the contemplated division from the Connecticut River to Chaleurs Bay were bounded towards the north by the River St. Lawrence, and towards the south and east by the Atlantic Ocean and Bay of Fundy, and the Gulf of St. Lawrence, and the Bay of Chaleurs.

In speaking of a division of the waters flowing into the St. Lawrence from those flowing in an opposite direction, the word "sea" was alike appropriate throughout the whole course of the line; the term "Atlantic Ocean" could only apply to a part of the boundary.

The subject therefore in itself furnishes no warrant for departure from the plain meaning of the language used.

So, also, as the whole of these territories were British in 1763, and no reason has been assigned, and none can be easily imagined, for subjecting one portion of the country bordering on the line to a policy different from that applied to another, nearly as extensive, the objects of the Government, as legitimately deducible from its language and acts, and the nature of the subject, seem as little to favour this construction.

But further, although it must reasonably be presumed from the dates that the boundaries of Nova Scotia were under consideration when those of Quebec were determined upon, yet the construction under review renders inappropriate and inapplicable throughout the whole extent of Nova Scotia that peculiar qualification of the boundary which it has been seen gave to the description its only certainty, and effected an object of policy which it may be reasonably supposed the Government had in view.

It seems likewise to be a violent improbability that for no assignable reason a boundary should have been given to Nova Scotia so extensive as from the Bay of Chaleurs to the due north line, which could only be ascertained and tested by a quality discoverable alone out of her limits far to the west.

For so great a departure from the language, plain meaning, and natural construction of written instruments, some reason of a constraining power may justly be required. None can be found.

The treaty of 1783, and the supposed intentions of the British Government, as evinced by the treaty, and as subsequently manifested in negotiating its execution, have been appealed to in this connexion.

But as the Proclamation and Governor Wilmot's Commission passed nearly twenty years previously, neither the treaty nor what occurred under it could effect the condition of the description throughout that long interval of time, and the title existing then must have continued the same in its inherent nature afterwards.

The treaty, too, was made when the circumstances were greatly altered.

A foreign and independent party was introduced, and the subject was less extended than that over which the Proclamation had operation, and it was contracted just to that extent which made the term "Atlantic Ocean" appropriate, for the territory to be defined under the treaty extended no further east than did that ocean.

An argument against the line along the northern range of highlands, which has been much relied on (and which appears to be the only intrinsic objection) is derived from the language of the Act of 1774, in the commencement of the description, "bounded on the south by a line from the Bay of Chaleurs along the highlands that divide the rivers that empty themselves," &c.

The objection turns chiefly on the words "on the south," as connected with the course of the line claimed by New Brunswick for some distance from its commencement at the bay.

It will be best understood by an extract from one of the most able papers in support of the Canadian claims, where it is said,—

"The words of the Act of 1774, 'bounded on the south by a line from the Baie des Chaleurs along the highlands which divide the rivers that empty themselves,' &c., would never be supposed to have been intended to direct that from the Baie des Chaleurs a line should be run in a direction almost north for a distance of from thirty-five to forty miles ere the commencement of the southern boundary of Quebec could be found, for this line from the Baie des Chaleurs to the highlands would form a western and not a southern boundary for the Province of Canada."

The same objection has been very elaborately argued by another Canadian Commissioner, who has reiterated it in a variety of forms, and deduced from it many inferences. The objection seems to overlook the nature of the subject, viz., the boundaries of an unexplored country of great extent, of which the interior geographical relations were unknown, and treats the supposed intentions of Government and the import of its language as if controlling lines of small extent, the result of actual survey or accurate and minute knowledge.

This mode of exposition would introduce more serious objections than this; for instance, the Bay of Chaleurs, in 1763 and since, was called in the Governor's commissions an eastern boundary of Nova Scotia and New Brunswick, whereas it is the northern limit.

Again, the line itself so much controverted and now under consideration, from the earliest to the present time, is called the south boundary of Quebec and Canada and the northern of Nova Scotia and New Brunswick, and on that description this objection is founded. Yet Canada, not less than New Brunswick, offers, as adequately fulfilling this designation, a range of highlands which on its own maps exhibits not only deviations from a west course as palpable as that now objected to, but which, even in its general course, is far from giving a south boundary.

The Proclamation of 1763, however, furnishes a key to the meaning of its framers in this particular, by clearly exhibiting their intention to confine the description of the boundaries to definite objects known or assumed to exist, leaving the intermediate details necessary for uniting the line of which they were ignorant to be supplied as the country should become more perfectly known.

This significantly appears both in the course of the line from the St. Lawrence to the highlands and from the highlands to the north coast of the Bay of Chaleurs.

In this latter case, which is the point under consideration, the expression is, "passing along the highlands which divide, &c., and also along the north coast of the Baie des Chaleurs."

The governing objects being, consequently, these highlands and the north coast of the Bay of Chaleurs, the description, by necessary implication, required that they should be united. The exact method of uniting them was evidently a matter of detail, but it seems in every way probable that the framers of the Proclamation were aware of the existence of the very remarkable highlands at the north-west extremity of the Bay of Chaleurs (upwards of 2,000 feet in height), and which, from an inspection of Mitchell's map, which appears to have been used by them officially, are represented as the continuation of the range of highlands dividing the waters of the St. Lawrence from those flowing to the sea.

The Act of 1774 could contemplate no alteration, because the highlands were the same as in the Proclamation, and the relative position to the Bay of Chaleurs was necessarily unchangeable. The difference of language was such as arose from commencing at the Bay of Chaleurs, and from introducing what was supposed to be the general course of the highlands in the whole distance between that bay and the 45° of latitude.

But as the objection could only avail to defeat this line, without having power to substitute another not conformed to the description, and as the point on which it arises is obviously one of little moment, and the main objects of the description are plainly expressed and capable of being defined, were it necessary to bend and control this uncertain and immaterial point in the description, to preserve the operation of the certain and essential, the just rules of exposition would, it is conceived, in such a case allow this license.

It seems, however, in the present instance, unnecessary to depart from the strict rules of interpretation.



A line dividing the sources of rivers falling in opposite directions could not be assumed to be a line free from many windings; and the term "bounded on the south," applied to such a line running through an extent of country stretching from the Bay of Chaleurs to the Connecticut, could not be used strictly, or be intended to describe a direct line.

If so, the particular part of the line in which deviations might occur, or their nature and extent, must be deemed immaterial, and be treated as incidents inseparable from such a boundary, of which its framers must be presumed to have been well aware, their general objects being secured by the ascertained points of commencement and termination.

Major Robinson and Captain Henderson having visited the Bay of Chaleurs, and explored the country both north of the St. Lawrence and south of it into the interior of New Brunswick, and given due consideration to what, in their opinion, were the intentions of the framers of the Proclamation and Act, and the amount of knowledge they may be reasonably supposed to have possessed of the Bay, have given it as their opinion that the highlands of Tracadiegash, which rise abruptly at what to all intents and purposes is the western extremity of the Bay of Chaleurs to an elevation of some 2,000 feet, best fulfil the language and intentions of the Proclamation, &c., and that the line may be traced from thence in a north-westerly direction, neither cutting nor intersecting any rivers, for about forty-five miles through an elevated country, when it may be considered as meeting the more specific range of north highlands, which from thence runs westwardly for a comparatively short space, where it turns to the south, and continues that course for a very considerable distance, until it is brought into the vicinity of the due north line.

The exact locality of the western extremity of the Bay of Chaleurs, as mentioned in the Quebec Act, does not appear to the Commissioners to require to be sought for with the precision which has been insisted on both by Canadian and New Brunswick Commissioners.

No accurate survey had been made of the bay at the time the Proclamation was issued, and therefore it cannot be supposed that any precise spot was intended by the introduction of the term western extremity.

The existence of the mountain range of the Tracadiegash highlands must have been perfectly well known to those who had visited the bay, and it is to be remarked that in sailing up it they appear rising like a wall, completely closing it in, and forming its western extremity. The shape of the bay, as laid down on Mitchell's map, justifies the conclusion that this was the idea then entertained.

Another objection to which great importance has been attached is derived from the treaty of 1783.

From the mention of the north-west angle of Nova Scotia, in connexion with the line between Great Britain and the United States, the understood identity of this line and the south boundary of Canada is assumed, and from the subsequent assertion of Great Britain that the southern range of highlands formed the Treaty line, the deduction is drawn that this line is the true southern boundary of the old Province of Quebec.

Many authorities seem opposed to this view.

British official agents employed in negotiating the line with the United States refused to admit the identity of the Provincial with the Treaty line, and required that the north-west angle should be ascertained by first determining the highlands described in the Treaty, and the rivers they divide.

Colonel Mudge and Mr. Featherstonhaugh have exposed the fallacy of attempting to determine the true range of highlands from a previous assumption of a north-west angle of Nova Scotia.

In the first statement on the part of Great Britain, according to the provisions of the Convention concluded between Great Britain and the United States on the 29th September, 1827, for regulating the reference to arbitration of the disputed points of boundary under the Fifth Article of the Treaty of Ghent, it is stated, (page 23) after detailing the evidence of Simon Herbert, of the Madawaska settlement, that "this last-cited evidence proves an actual jurisdiction over this territory since the Treaty of 1783, by the British Province of New Brunswick. The claims of this Province and Canada with respect to this and other parts of the territory in this quarter are conflicting *inter se*, and show the uncertainty of their respective boundaries, which, in fact, have never been settled, and may require the interference of the mother-country to adjust; but these conflicting inter-colonial claims, which have arisen since the Treaty of 1783, are altogether irrelevant to the present controversy between Great Britain and the United States as a foreign power, and under that Treaty. Whether under the one Province or the other the possession is British."

The Canadian Commissioners, whose argument is under consideration, themselves Messrs. Draper and concede that it compels the adoption of a boundary between the Papineau. due north line and the Bay of Chaleurs, not conformable with the Proclamation and Act of 1774.

Apparently in view of a difficulty resulting from that fact, the British Commissioners before named have given their opinion "that the Acts of Colonel Mudge and Mr Featherstonhaugh. the British Government touching the partitionment of lands between the Provinces of New Brunswick and Lower Canada are not appropriate matters for discussion in the dispute with the United States."

The converse seems here to be at least as applicable.

Great Britain and the United States, by a modified arrangement of the dispute, have felt the true position of the highlands, and of the north-west angle of Nova Scotia yet undecided.

Besides, nothing that has been advanced by the Canadian Commissioners, however correct it otherwise might be, can warrant the conclusion that the opinion of the British Government, as supposed to be expressed in the treaty, and as afterwards advanced in discussion with the United States was authoritative between the colonies. For as the treaty was not designed to alter, and had not force to alter the colonial boundaries (which remains to be ascertained after the treaty by the same distinctive features as before,) if, in fact, the line of highlands claimed by Great Britain as the boundary with the United States was not the ancient provincial boundary, a mistaken assumption on that point could not effect the latter boundary. Nor if the true position of the north-west angle, as capable of being ascertained, should prove inconsistent with the *indicia*, of the highlands between Great Britain and the United States as described in the treaty, could it be proper for the mere purpose of removing a discrepancy arising from the introduction (very needless it would seem to have been) of the north-west angle into the treaty, either on the one part to change the true position of that angle, or on the other to substitute other highlands for those marked out by the treaty.

Lastly. The institution of the present Commission, and the instructions to explore the territory in dispute, and to consider whether any line could be drawn for the demarcation of the two Provinces which would satisfy the strict legal claims of each, is decisive that Her Majesty's Government does not consider those claims to be concluded by the treaty of 1783, or by anything that has taken place under it.

The Commissioners are therefore unable to perceive that they should fulfil their duty by surrendering to this objection the convictions they derive from the topographical evidence before them as applicable to the documents by which the boundary was originally established.

They consider their duty to be to discover, if it can be discovered, the line between the two Provinces according to the terms of the Proclamation, the Quebec Act, and the Governors' Commissions; and by adopting the distinguishing characteristic of the highlands mentioned in the Proclamation and Act, as a controlling fact in the description, they best show their deference to the example of the Imperial Government, as they thereby conform to the same principle that the British Government maintained in its controversy with the United States, and which as applicable to the line then in question, and the language of the treaty, well-justified the claim of Great Britain, when disembarassed from connexion with the north-west angle of Nova Scotia.

Much on both sides has been written of the possession taken, and the jurisdiction exercised by the two Provinces.

These can have little effect on the question of title, for the same differences of opinion that now agitate the two Provinces on this subject existed as early as 1785, and it is clear they have not been adjusted or waived from that time to the present.

The following extract of a letter from the Surveyor General of New Brunswick to the Surveyor General of Quebec, dated at St. John, New Brunswick, 21st June, 1785, given in the Appendix to one of the Canadian Commissioners' Reports, explains the controversy as it then stood:—"By your letter you seem to think that the Tamasquata Lake, and the discharge therefrom (on the Madawaska River) fall into your Province, surely some great mistake or misinformation must occasion this idea. New Brunswick is bounded on the northward by the bounds or line settled by Act of Parliament between Nova Scotia and Canada, which Act expressly mentions the line between those Provinces is to run on the height of land separating those rivers that fall into the St. Lawrence from those that fall into the sea: therefore the Tamasquata waters discharging themselves by the Madawaska into the St. John, and by that river into the sea, renders the business so clear that your error can only originate from a want of knowledge of our limits, or not having lately perused the Acts describing the bounds of your Province."

Two years afterwards ineffectual efforts appear to have been made by the Provincial Governments to adjust the boundary. At that time the Canadian Surveyor General endeavoured to establish a line from the Bay Chaleurs to the Great Falls of the River St. John, and thence westward; while the Surveyor General of New Brunswick insisted on commencing at the Portage between the River St. Lawrence and the Lake Temiscouta for the purpose of examining which way the waters inclined on the heights there, that their course might determine the boundary.

Thus New Brunswick contended for the same principle, and claimed from it the same result in 1785 as she does now, and as it has been deemed imperative to adopt in this Report; and the Government of Quebec sought a boundary much further south than the sister Province would admit, although considerably to the north of that subsequently, and now claimed by Canada.

Concessions of land and jurisdiction exercised by Canada under the French, and since 1763 under the Colonial Government, have been urged in opposition to the north line of highlands.

Any argument drawn from the Acts of the French Government has been anticipated in a preliminary observation.

The exercises of authority since the Proclamation are met by corresponding acts on the part of New Brunswick. Her measures of appropriation and of jurisdiction between the Restigouche and the south highlands, and to the west of the due north line have been, especially of latter years, as extensive, continued, and decisive as those maintained by Canada south of the north highlands.

These Acts on either side, therefore, prove nothing on this branch of the subject beyond ignorance of the true boundary or a mutual spirit of appropriation under conflicting titles.

But it might be urged that although concessions of land and the exercise of jurisdiction by the French Government were admitted to confer no title, they yet furnished a motive calculated to influence the British Government which should be considered as interpreting its Acts.

This may be admitted to be true under some circumstances and to a certain extent, and if, in fact, it were shown that in 1763 there were many Canadian settlers who would have been separated from the Quebec Government by the north highlands, and if any other line of highlands could be found which would in any adequate degree satisfy the terms of the Proclamation and Act, the suggestion would be entitled to serious consideration.

Neither of these facts, however, appear.

The Proclamation placed under the jurisdiction of Quebec, the fishermen of Gaspé and the settlers on the southern bank of the St. Lawrence and its tributaries; but if there were inhabitants on the south coast of the Bay of Chaleurs, they were as distinctly retained under Nova Scotia.

A letter of the Surveyor General of Quebec in 1787, shows that the country about the Tamascouta Lake and Madawaska River was then unsettled.

The inhabitants located near the Great Falls of the River St. John are mentioned as Acadians; they therefore originally may have been Nova Scotian rather than Canadian subjects, and nothing in the communication creates the impression that they were settled there before 1763.

It is more than probable that the Government believed the means they adopted to be the best for the purpose of placing under Canadian jurisdiction, as far as was practicable, all the inhabitants and concessions of lands known to belong to Canada. Nor is there any reason to believe that the extent to which they may have failed in this result was sufficient to have justified or would have occasioned the abandonment of a line recommended by its general adaptation to the policy of the Government in this respect and in other particulars.

Objections, however, which like this, are founded on the supposed intentions of Government, are obviously of little weight, if their only effect shall be to set aside a boundary that satisfies the Proclamation and Act in their more important requirements unless there be another line more perfect to substitute.

A slight comparison is sufficient to show that the line claimed by Canada cannot support this character.

Indeed, although there have not been wanting advocates of the Canadian claims who go the length of asserting the coincidence of their line with the requirements of the Proclamation and Act, yet it appears from the able Report before referred to (Messrs. Draper and Papineau) that there are others who stop short of this point, and admitting that the line along the southern highlands does not satisfy the terms of the Proclamation and Act, endeavor to bring the northern line into the same predicament.

The line claimed by Canada at its commencement is required to cross from the north coast of the Bay of Chaleurs at its head to the opposite shore. The fact is admitted by the same gentlemen whose Report has just been noticed to be at variance with the apparent meaning of the Proclamation and Act. Soon after, as is seen on the maps prepared by another of the Canadian Commissioners, it diverges abruptly to the south for a long distance, giving occasion to an objection similar to that urged against the north line, of making an east instead of a south boundary for Canada, if such an objection were available; and it passes to the due north line.

near Mars Hill on a general south-west course, in which respect, as also in occasional interruptions of continuity, it is as liable to criticism as the north line.

It is, however, in the essential part of the description that the objection to the highlands claimed by Canada becomes, as it is conceived, fatally irreconcilable with the Proclamation and Act, inasmuch as these highlands do not divide the rivers that empty themselves into the St. Lawrence from the rivers that fall in the opposite direction, being in fact themselves separated from the heads of the rivers falling into the St. Lawrence by the large river, the Restigouche, and the valley it passes through.

This boundary, too, divides the St. John River 220 miles below its source, and instead of confining Canada to the St. Lawrence and her tributaries, it would give her a large portion of the St. John, with the Tobique, the Madawaska, and St. Francis, important rivers falling into the St. John, and the Restigouche from its source, with all its numerous and not insignificant tributaries.

On the other hand the north line, after running among highlands from the north coast of the Bay of Chaleurs at its head without crossing its waters, pursues its course along highlands that divide the rivers that empty themselves into the St. Lawrence from those that fall into the sea to the Metiarrette, where the two lines meet and unitedly run to the Connecticut River at the 45° north latitude along highlands that continue to fulfil that essential requisite.

Comparing, then, the two boundaries, and in the interpretation of the documents and the application of the facts, avoiding the extremes of verbal severity and unlicensed freedom, the conclusion on the minds of the Commissioners is irresistible, that unless the language of the Proclamation and Act shall be deprived of all distinctive meaning and a plainly expressed intention in harmony with the nature of the subject, and consistent with a rational and probable policy shall be disregarded, the north range of highlands is the south boundary of the ancient Province of Quebec demanded by the Proclamation of 1763 and the Act of 1774.

If this conclusion be not correct, the Proclamation and Act must be considered as having failed of any operation as far as relates to this important boundary, for unquestionably the south highlands cannot satisfy the descriptions either in their letter or spirit.

The observations hitherto have been confined to the south line of Canada; but it is also necessary to inquire into the west boundary of New Brunswick because its settlement affects the question between that Province and Canada if the north highlands shall be adopted.

After the due north line from the source of the St. Croix, as it has been adjusted between Great Britain and the United States, has fulfilled its distance, New Brunswick claims to be entitled to remove it further west to the position it would have occupied had it been struck from the western source of the River St. Croix instead of the northern, and where it is contended it ought to have been placed agreeable to the Treaty of 1783.

To sustain this claim, it is asserted that the line with the United States was settled conventionally for quieting controversy, and not according to strict right.

In this view on the part of New Brunswick the Commissioners cannot concur.

The adjustment of the due north line between the United States and Great Britain was the judicial and not conventional act of the Commissioners appointed under the Treaty of Ghent, and it was subsequently acted upon, and has been finally ratified, by both Governments.

Whatever, then, may be individually thought of the correctness of the decision, it cannot practically be questioned by the Provinces; but it is conceived that the line must be treated as occupying the true position designed by the Treaty, and

concluding the claims of New Brunswick to extend westwardly. Therefore, in answer to the question on which the Commissioners were required by the Right Honorable the Secretary of State first to give their opinion, they have the honor to report that, in their opinion, a line can be drawn for the demarcation of the Provinces of Canada and New Brunswick which would satisfy the strict legal claims of each: That is—

Commencing at the point at which the extension of the due north line strikes the north highlands before-mentioned, and running along those highlands and reaching the north coast of the Bay des Chaleurs at the highlands of Tracadiegash, agreeably to the accompanying map, being that part of the line coloured green which lies between the letters A and B.

They further report that a tract of country lies between the north highlands westward of the due north line, and the line of the United States, which, according to the strict legal rights of the two Provinces, belongs to neither, being included within the lines marked B C D on the map, and which, in 1763, formed part of the ancient territory of Sagadahock.

The Commissioners deem it their duty further to report, that the line of division which the strict legal rights of the Provinces, agreeably to the Proclamation and Act of Parliament and Commissions thus demand, is at variance with the actual possessions of both Provinces, and is incompatible with their mutual advantage and convenience.

The inquiry, therefore, which was directed by the Honorable the Secretary of State to be made by the Commissioners if they should find it impossible to discover a line satisfying the legal claims of the Provinces, is practically as needful as if that result had followed the investigations under the first branch of the subject.

Mr. Gladstone's directions are, "To consider how a line could be drawn which would combine the greatest amount of practical convenience to both Provinces with the least amount of practical inconvenience to either."

Each Province has exercised jurisdiction and extended its settlements as far as and along the Restigouche River for a considerable distance from its mouth, which thus has practically become to that extent their boundary, although each has claimed a right to extend its line far beyond.

Any attempt to alter this practical and subsisting division could not fail to be very injurious, without offering the prospect of any adequate benefit, and therefore, in this particular, the legal line of division calls for modification; and it would be proper that a large portion of this territory north of the Restigouche should be confirmed to Canada, although lying to the south of her anciently-defined boundary, and according to that boundary being strictly a portion of New Brunswick.

A considerable portion of the country that lies to the west of the due north line, between the north highlands and the newly-settled United States line, the Commissioners believe would be beneficially and properly assigned to New Brunswick, whether as regards the comparative benefit to the two Provinces, or their meritorious claims, or the interest and convenience of the inhabitants.

The inhabitants of this portion of the country have chiefly settled under the authority of New Brunswick, and are familiar with the administration of its laws and usages; and the St. John and its tributaries, the Madawaska, and the St. Francis, offer to them, through New Brunswick, the most eligible mode of transport to market for their timber and other products of the country.

Over this territory New Brunswick for many years past has claimed and exercised ownership and jurisdiction; has assisted its inhabitants in distress; and during the struggle with the neighboring State of Maine on the Boundary question, actively and at much inconvenience and expense maintained her jurisdiction and possession, and, by her energy, for many years assisted in frustrating the attempts

at actual occupation made by parties from the State of Maine; while Canada, removed from the scene of disquietude, remained passive.

Under these various considerations the Commissioners have mutually agreed to recommend a conventional boundary between the Provinces of Canada and New Brunswick, which they believe will, agreeably to the desire of the Secretary of State, combine the greatest amount of practical convenience to both with the least practical inconvenience to either.

The conventional boundary they propose is defined by the following lines: that is to say—

That New Brunswick should be bounded on the west by the boundary of the United States, as traced by the Commissioners of Boundary under the Treaty of Washington, dated August, 1842, from the source of the St. Croix to the outlet of the Pohenagamook, thence north-easterly, by prolonging the straight line which has been laid down on the ground as the boundary of the United States, between the Iron Monument at the north-west branch of the River St. John, and the Iron Monument at the said outlet of Lake Pohenagamook, until the line so prolonged shall reach the parallel of  $47^{\circ} 50'$  of north latitude, thence by a line due east to that branch of the Restigouche River called the Kedgewick or Grande Fourche, then along the centre of the stream to the Restigouche River, then down the centre of the stream of the Restigouche River to its mouth in the Bay of Chaleurs, and then through the middle of that Bay to the Gulf of St. Lawrence, giving to New Brunswick the islands in the said Rivers Kedgewick and Restigouche to its mouth at Dalhousie.

This is a line which may be easily ascertained, defined, and marked with comparatively little expense, and with ease and certainty. It gives to the Provinces a convenient form, and confirms to each its possessions and inhabitants; or if there is any exception, it is too inconsiderable for notice in determining a question of this nature: and in every particular, as far as the knowledge and belief of the Commissioners extend, it divides the territory in dispute in the manner likely to be most beneficial as regards the Provinces comparatively, and as respects the interest and convenience of the inhabitants.

The territory lying west of the due north line, which the ancient boundary leaves without the strict limits of either Province, comprises 4,400 square miles. Of these the proposed conventional line will give 2,300 square miles to New Brunswick, and 2,100 square miles to Canada; and of the tract of country lying to the north of the Restigouche, which lies strictly within the boundaries of New Brunswick, 2,660 square miles are assigned to Canada.

The seigniories of Temiscouata and Madawaska fall within the limits of New Brunswick altogether, or very principally.

The Commissioners would have assigned them to Canada, had it been possible to do so without much injury to the general arrangement.

They believe, however, that the inconvenience of separating them from Canada is more nominal than real. The inhabitants are few, not exceeding twenty families of poor, humble settlers.

The tenure of a large portion of these seigniories has been changed to common soccage by legislative enactments at the instance of the owners, and it is believed the proprietors of the remainder will be contented with a similar change.

There do not appear to the Commissioners to be any interests which the empire at large has in the settlement of this question.

All which is respectfully submitted by Your Lordship's  
Most obedient, humble Servants,

WILLIAM ROBINSON, Captain Royal Engineers,  
Brevet-Major.

G. W. M. HENDERSON, Captain Royal Engineers.

J. W. JOHNSTONE.

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APPENDIX.

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TOPOGRAPHICAL REPORT, and Description of the Plans and Sketches, accompanying the Report of the Commissioners on the Disputed Boundary, dated 20th July, 1848.

No. 1. *General Map of the Provinces of Nova Scotia, New Brunswick, and part of Canada East, showing the Disputed Territory.*

The Commissioners in the course of their duties upon the railway exploration survey, and upon a former service, that of tracing and surveying the boundary between the British Provinces of North America and the United States under the Treaty of Washington, dated August, 1842, have either jointly or separately traversed and seen, with but trifling exception, the whole of the territory now in dispute.

They have crossed and re-crossed it from the St. John and Restigouche Rivers to the banks of the St. Lawrence, in four separate lines, at wide intervals apart.

They have been up the whole course of the St. John River to within a few miles of its source in the highlands; and in New Brunswick they have traversed, with their lines and their explorations, the mountain range lying between Mars Hill and the Bay Chaleurs.

They have compiled the general map from the best authorities open to them, viz., the Admiralty charts, the surveys of the Commissioners of Boundary under the Treaty of Washington, Arrowsmith's map of New Brunswick, and Bouchette's Canada, &c.

The want of good maps, and correct information as to the topographical and physical character of the interior of the country, have been the principal cause of the constantly-recurring disputes which have now for more than half a century occurred in this part of North America, and rendered necessary Commission after Commission for inquiry and research.

Much valuable information of the country has from time to time been obtained by the various Commissioners; but even yet the still wilderness state of the interior has prevented any very accurate survey of it from being made.

The main rivers and relative situations of the great lakes, and the outlets of the principal streams are known; but the sources of the rivers and their courses, save of those portions upon which settlements have been made, are not yet sufficiently well determined to be laid down upon a map, more than in a very general way.

But extreme accuracy is fortunately not indispensable in this general map: it is deemed sufficiently correct for the object of the present Report.

The topographical features of the country are remarkable, and sufficiently well-defined to comment upon; and they have a strong bearing upon the subject under consideration.



The whole surface of the territory in dispute is of the most varied character; undulating and broken into hill and dale, mountain and valley; one large and ever-recurring wilderness of forest. Only a few of the highest mountains are bare of trees: the country is everywhere intersected by innumerable streams, rivers, and lakes.

But amidst the apparent confusion there may be traced two decided ranges of highlands more or less continuous, extending through the whole country.

The great valleys of drainage are even more strikingly marked than the highlands.

The first of these is the St. Lawrence River.

In looking at the map it will be seen that this river from Quebec to its mouth, that is, to the line crossing over from Cape Rosier to the opposite bank, passing to the west of the Island of Anticosti, runs nearly in a straight course (north-easterly) for a distance of about 400 miles, and is constantly receiving along this entire length, numerous streams which have their sources in the highlands to the southward.

The second great line of drainage runs in the same general direction, at an average distance from it of about eighty miles. It is formed by the valley of the upper St. John, the valley of the Restigouche, and the Bay of Chaleurs, which together, for an equal distance to the first line, are constantly receiving along their whole course, and carry to the sea, the numerous streams which take their rise in the same highlands with the tributaries of the St. Lawrence.

The commencement of this second line of drainage is near the source of the St. John River, at a point marked C. on the plan, which is about sixty to seventy miles south-east of Quebec; it is adjacent to, at the same time, the sources of the Metjaunette and Penobscot Rivers.

Near this point, the great chain of highlands coming from the heads of the Connecticut River, and of whose existence and character as a true dividing ridge proceeding from the westward there has never been any dispute, begin to fall off greatly in altitude, and fork as it were into two ranges of subordinate character.

The most northerly of the two ranges runs along the St. Lawrence, and continues on into the district of Gaspé and connects by the Tracadigash range with the western extremity of the Bay of Chaleurs.

Its course is very irregular, but on an average it is at about twenty miles distance from the St. Lawrence on the north, and at about sixty miles from the great parallel line of drainage on the south.

This range of highlands throws down numerous streams north and south, one portion of which flow into the St. Lawrence, whilst the remainder find their way to the sea by the valleys of the St. John and the Restigouche.

The opposite courses of these streams, their rapid currents, with the altitudes as marked on the plans, demonstrate physically that there is a very decided dividing ridge and watershed line along all this region, separating waters flowing northward into the St. Lawrence from waters flowing in an opposite direction into the sea.

And we are of opinion that, if deemed necessary and essential, a line could, following this range, be traced and cut out on the ground, which should be in literal agreement with the wording of the Proclamation of 1763, the Quebec Act of 1774, and the Governor's Commissions, and would form, in strict accordance with the terms used in them, the southern boundary of the Province of Quebec. On the plan, this line has been drawn and colored green.

Passing from the termination of the forty-fifth parallel of latitude, it runs along the dividing ridge of the great chain of highlands from the sources of the Connecticut River to the point C, then along the northern range of highlands, dividing everywhere along its course waters flowing into the St. Lawrence, from waters flowing into the sea, as far as and round the sources of the Metapedia River, and from thence, by the nearest course, along the highlands connecting with the west-

ern extremity of the Bay of Chaleurs, intersecting no streams, and thereby infringing no terms of the Proclamation and Act.

Returning to the point C. The southern range of highlands being a direct continuation of the greater chain, but of diminished altitude, runs easterly towards the Lake Keeagwagwam, and from thence continues gradually falling off, and much broken in continuity to the St. John.

The range appears again on the other side of this river, and attains altitude and mountain character at the sources of the Tobique, Upsalquitch, and Nepisiquit Rivers. It then falls off again, and diminishes as it approaches the Bay Chaleurs.

This range also throws down innumerable streams in every direction, but the waters all flow to the sea.

During the whole of its course, for 250 miles, not one portion of its waters flows into the River St. Lawrence.

A line along the dividing ridge could not be carried to the north coast of the Bay Chaleurs, without intersecting the main River St. John at a point 220 miles, nearly, from its source, and also crossing the River Restigouche, near its mouth.

The mountains in the district of Gaspé to which the northern range along the St. Lawrence is joined, obtain as great an elevation and mountain character as the great chain between the Connecticut River and the point of branching off near C.

This modification of the great chain into two branches of subordinate character and more doubtful continuity, has been the one great cause of all the disputes and controversies which have occurred.

#### *Plan No. 2.*

This shows the country at the point where the disputed boundary commences. It was compiled to accompany and illustrate the report of Captain Broughton and James Featherstonhaugh, Esquire, who were appointed by Lord Palmerston in 1840, to visit and report upon that part of the country, and the nature and extent of the northern range of highlands.

This map shows plainly, that following up the dividing ridge from the sources of the Connecticut River as far as the point K, the boundary line may be continued on as a line dividing waters following in different directions, without any break or interruption over to the northern range, and then along it eastwardly.

It has been contended that between the points K and L on this plan, the country is a flat and extensive morass, unbroken by prominent ridges and projecting peaks, and that, therefore, there is no connection between the ranges.

The distance may be about thirty miles.

The altitudes on the plan which are taken and inserted from the report of those Commissioners, show that though flat and a morass, it is still very elevated land, and equally, or even more so than many other portions of the two ranges running eastwardly.

In it are shown some of the sources of the principal streams of the country, viz. —the Chaudière, the St. John, and Penobscot Rivers.

It is to all intents and purposes, therefore, “highland,” and a dividing ridge for waters flowing in contrary directions.

#### *Plan No. 3.*

A map drawn up and compiled under the direction of a distinguished scientific officer of the United States Topographical Engineers.

This plan shows in the most elaborate detail of figures, the heights of the various points along both ranges of highlands.

*Sketch No. 4.*

A bird's-eye view of the country at the Bay Chaleurs.

This shows the mountainous nature of the country on the northern side, where there is a most unmistakable range of highlands, whilst on the southern side the features of the ground are of a much more modified and humble character.

The mountains on the northern side, rise at once as it were from the sea, whilst on the south side, to attain similar elevations, they must be sought far back in the interior of the country.

By following the northern range of highlands, the first point actually dividing waters following into the St. Lawrence, from waters flowing into the sea, is obtained at about forty-five miles.

Following any other line to the southward, is to avoid and not to seek a dividing point, and it cannot be found at any single place between the Bay Chaleurs and the due north lines, or indeed at any nearer point than that marked C on the general plan, that is, for a distance of 250 miles, and not then until after having crossed the Restigouche and St. John Rivers, which together carry off all the waters of the disputed territory to the sea.

*Plan No. 5.*

A copy of Mitchell's map, published in 1775.

This was considered the best map, at the time, when the Proclamation of 1763 and the Quebec Act of 1774 were framed. It is on record that this was much consulted and used by official persons up to, and after 1783. On this map, highlands are shown running along the St. Lawrence, and continued on to the district of Gaspé and on the north of the Restigouche River, to the western extremity of the Bay Chaleurs. But none are delineated to the south of the Restigouche River, or in that part of New Brunswick, lying anywhere between Mars Hill on the St. John and the Bay Chaleurs.

The highlands claimed by the Commissioner for Canada (Mr. Wells) are not marked, and may therefore be reasonably supposed could never have been contemplated as the boundary for the Provinces.

*Plan No. 6.*

This map appears to have been prepared by Mr. Arrowsmith, by directions from the Colonial Office, for the purpose of showing the various proposals which have been made for the adjustment of the territory in dispute.

Upon these propositions we beg leave to offer the following observations.—

*1st Proposal.*—Sir William Colebrooke and his Council, 15th January, 1845, proposed a direct line from the junction of the American line on the River St. Francis to the angle above the highest Canadian settlements on the Restigouche, where it changes its direction. At the outlet of the Lake Pohenagamook, a large iron monument has been fixed by the Commissioners under the Treaty of Washington. This point, therefore, is well known, and can readily be found, but the point at the angle of the River Restigouche is very apocryphal, and there might be found great difficulty, in fixing it to agree with the views of the two Provinces.

Already settlers, though few in number, have established themselves here and there,—one as far up as the outlet of the Kedgewick River.

There would be very great difficulty in practically marking out such a boundary.

To join by a straight line any two points at a great distance apart, whose relative bearings with each other are quite unknown, requires either a very accurate survey by triangulation to be previously made between them, or else to be done by astronomical observations.

In the present state of the country, the former method is scarcely possible.

By the latter method, it would require the latitudes of the two extreme points, and the difference of longitude between them to be very accurately determined. From these data their bearings with the meridian could be calculated, and the line run. It would, however, be an operation requiring time, careful observations, and the use of good astronomical instruments, chronometers, &c.

The sixty-four mile line between the two Iron Monuments at the north-west branch of the St. John and the outlet of the Lake Pohenagamook was thus done, and marked on the ground.

*2nd Proposition.*—Lord Metcalfe and the Executive Council of Canada, April, 1845, proposed the Restigouche River and the due north and south line:

This boundary would require no further labor. It is already marked out on the ground.

It gives, however, to New Brunswick the least amount of territory of any of the proposition, and totally cuts off from it the Madawaska settlement.

*3rd. Proposition.*—Mr. Street, July, 1845, proposed the Restigouche, the Kedgwick River, the southern boundary of the Madawaska Fief, and the junction of the American line on the River St. Francis.

There would be great difficulty in practically marking out this boundary.

The point on the Kedgwick River is very indefinite, and might be difficult to agree upon.

The relative bearings of the two extreme points would have to be determined under the same difficulties as remarked for No. 1 proposition.

The boundaries of the Madawaska and Temiscouta Seigniories have only as yet been partially and roughly marked. They are defined to be everywhere two leagues from the water's edge.

To be accurately done, a detailed survey of the lake and river would be necessary.

*4th Proposition.*—Messrs. Draper and Papineau proposed the Restigouche River to the due north line,—thence to the south-eastern corner of the Madawaska Fief,—thence along the south boundary, and down the Madawaska River, &c.

The only difficulty in practically marking out this boundary would be running the straight line through the wilderness to join the two points given.

The distance between them being comparatively small, in this case it might probably be done without astronomical observations, by making a rough survey, and running some trial straight lines, and correcting proportionately the errors where found, until a true straight line was obtained.

*5th Proposition.*—Lieutenant Simmons, of the Royal Engineers, proposed a due east line from the outlet of the Lake Pohenagamook to the River Restigouche.

This line would be easy of execution.

*6th Proposition.*—The proposition of Her Majesty's Commissioners in the accompanying Report,—viz., to prolong the sixty-four mile line between the Iron Monument of the north-west branch of the St. John River, and the Iron Monument at the outlet of Lake Pohenagamook, until it reaches the parallel of  $47^{\circ} 50'$  of north latitude, and thence by a due east line to the Kedgwick River.

This boundary line is easy of execution, and will form, if carried out and marked on the ground, a well-defined, convenient, and practical boundary between the two Provinces.

The determination of the point in latitude,  $47^{\circ} 50'$  is the only thing requiring particular attention.

To be done accurately, so as to prevent any controversy afterwards, it would

require the services of a person competent to use an altitude and azimuth instrument in conjunction with a portable transit.

The boundary line between the two Provinces, as thus suggested, cuts off, and gives to New Brunswick, the largest portion of the ancient fiefs of Temiscouta and Madawaska, so long considered and held to be entirely Canadian.

But these seigniories are no longer held under their ancient tenures.

There is, in fact, but one seigniorial grant, dated 25th November, 1683, which describes the territory as extending three leagues in length along each of the two banks of the river named Madawaska, near the St. John, and two leagues in depth back from the water's edge.

Their superficial extent has been estimated at 279,400 acres, equivalent to 436 square miles.

The whole of this seigniorial grant was purchased some years back from the heirs of the Sieur de la Chenaye, and became the property of Sir John Caldwell.

Reserving a portion of it of about 20,000 acres, this gentlemen sold the residue to a Doctor Cummings, of Portland, in the State of Maine, to whose son, Mr. Nathan Cummings, the property now belongs.

The portion reserved by Sir John Caldwell is now owned by his son, Sir Henry John Caldwell, of Quebec.

The tenure of that part purchased by Doctor Cummings was changed under the provisions of the Canada Tenures Act, on surrender of the Crown, when Doctor Cummings received a grant in fee simple to himself and heirs.

With respect to the portion reserved by Sir John Caldwell, it is supposed also to have had its tenure changed under the same Act.

This tract of country is still in a wilderness state. Its boundaries have never been completely laid out; and there may be probably about twenty small families settled within its limits.

To these two individuals, therefore, and the twenty families, can it matter in the least to which Province the territory falls.

Its value consists at present chiefly from the lumber which is cut in the woods. The natural channel for this to the market is through New Brunswick, by way of the Rivers Madawaska and St. John.

To the greater portion of them, if not to all, it will be more convenient to them to be under the jurisdiction of New Brunswick than under that of Canada.

*Sketch No. 7.*—Taken from the top of a mountain on the south side of the Tobique River, New Brunswick. It shows the character of the country at the head-waters of the Tobique, Miramichi, and Nepisiquit Rivers.

*Sketch No. 8.*—Taken from a mountain near the Lake Metapedia, in Canada, from the top of which the trees had been burnt. It shows the character of the mountains lying at the head waters of the rivers flowing into the St. Lawrence, and those flowing into the Restigouche.

*General Plan No. 1.*—The total superficial contents of the territory in dispute between the two Provinces is about 10,900 square miles. Of this, the portion lying west of the due north line (colored red on the plan), and without the strict legal limits of both Provinces, contains 4,400 square miles.

The portion east of the due north line, and lying north of the River Restigouche, between it and the dividing ridge of the northern range of highlands, contains 2,820 square miles. This territory is, *de facto*, held by Canada.

The angular portion at the Forks, contained between the Restigouche River, Kedgwick River, and due north line, contains 160 square miles. Subtracted from

2,820, it gives the 2,660 square miles recommended in the Commissioners' Report to be confirmed to Canada.

The portion lying south of the Restigouche River, and between it and the southern highlands, contains about 3,700 square miles.

The territory included within the boundary formed by the prolongation of the sixty-four-mile straight line until it reaches the parallel of  $47^{\circ} 50'$ , thence by a line due east to the Kedgwick River, and the due north line from the St. John River, amounts to 2,300 square miles.

WILLIAM ROBINSON, Captain Royal Engineers,  
Brevet-Major.

G. W. M. HENDERSON, Captain Royal Engineers.

## No. 8.

(No. 13.)

Copy of a Despatch from Lieutenant Governor Sir W. M. G. Colebrooke to Earl Grey.

(Received February 28, 1848.—Answered March 6th, No. 172.)

FREDERICTON, New Brunswick, February 8, 1848.

My Lord,—I have the honor to enclose the copy of a communication which I have received from Lord Elgin on the subject of the jurisdiction of the disputed territory, pending the decision of Her Majesty's Government on the question of the boundary between the two Provinces; also copy of my answer to His Lordship, with a Minute which has been recorded by the Executive Council on the subject.

I have, &c.,

(Signed,) W. M. G. COLEBROOKE.

The Right Honorable Earl GREY,

&c. &c. &c.

Enclosure 1 in No. 8.

GOVERNMENT HOUSE,

Montreal, January 29, 1848.

Sir,—I have the honor to transmit, for Your Excellency's information, a copy of a letter from Mr. Pouliot, a magistrate of this Province, respecting the maintenance of criminal jurisdiction in the disputed territory pending the settlement of the question of boundary between Canada and New Brunswick by the Imperial Government, and of the reply which, after consultation with the Attorney General of Canada East, I have directed to be addressed to him.

You will perceive that this reply is founded on the instructions contained in the Despatch from the Secretary of State, of the 8th April, 1830; which defines the limits within which the jurisdiction of the two Provinces respectively should be exercised.

I have, &c.,

(Signed,) ELGIN AND KINCARDINE.

His Excellency Sir W. M. G. COLEBROOKE,

&c. &c. &c.

[Translation.]

Sub-Enclosure to Enclosure 1 in No. 8.

MONTREAL, January 18, 1848.

Sir,—With reference to your letters dated respectively the 22nd November, and 18th December last, requesting information with regard to the exercise of the rights of jurisdiction in the Madawaska territory,—I have the honor by command of the Governor General, to inform you, that according to the arrangements determined upon by the Imperial Government pending the final decision of the boundary question between Canada and New Brunswick, the Canadian Government is to maintain and exercise jurisdiction over Lake Temiscouata and the River Madawaska, as far as the end of the grant of land made to Simon Hebert at the mouth of that River, which will include the whole of the fief Madawaska; and the Government of New Brunswick is to maintain and exercise jurisdiction, as heretofore, over the other portions of the disputed territory, including the Madawaska settlement on the River St. John, but without extending it up the Madawaska River.

You may therefore employ, for the maintenance of order and law in that part of the territory first mentioned, all means which you may lawfully employ in any other place recognized as belonging to this Province.

I have, &amp;c.,

(Signed,) D. DALY,  
Secretary.J. B. POULIOT, Esquire, J. P.  
Rivière du Loup.

[Translation.]

RIVIERE DU LOUP.

Sir,—Will you have the goodness to tell me in what state the question of the final settlement of the boundary between this Province and New Brunswick now is, and to request His Excellency the Governor General to inform us, whether during the pendency of this question the Justices of the Peace for this Province ought to consider the Madawaska territory, as laid down upon Mr. Bouchette's map, as making part of the County of Rimouski and as being within this Province, and to take cognizance of offences committed there, and to cause the persons accused of them to be apprehended.

You will be pleased to inform His Excellency that the said locality is now in a state of anarchy very distressing to persons who have business there; no judgments whether of this Province or of New Brunswick can be executed there; there were lately very serious disturbances when certain public officers wished to execute judgments rendered by the Courts of the said Provinces respectively; one of them was killed in the performance of his duty, and the guilty parties remain beyond the reach of justice and of the law, while it is undecided to what authorities of the one or the other Province it belongs to take cognizance of felonies and offences committed on the said territory.

I have, &amp;c.,

(Signed,) J. B. POULIOT, J.P.

E. PARENT, Esquire,  
Assistant Provincial Secretary,  
Montreal.

[Translation.]

RIVIERE DU LOUP, December 18, 1847.

Sir,—Have the goodness, if you please, to give me an immediate answer to the letter which I wrote to you on the 22nd of November last, requesting from His Excellency, the Governor, certain information concerning the Madawaska territory, in order that we may know what to do with regard to the complaints which are made to us concerning felonies committed in that locality.

I have, &amp;c.,

(Signed,) J. B. POULIOT, J.P.

E. PARENT, Esquire,  
Assistant Provincial Secretary.

Enclosure 2 in No. 8.

FREDERICTON, New Brunswick, February 8, 1848.

My Lord,—I have had the honor to receive Your Lordship's letter of the 29th January, enclosing to me the copy of one which you had received from a magistrate of the Province of Canada, respecting the maintenance of criminal jurisdiction in the disputed territory, pending the settlement by the Imperial Government of the question of boundary between Canada and New Brunswick, and also of Your Lordship's reply to the magistrate, in which, after consultation with the Attorney General of Canada East, Your Lordship has referred to the instructions contained in Sir George Murray's Despatch of the 1st April, 1830.

The House of Assembly now in Session having addressed me to obtain copies of any recent correspondence which I may have held with Your Lordship relative to the extension of the Canada jurisdiction in the Madawaska territory, I have felt myself called on to bring the subject under consideration of the Executive Council, a copy of whose minute I herewith enclose. Your Lordship is doubtless aware, from the tenor of the previous correspondence on this subject, that the jurisdiction in question has been uniformly claimed and exercised by the Provincial Courts of New Brunswick, a claim which has been affirmed by them on a recent occasion.

In regard to the homicide alluded to in Mr. Pouliot's letter, no notice whatever had reached me, nor does that magistrate mention the name of the party, or the time or circumstances under which such an act was committed, which would have enabled the magistrates of this Province either to take cognizance of it or to report their proceedings.

As the question of boundary will, doubtless, in a short time be finally settled, I hope that any conflict of jurisdiction may be avoided, and that the authority of the laws may in the meantime be fully sustained and vindicated.

On the advice of the Executive Council, I propose to transmit the correspondence by the mail of to-day to the Secretary of State for the Colonies, and while they regard the matter wholly as a question of jurisdiction within the competence of the Courts to decide, the Council are nevertheless to support me in guarding, as far as possible, against any conflict of jurisdiction pending the issue of the reference to Her Majesty's Government.

I have, &amp;c.,

(Signed,) W. M. G. COLEBROOKE.

The Right Honorable Earl of ELGIN and KINCARDINE,  
&c. &c. &c.



Enclosure 3 in No. 8.

IN COUNCIL, February 4, 1848.

Present:—His Excellency the Lieutenant Governor.

The Honorable George Shore.  
 The Honorable Hugh Johnston.  
 The Honorable E. B. Chandler.  
 The Honorable R. L. Hagen.  
 The Honorable Thomas Baillie.  
 The Honorable Alexander Rankin.

The Lieutenant Governor lays before the Council a Despatch which he has this day received from the Governor General, containing a copy of the instructions given to a magistrate in Canada, regarding the extension of the jurisdiction of that Province over a part of the Madawaska settlements, pending the final decision of the question of boundary between the Provinces, in reference to which subject he has also received an address from the House of Assembly, and he invites the Board to advise him as to the course which it will be proper to pursue.

Whereupon the Council advise that the Despatches of the Governor General should be communicated to the House in answer to their Address, and in expressing their regret that there should be any interference, at this time, in the jurisdiction which has been heretofore exercised by the Courts of this Province over the territory in question, they can only recommend that a communication should be made on the subject to Her Majesty's Government.

Extract from the Minutes.

(Signed,) RT. FULTON.

## No. 9.

(No. 172.)

Copy of a Despatch from Earl Grey to Lieutenant Governor Sir W. M. G. Colebrooke.

DOWNING STREET, March 6, 1848.

Sir,—I have received your Despatch, No. 13, of the 8th February, enclosing copies of correspondence in which you have been engaged with the Governor General of Canada on the subject of the jurisdiction of the disputed territory, pending the decision of Her Majesty's Government on the question of the boundary between Canada and New Brunswick.

I shall receive, I hope, very shortly the Report of the Commissioners appointed to inquire into the merits of this question, and no time will then be lost in taking such measures as may be necessary and proper for closing the discussion between the two Provinces. In the meanwhile I am of opinion that the instructions which were issued by Sir George Murray, in 1830, constitute the best and most convenient limits within which the jurisdiction of these Provinces should be respectively exercised, and it appears to me that the letter of Mr. Daly of the 18th January 1848, expresses views which substantially coincide with those of the instructions in question.

I have, &c.,

(Signed,) GREY.

Lieutenant Governor Sir W. M. G. COLEBROOKE,  
 &c. &c. &c.

## No. 10.

(No. 32.)

Copy of a Despatch from Lieutenant Governor Sir W. M. G. Colebrooke to Earl Grey.

(Received April 20, 1848)

ST. JOHNS, NEW BRUNSWICK, April 5, 1848.

My Lord,—I have had the honor to receive your Lordship's Despatch, No. 172, dated the 6th of March, on the subject of the jurisdiction of the disputed territory, pending the decision of the question at issue between Canada and New Brunswick, and in reference to the instructions issued by Sir George Murray, in 1830, to which reference has frequently been made in the course of these protracted discussions. The correspondence will have shown that the decisions of the Courts of this Province, where questions of jurisdiction have arisen, have not been governed by the limitations so prescribed, and that in a case of appeal to the Supreme Court which I had occasion to report, a more extended jurisdiction was affirmed to belong to New Brunswick, by which decision the interests of the party concerned in the appeal were materially affected.

I shall consider it my duty formally to communicate a copy of this correspondence to the judges, but under the circumstances it is gratifying to the local Government to learn from your Lordship's Despatches, that measures are likely soon to be taken for finally closing the discussion between the two Provinces.

I have, &amp;c.,

(Signed,) W. M. G. COLEBROOKE.

The Right Honorable Earl GREY,  
&c. &c. &c.

## No. 11

(No. 97.)

Copy of a Despatch from Lieutenant Governor Sir Edmund Head to Earl Grey.

(Received Nov. 15, 1848.)—(Answered Nov. 22, 1848, No. 79.)

GOVERNMENT HOUSE,

FREDERICTON, October 26th, 1848.

My Lord,—The enclosed Memorandum will convey to your Lordship the opinion of myself and my Executive Council with reference to the Report of the Commissioners on the Canada Boundary.

I earnestly hope, for the sake of this Province, that the question may be speedily settled; and I will only add, that if the matter can be in any manner facilitated by my conferring with the Governor General, I shall be ready to undertake the journey, whatever may be the season at which your Lordship may desire me to do so.

I have, &amp;c.,

(Signed,) EDMUND HEAD.

The Right Honorable Earl GREY,  
&c. &c. &c.

Enclosure in No. 11.

IN COUNCIL, 26th October, 1848.

Present:—

His Excellency the Lieutenant Governor, &c., &c.

The Lieutenant Governor and Executive Council of New Brunswick, having considered the copy of the Report of the Commissioners on the disputed boundary with Canada, furnished by Her Majesty's Secretary of State, are of opinion—

That the proposition recommended by the Commissioners should be assented to by New Brunswick, and received as an equitable settlement of the question so long pending.

In doing this, however, at once and without hesitation, it is thought right to observe—

1. That by this recommendation it is proposed to take from New Brunswick 2,660 square miles, to which the Commissioners, having once settled the line of highlands, report New Brunswick to have an undoubted legal claim, whilst there are given to her in return 2,300 square miles of a territory to which the claim of New Brunswick is, to say the least, as good as that of Canada.

2. The Lieutenant Governor and Council do not admit the soundness of the arguments by which the Commissioners seek to prove that New Brunswick has no legal claim on any territory west of the due north line.

The Government of New Brunswick have, however, the fullest confidence in the justice of Her Majesty's Government, and as they trust Her Majesty may be advised to act on the recommendation of the Commissioners, they do not think it expedient to discuss questions which in that case, would be purely speculative.

The Government of New Brunswick are anxious to express their hope, that whatever the decision of Her Majesty may be, that decision may be embodied in an Act of the Imperial Parliament on the earliest opportunity; and they would desire that such Act should contain a clause declaring the tenure of all lands transferred by it to New Brunswick to be common soccage. They think it expedient, moreover, that any such Act should give express powers to the Governor General of Canada and the Lieutenant Governor of New Brunswick, acting jointly, to decide all questions relating to the disputed timber dues, or concerning real property, and arising out of the settlement of the Boundary question. The Governor General and the Lieutenant Governor might, if thought proper, be empowered to appoint some one Referee or Commissioner to whom such questions might be referred.

Extract from the Minutes.

(Signed,) R. FULTON.

## No. 12.

(No. 98.)

Copy of a Despatch from Lieutenant Governor Sir Edmund Head, Baronet, to Earl Grey.

(Received November 15, 1848.—Answered November 22, 1848, No. 80.)

GOVERNMENT HOUSE,

Fredericton, October 26, 1848.

My Lord,—I have to acknowledge Your Lordship's Despatch of the 9th of September (No. 57), instructing me to take the necessary measures for repaying,

from Provincial funds, the proportion of the sum advanced by Her Majesty's Government on account of New Brunswick, in connection with the Commission for determining the boundary between that Province and Canada.

I am desirous of knowing whether I am to understand that one-half of the whole sum of £164 17s. 8d. is the proportion considered as falling upon this Province, and also whether Your Lordship sees any objection to the sum (whatever it may be) being defrayed from the proceeds of the duties on timber cut on the disputed territory, which proceeds are now in the hands of the Central Bank of New Brunswick. This course is recommended by my Executive Council, and I see no objection to it.

I have, &c.,

(Signed,) EDMUND HEAD.

The Right Honorable Earl GREY,  
&c. &c. &c.

### No. 13.

(No. 79.)

Copy of a Despatch from Earl Grey to Lieutenant Governor Sir Edmund Head, Baronet.

DOWNING STREET, November, 22, 1848.

Sir,—I have to acknowledge the receipt of your Despatch, No. 97, of the 26th of October, enclosing a memorandum containing the opinion formed by yourself and by your Executive Council upon the Report of the Commissioners on the boundary in dispute between Canada and New Brunswick.

I beg to assure you that I shall not fail to bear in mind the recommendations of your Council whenever the time shall arrive for the final arbitration of the question, but that I am not prepared to make any further statement on the subject until I shall be in possession of the views of the Governor General and Council of Canada, to whom the Commissioners' Report has been referred.

I have, &c.,

(Signed,) GREY.

Lieutenant Governor Sir EDMUND HEAD, Baronet,  
&c. &c. &c.

### No. 14

(No. 80.)

Copy of a Despatch from Earl Grey to Lieutenant Governor Sir Edmund Head, Baronet.

DOWNING STREET, November 22, 1848.

Sir,—I have the honor to acknowledge the receipt of your Despatch, No. 98, of the 26th of October, relative to the repayment of the sum advanced by Her Majesty's Government on account of the settlement of the boundary line between New Brunswick and Canada.

I have to acquaint you, in answer, that you appear, according to the accounts rendered by the Commissioners, to have correctly assumed that the amount to be

paid by the Province under your government is a moiety of the sum of £164 17s. 8d., and that I am aware of no objection to its being defrayed, as proposed, from the proceeds of duties levied on timber cut on the territory in dispute, provided that fund is free from prior charges, and available for such a purpose.

I have, &c.,

(Signed,)

GREY.

Lieutenant Governor Sir EDMUND HEAD, Baronet,  
&c., &c., &c.

## No. 15.

(No. 40.)

Copy of a Despatch from Lieutenant Governor Sir Edmund Head to Earl Grey.

(Received May 15, 1849.—Answered May 22, 1849, No. 133.)

GOVERNMENT HOUSE,

FREDERICTON, April 13, 1849.

My Lord,—I have the honor to enclose a joint Address from the Legislative Council and House of Assembly to Her most Gracious Majesty, praying for an early settlement of the boundary line between this Province and Canada, which was this day presented to me.

I have, &c.,

(Signed,)

EDMUND HEAD.

The Right Honorable Earl GREY,  
&c., &c., &c.

Enclosure in No. 15.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

The humble Address of the Legislative Council and House of Assembly of the Province of New Brunswick, in General Assembly convened.

May it please Your Majesty :

We, Your Majesty's devoted subjects, the Legislative Council and Assembly of New Brunswick, beg leave to approach Your Majesty with assurances of our sincere attachment to Your Majesty's person and government.

We had hoped that ere this the long-pending dispute respecting the boundary between this Province and Canada would have been definitively settled; and we therefore regret that no intelligence has yet been received of the determination of Your Majesty's Government on this important subject.

Respectfully urging upon Your Majesty's Government the necessity for an early settlement of this question, we humbly pray Your Majesty that such steps may be taken by Your Majesty's Government as will secure to Your Majesty's subjects in this Province their just rights to the territory in dispute, and establish the boundary line between the Provinces.

WILLIAM BLACK, P.L.C.

J. W. WELDEN, Speaker of the Assembly.

## No. 16.

(No. 133.)

Copy of a Despatch from Earl Grey to Lieutenant Governor Sir Edmund Head, Baronet.

DOWNING STREET, May 22, 1849.

Sir,—I have to acknowledge the receipt of your Despatch, No. 40, of the 13th April last, enclosing an Address to the Queen from the Legislative Council of New Brunswick, praying for an early settlement of the question respecting the boundary line in dispute between Canada and New Brunswick:

I have to request that you will inform the Council that I have laid their Address before the Queen, but that it will not be in my power to tender any advice to Her Majesty until I shall be in possession of the views of the Canadian Government on the subject, to which I have again directed the attention of the Earl of Elgin.

I have, &c.,

(Signed,) GREY.

Lieutenant Governor Sir EDMUND HEAD, Baronet,  
&c., &c., &c.

## No. 17.

(No. 367.)

Copy of a Despatch from Earl Grey to Governor General the Earl of Elgin and Kincardine.

DOWNING STREET, May, 22, 1849.

My Lord,—With reference to my Despatch No. 270, of the 26th of August, transmitting the Report of the Commissioners upon the boundary line, in dispute between the Provinces of Canada and New Brunswick, I have the honor to acquaint Your Lordship that I have received an Address to the Queen from the Legislative Council of New Brunswick, praying for an early settlement of this question, and I have therefore to direct your attention to this subject, in order that Her Majesty's Government may be placed in possession of the views of yourself and your Council, preparatory to adopting any final decision upon the respective claims.

I have, &c.,

(Signed,) GREY.

The Earl of ELGIN and KINCARDINE,  
&c., &c., &c.

## No. 18.

(No. 159.)

Copy of a Despatch from Governor General the Earl of Elgin and Kincardine to Earl Grey.

(Received April 2, 1850.—Answered April 11, 1850, No. 483.)

GOVERNMENT HOUSE,

TORONTO, March 9, 1850.

My Lord,—With reference to Your Lordship's Despatch, No. 270, of the 26th August, 1848, transmitting the copy of a Report drawn up by the Commissioners appointed by the Queen to investigate and report upon the respective claims of Canada and New Brunswick to the territory ceded to Great Britain by the Treaty of Washington, I have the honor to enclose herewith the copy of a Minute of the Executive Council, and of a Report by the Commissioner of Crown Lands. The latter document displays considerable research and knowledge of the question at issue, and I cannot but think that it brings to light some points favorable to the claims of Canada, to which the attention of Her Majesty's Commissioners was not directed when they drew up their Report. I have furnished copies of the Minute in Council and Report, herewith enclosed, to the Lieutenant Governor of New Brunswick.

I have, &c.,

(Signed,) ELGIN AND KINCARDINE.

The Right Honorable Earl GREY,

&c.,

&c.,

&c.

Enclosure 1 in No. 18.

EXTRACT from a Report of a Committee of the Executive Council, dated 23rd February, 1850; approved by His Excellency the Governor General in Council on the same day.

“The Committee of the Executive Council have had under consideration, on Your Excellency's reference, a Report from the Commissioner of Crown Lands upon the disputed boundary lines between this Province and the Province of New Brunswick, with the maps thereto annexed, and likewise the Report of the Commissioners appointed by Her Majesty's Government on that subject which is also annexed thereto.

“The Committee of Council after giving to the subject their most careful consideration, find themselves unable to recognise the justice or equity of the recommendation of the Imperial Commissioners, which in their judgment would, if carried into effect, divest this Province of a large and valuable portion of territory for the special benefit of New Brunswick. The Committee of Council feel it unnecessary to enter at any length into the subject, which has been most ably treated in the Report from the Commissioner of Crown Lands, in which the Committee entirely concur so far as regards the merits of the respective claims to the disputed territory. The Committee of Council observe that the Commissioner of Crown Lands has, with a view of compromising the matter in dispute, recommended the surrender by Canada of a large portion of territory to which it is, in the opinion of the Committee, clearly entitled.

“However advisable such a compromise might be, the Committee of Council are not prepared to recommend it without the sanction of the Legislature; but they are

respectfully of opinion that the sense of the Canadian Parliament should be taken on the subject during its next Session."

Certified.

(Signed,) J. JOSEPH, C.E.C.

Enclosure 2 in No. 18.

CROWN LAND DEPARTMENT,

Montreal, January 27, 1849.

Having attentively perused the Report which has been drawn up by the Commissioners appointed by Her Majesty, dated at Halifax on the 20th July, 1848, to investigate and report upon the respective claims of Canada and New Brunswick to the territory "ceded" to Great Britain by the Treaty of Washington, which the Right Honorable Earl Grey, Secretary of State for the Colonies has abstained from submitting to the consideration of Her Majesty, until he had learned the opinion which the authorities in Canada and New Brunswick entertain upon it, but trusts that both Provinces will regard the result of the inquiry as satisfactory, and as fairly determining upon their respective claims.

The undersigned, in obedience to Your Excellency's order of reference, has the honor of most respectfully submitting for the consideration of Your Lordship the following observations relative to the various grounds of argument contained in the Report just referred to, which have led the Commissioners, as the result of their operations and inquiries, to reject the line of boundary claimed by Canada, and to substitute another whereby upwards of one and a half millions of acres of its present public lands, lying north of the Rivers St. John and Restigouche, would be cut off, besides about 2,000 square miles south of the Restigouche, which are thereby transferred to New Brunswick.

The Secretary of State for the Colonies, the Right Honorable Mr. Gladstone, in indicating the duties that would devolve upon Captain Pipon and Captain Henderson, the Commissioners appointed by Her Majesty for the adjustment of the differences existing between Canada and New Brunswick, instructed them, that after actually inspecting the territory in dispute, as far as such inspection should be requisite, they should prepare such plans and maps of the country as might be sufficient for the full explanation of the controversy: and that duty being performed, they were directed to consider, with Mr. Johnstone, their colleague Commissioner, whether any line could be drawn for the demarcation of the two Provinces which would satisfy the strict legal claims of each.

Should it be found impossible to discover such a line, the three Commissioners were then to consider how a line could be drawn combining the greater amount of practical convenience to both Provinces, with the least amount of practical inconvenience to either, advertent at the same time to such interests, if any such there were, as the empire at large might have in the adjustment of that question.

And the three Commissioners were instructed to prepare and transmit to Her Majesty's Secretary of State having the department of the Colonies, the result of their inquiries, and a Report of their conclusions on both of these questions, sustained by such proofs and arguments as may appear to them collectively to be necessary in support of those conclusions.

Major Robinson (appointed by Her Majesty to succeed the late Captain Pipon,) and Captain Henderson, having accordingly effected the needful explorations effected on the disputed territory, exploration of the country in dispute, and prepared the maps and other papers proper for the explanation of the controversy, and



together with Mr. Johnstone considered the subject, they together submitted the Report now referred.

The consideration of the grounds of argument adduced by the Commissioners in their investigation of the respective claims of both Provinces, under the instructions of Mr. Gladstone, will now be taken up as briefly as the subject will permit in the order pursued in the Report.

Accordingly the first subject of inquiry to which the attention of the Commissioners has been specifically called, the nature of which manifestly evinces the desire of Her Majesty's Government to mete out equal justice to the Provinces at issue, in the adjustment of a line of boundary between them, is, whether a line can be drawn for the demarcation of both Provinces which can satisfy the strict legal claims of each.

As a just and proper construction upon the import of the words "strict legal claims of each," seems in the first place of material importance towards an equitable adjustment of the line of demarcation desired, a proportionate degree of weight will attach to the deliberations of the Commissioners, according as it shall be found that they have based their conclusions upon titles consistent with the meaning of the terms "strict legal claims of each," sustained by proofs and arguments in support of these conclusions.

The Commissioners preface their deliberations on this question by stating, that the question of the investigation being to ascertain the boundaries assigned to the Provinces after they came under the dominion of Great Britain, the question is not controlled by any previously existing extent of territory or jurisdiction, and proceed at once to the consideration of the Proclamation of the 7th of October, 1763, as being the first subject of examination, and as forming, in their opinion, the foundation of the titles to be considered.

Now according to a just and impartial import of the terms "strict legal claims of each," which can but have reference to claims based upon ancient possessions, rights or titles derived by grants, concessions from competent authorities, or from sovereigns respectively of Canada and New Brunswick, the Proclamation of 1763 cannot be considered the first subject for examination, nor the foundation of the titles to be considered, as it in fact only assigned (in erecting the Government of Quebec, East Florida, West Florida, and Grenada) boundaries to the Province of Quebec, the southern boundary of which became, by inference only, the boundary of Nova Scotia, if indeed they were conterminous countries. The Commissioners would appear not to have conformed to the terms of the instructions, in not first investigating the title of Nova Scotia, which was already a British Province, and the older of the British possessions at the period of the Treaty of 1763, situate at the eastern extremity of the peninsular country, between the St. Lawrence and the Atlantic seaboard, as the first subject for inquiry should have been, what were the northern limits of Nova Scotia at the Treaty of 1763? The first public document in reference to Nova Scotia, is the treaty of Utrecht, dated in April, 1713, whereby France ceded to England, forever, Nova Scotia and Acadia, according to its ancient limits,\* and under which title, England held that country at the date of the Treaty of 1763.

Anterior to this cession, Acadia had been divided by Louis XIII., in the year 1638, into two separate governments, that of the Etchemins, which may now be identified with the Province of New Brunswick, embracing the grants to Charles de St. Etienne, Sieur de la Tour, dated 11th February, 1638, of "Le Fort et habitation de la Tour, situé en la Rivière St. Jean entre les 43° et 46° de latitude, ensemble les terres prochaine-

\* Twelfth Article of the Treaty.

“ment adjacentes à icelui dans l'étendue de cinq lieues au dessus de la Rivière St. Jean, sur dix lieues de profondeur dans les terres, tenir le tout en Fief mouvant et relevant de Québec,” and also the grant to Sieur de Rasily, on the River and Bay of St. Croix, both situated in the territory called “des Etchemins,” over which Mr. de Aulnay de Charnisay was appointed, in 163-, Lieutenant General, with the following limits:—“à prendre depuis le mileau de la terre ferme de la Baie Française, en tirant vers les Virginies, &c., and that of Acadia, the ancient Souriquois, depuis le mileau de la dite Baie, jusqu'au de détroit de Canseau.”

The territories into which ancient Acadia was thus divided, namely\*, the Etchemins, part of which afterwards composed the Province of Sagadahoc, called by the French, la Nouvelle Ecosse and Souriquois†, or Acadia, known as Nova Scotia, appears to have been delineated with some degree of accuracy on the accompanying map A, of P. Cornelli, Cosmographer to the Republic of Venice, at Paris, in 1689, being only one year after the Treaty of Breda, which restored to France her possessions in the great peninsula, known under the designation of “le pays appelé l'Acadie,” which, subsequently conquered by England, were again, by the Treaty of Ryswick, brought under the dominion of France in 1697.

On this map A, which with the map B, are copied from the maps accompanying the important Report of Colonel R. Z. Mudge, and G. W. Featherstonhaugh, Esquires, Commissioners appointed by the British Government in 1839, to explore the disputed territory under the second article of the Treaty of 1783,‡ is distinctly drawn the line of demarcation between the territories of Etchemins, the “Nouvelle Ecosse” (Sagadahoc), situate in ancient Acadia (coloured green) on the Atlantic seaboard, and Canada on the St. Lawrence (coloured yellow), which line, beginning at the head of the Bay des Chaleurs, takes a south-west course, leaving the River Restigouche and Lake Metapedia on the north, within the country of Canada, and crossing the River St. John to the eastern boundary of La Nouvelle Ecosse (at present the State of Maine), thence passes more westerly round the head-waters or sources of the Kennebec and Penobscot Rivers, and south of the head-waters of the River Chaudière emptying into the “River of Canada,” to the eastern boundary of New England. The map B, likewise important as being published by L'Escarbot in 1609, who was personally acquainted with, and aided in the earliest settlements of the French colony of Acadia, having accompanied Sieur de Poitincourt§ on his second voyage to America in 1606, exhibits in the clearest manner, the territories of Etchemins and Souriquois, mentioned in the Letters Patent granting the territory of Nova Scotia to William Alexander, Earl of Stirling, in 1621, comprising the ancient colony of Acadia, as conterminous with Canada, or La Nouvelle France, and whereon are also represented certain ranges of mountains at the sources of the Penobscot, which are unquestionably identical with the well-known heights and Alpine country of Maine, which trends north-eastwardly towards the head of the Bay des Chaleurs, and another more northerly ridge near the shores of the River St. Lawrence.

These natural features of country are also distinctly shown on the accompanying map C, published in Paris in 1632, by Sieur de Champlain, exhibiting the well-known range of mountains lying at the sources of the Penobscot and Kennebec Rivers, and extending north-eastwardly across the River St. John to the head of the Bay des Chaleurs; and the range of mountains bordering on the River St. Lawrence, from or near Quebec to the Monts de Notre Dame in Gaspé. South of which latter range are inserted the words La Nouvelle France, and the words Etchemins and Souriquois (the tracts which composed the country known as Acadia or Nova

Treaties of Breda and Ryswick.

Boundaries of Acadia, according to ancient maps.

Exhibit of the natural features of country upon the charts of early discoveries.

\* Extract No. 4.

† Extract No. 8.

‡ Extract No. 1.

§ Extract No. 12.

Scotia,) inserted south of the mountains lying at the sources of the Atlantic rivers, or range first above mentioned.

It is therefore evident that the ancient colonies of Acadia and Canada, or "le pays de la Nouvelle France," were conterminous possessions of France at the period of the Treaty of Utrecht, and therefore, whatever were the northern limits of Acadia in the Letters Patent thereof to *Sieur de Monts*, in 1603, as ceded by the above Treaty to England in 1713,\* under the designation of Nova Scotia, became the southern boundary of Canada, namely, the 46° of north latitude. †

Thus stood in regard to the contiguous country of Canada, the boundaries of Nova Scotia or Acadia ceded by the Treaty of Utrecht, and confirmed to England by the Treaty of Aix-la-Chapelle, in 1748; and it was not until the peace of 1763 when the general cession by France of all its possessions in North America, wherein the cession of Nova Scotia is specifically confirmed, that the boundaries of the Province of Nova Scotia were defined, that is, in the Royal Commission to *Montague Wilmot*, dated 21st November, 1763, appointing him Captain General and Governor in Chief over the Province of Nova Scotia, wherein the limits of that Province are described as follows:—"To the northward, our said Province shall be bounded by our Province of Quebec as far as the western extremity of the Bay des Chaleurs, to the eastward by the said Bay and the Gulf of St. Lawrence, and to the westward (although our said Province hath anciently extended, and doth of right extend as far as the River Pentagoet or Penobscot, it shall be bounded by a line drawn from Cape Sable across the entrance of the Bay of Fundy to the mouth of the River St. Croix, by the said River to its source, and by a line drawn due north, from thence to the southern boundary of our colony of Quebec."

Then according to the historical statement above given, Nova Scotia or Acadia, agreeably to its ancient limits, "did not extend further north than the 46° of north latitude," ‡ and, consequently, its ancient limits fall short of attaining the line of boundary claimed by Canada in the present controversy.

The consideration of the legal claims of Canada in respect to its ancient limits under the import of the terms herein-above adverted to, as to the title of Canada, will next be taken up.

By the Treaty of Peace concluded at Paris, on the 10th of February, 1763, the King of France renounced all pretensions he had heretofore or might form to Nova Scotia or Acadia in all its parts or guarantees, the whole of it, and all its dependencies to Great Britain; "moreover," cedes to "His Britannic Majesty full right to Canada, with its dependencies, as well also as the Island of Cape Breton," &c. &c.

In erecting the extensive and valuable acquisitions secured to England by the treaty of peace into certain distinct Governments, the Royal Proclamation of the 7th October, 1763, declares "the Government of Quebec bounded on the Labrador coast by the River St. Johns, and from thence, by a line drawn from the head of that river through the Lake of St. John, to the south end of the Lake Nipissing, from whence the said line crossing the River St. Lawrence, and the Lake Champlain in 45° of north latitude, passes along the highlands which divide the rivers that empty themselves into the said River St. Lawrence from those which fall into the sea, and also along the north coast of the Bay des Chaleurs and the coast of the Gulf of St. Lawrence to Cape Rosiers, and from thence crossing the mouth of the River St. Lawrence, by the west end of the Island of Anticosty, terminates at the aforesaid River of St. Lawrence."

\* Extract No. 2.

† Extract No. 3.

‡ Extracts Nos. 5 and 6.

It is not pretended in the arguments that have been urged on the part of Canada in the present controversy, that the Imperial Act of the 14th Geo. III., cap. 83, in altering certain arrangements made in the Royal Proclamation above cited, relative to certain parts of the territory of Canada and the settlements of the inhabitants of the Province of Canada, alters substantially the boundary described in that Proclamation, but it is clearly apparent from the spirit and the policy of the provisions of that Act, that the desire and intentions of the Parliament of Great Britain, were to secure to the inhabitants of the Province of Quebec (numbering 65,000 at the Conquest), the free enjoyment of the established form of constitution and system of laws by which their persons and properties had been protected, governed, and ordered for a series of years from the first establishment of Canada.

All the possessions of the inhabitants of Canada at the conquest of 1759, that is, the various concessions of fiefs or seigniories, made by the intendants and governors of Canada, the settlements and fishing establishments within the territory called Canada, were then intended to be comprised within the limits of the Province of Quebec, and subject in matters of controversy to be decided according to the laws and usages of Canada.\*

It is therefore necessary to inquire, what was the extent of Canada at the conquest, and how it occupied with Acadia, the space of country lying between the St. Lawrence and the Atlantic seaboard, and how the partitioning of this territory, under the Proclamation of 1763, according to the pretensions of New Brunswick, would affect the rights of Her Majesty's Canadian subjects, secured to them by the Imperial Statute of 1774, which declares, that all territories, islands, and countries in North America belonging to the Crown of Great Britain, "bounded on the south by a line from the Bay des Chaleurs along the highlands, which divide the rivers that empty themselves into the River St. Lawrence from those which fall into the sea, to a point in the 45° of north latitude, on the eastern bank of the River Connecticut, keeping the same latitude directly west, through the Lake Champlain, until, in the same latitude it meets the River St. Lawrence, from thence, &c., to be part and parcel of the Province of Quebec, as created by the Proclamation of 1763."

By the treaty of Peace, it is plain, France ceded all its possessions on the continent of North America, comprising Canada and Acadia; that these countries were known to be contiguous territories at the time of the Conquest, appears further evident by the preambles to the 38th and 39th Articles of the Capitulation, signed at Montreal, on the 8th September 1760.

Art. XXXVIII. viz. "All the people who have left Acadia, and who shall be found in Canada, including the frontiers of Canada, on the side of Acadia, shall &c. &c."

Art. XXXIX. "None of the Canadians, Acadians, or French, who are now in Canada and on the frontiers of the colony, on the side of Acadia, Detroit, &c. &c."

The consideration, therefore, of the nature of the boundaries assigned to the Province of Quebec, by the Proclamation of 1763, must be interpreted according to the spirit of the Quebec Act, and this appears to be necessary with the view of determining what were the limits of Canada at the period of its earliest settlement.

This important branch of the inquiry having already been ably and satisfactorily supplied in the Report above alluded to, of Colonel Mudge and Mr. Featherstonhaugh, this seems the fitting place to advert to the nature of the service intrusted to them.

\* Section.

By their instructions, the Royal Commissioners were directed to proceed to New Brunswick for the purpose of making investigation, respecting the nature and configuration of the territory in dispute between Her Majesty's Government and the United States of America, and to report which of the three following lines presents the best defined continuity of highland ranges:—

1stly. "The line claimed by the Commissioners from the source of the Chaudière to Mars Hill.

2ndly. "The line from the source of the Chaudière to the point at which a line drawn from it to the western extremity of the Bay des Chaleurs intercepts the due north line, and—

3rdly. "The line claimed by the Americans (now claimed by the Government of New Brunswick), from the source of the Chaudière to the point at which they make the due north line end."

According to the review of the documentary evidence on the question of ancient boundaries, previously to the Treaty of 1763, contained in the above Report, Acadia and Canada are established to have been at the period of the Treaty of Utrecht, 1713, conterminous possessions of France, and, therefore, whatever were the ancient northern limits of the country known as Nova Scotia or Acadia, ceded to England by that Treaty (namely, the country lying between the parallels of  $40^{\circ}$  and  $46^{\circ}$  of north latitude), granted to Sieur de Monts as the limits of his Government to the north, became the extent of Canada to the south.

Although the description of the boundary of the Province of Quebec, in the Quebec Act, doth not profess to alter the boundary described in the Southern boundary of the Province of Quebec, according to the Quebec Act. Proclamation of 1763, yet it cannot be denied, that in investigating the course of the line of boundary to run from the westerly extremity of the Bay des Chaleurs along the highlands which divide the rivers that empty themselves into the River St. Lawrence from those which fall into the sea to a point in the  $45^{\circ}$  of north latitude, or the east bank of the River Connecticut, the intended general course of the line of boundary along the highlands is more definite, of a south-westerly direction, between those extreme points, so as to enclose within the Province of Quebec the ancient seigniorial concessions made by the King of France, \* which are intended according to the spirit of the Quebec Act, to be subject or governed according to the laws and usages of Canada. †

Both the Proclamation of 1763, and the Quebec Act, however, in defining the southern boundary of the Government or Province of Quebec, established by inference, the northern limits, as well of the New England Provinces as of Nova Scotia, lying to the south of the line of boundary therein described.

Hence the description of the boundary of the United States, in the Treaty of North-west angle of Nova Scotia, according to the Treaty of 1783. 1783, in which are used the characteristic terms "along the highlands," and in which the boundary is stated to "commence at the north-west angle of Nova Scotia, that angle which is formed by a line drawn due north from the source of the St. Croix River to the highlands, which divide those rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, to the north-westernmost head of the Connecticut River."

\* Extract No. 16.

† This would include the Seigniories of Lake Temisquata and Madawaaka, Cloridon, Lake Mitis and Lake Matapedia.

There cannot exist a reasonable doubt that the north-west angle of Nova Scotia above-mentioned, the object collaterally in point in the present Examination, is identical with the point at which terminates the west boundary line of the Province of Nova Scotia, namely, the due north line drawn from the source of the St. Croix (established by the Treaty of Amity in 1794, as the western limit of Nova Scotia) to the southern boundary of the Province of Quebec, stated in the Commission appointing Montague Wilmot, Esquire, to the Government of Nova Scotia, in 1763, already cited and repeated in the Commissions to the Governors of the Province of New Brunswick, after its erection into a separate Province, in the year 1784 (one year only after the Treaty of 1783) in which the boundaries of that Province are given as follows:—"bounded on the westward by the mouth of the River St. Croix, by the said river to its source, by a line drawn due north, from thence to the southern boundary of our Province of Quebec, to the northward by the said boundary, as far as the western extremity of the Bay des Chaleurs, to the eastward by the said bay and the Gulf of St. Lawrence," &c.

The strict legal claims of the two Provinces being thus established, in respect to the ancient rights and possessions of each, under the sanction of solemn public Acts, antecedently to, and at the Treaty of 1763; the next subject of inquiry connected with the first question, is, whether in fact, highlands do exist, which possess the characteristic attributes designed in the public Acts, that have been herein-before recited, \* that is, "highlands" which divide the waters emptying in the River St. Lawrence from those that fall into the sea, "and ranging in the direction from the Connecticut River to the western extremity of the Bay des Chaleurs," along which a line of demarcation can be drawn for the southern boundary of the Province of Canada, at which a line drawn due north from the source of the St. Croix will terminate, and from that point to the western extremity of the Bay des Chaleurs, constitute the northern boundary of the Province of New Brunswick.

Demarcation of a line of boundary along highlands.

The solution of this important problem, which is depending upon a scientific and faithful examination of the physical features of the country, extending along the whole line of the southern boundary of Canada, that is from the Connecticut River to the Bay des Chaleurs, does not appear to suffer any difficulty.

Depending upon a scientific exploration of the highlands.

Major Robinson and Captain Henderson, the Commissioners to whom the exploration and research, directed under Mr. Gladstone's instructions, were committed, do not, however, † hesitate in pronouncing, as their clear and decided opinion, that 'highlands' do exist, which separate the rivers that empty themselves into the River St. Lawrence from those that fall into the sea; that these 'highlands' connect themselves continuously by highlands with the north coast of the Bay des Chaleurs, and reach the 45° of north latitude, at the eastern branch of the Connecticut River, thus essentially fulfilling the several requirements of the Proclamation, Act of Parliament, and Commissions for Governors, for the southern boundary of Canada, and laying the foundation for establishing the strict legal claims of both Provinces."

"This line on the map, as prepared by Major Robinson and Captain Henderson, is coloured green, and it will be seen that the northern highlands claimed by New Brunswick, are adopted, and the line contended for by Canada, as its southern boundary, is rejected.

The above opinion not being borne out by the existing knowledge of the country in dispute, ‡ appears to demand an inquiry into the physical characteristics of the country, so traversed by highlands, distinguished in

Opinion respecting the highlands favorable to

\* Extract No. 15.

† Extracts Nos. 12, 13, and 14.

‡ Extract No. 17.

the claim of New Brunswick not borne out by the existing knowledge of the country.

the Report under the (appropriate) names of "northern and southern highlands."

In entering upon the consideration of this subject, it is presumed to be understood, that the northern highlands, "in their whole continuity, as a highland range," between the Connecticut River, and the Bay des Chaleurs, distinctly sustain the attributes of dividing those rivers that empty themselves into the St. Lawrence, from those that fall into the sea, that feature failing, however, in any instance in regard to the northern highlands, the same departure from the strict conformity with the letter of the description can legitimately be conceded to the southern highlands, and both are to be considered as highland ranges, and bearing the aspect of continuity as highlands under the signification that is given them of mountain ranges.

In order to a clear illustration of the natural features of the country in question. the undersigned begs reference to the accompanying map D, General map of the country in dispute referred to. "compiled from actual surveys and explorations," &c. This map exhibits the great rivers and their tributaries, which water that tract of country, whether rivers falling into Atlantic Ocean, (taken as synonymous with sea,) or rivers emptying into the River St. Lawrence; the mountain ranges and plains, or level country, as explored and surveyed under the Treaty of Ghent, since the year 1817, to the date of the surveys performed by the Royal Commissioners, G. W. Featherstonhaugh, and Colonel Mudge, of the southern boundary of the Province of Quebec, under the second geographical line, they were instructed by the Imperial Government to investigate, also exhibiting the lines of boundary respectfully claimed by Canada and New Brunswick, in the present controversy.

The attributes which are intended to distinguish the character of the highlands to constitute the southern boundary of Canada, both in the Royal Proclamation and the Qubec Act, are, that they should "separate the rivers emptying themselves into the St. Lawrence from those falling into the sea."

Upon inspection of the map, it will be found in beginning the inquiry, according to the description given in the Royal Proclamation of 1763, that is to say, at the River Connecticut, belonging to the class of rivers falling into the Atlantic Ocean, that the northern branches or tributaries of that river, from Hall Stream to the easternmost head of the Connecticut River, take their sources in the highlands, known at the very early period of the settlement of the New England Provinces, under the appellation of the "height of land,"\* in which the opposing waters of the River St. Francis, emptying into the River St. Lawrence, take their sources; the next rivers of the class of Atlantic waters, are,—1st. The Margalloway, which rises in the highlands opposed to the easterly sources of the Salmon River, a tributary of the St. Francis River, and the source of the river known as Arnold River. 2nd. The Androscoggin River, also opposed to the Arnold River. 3rd. The Dead River, opposed to the Spider River, another tributary of the Chaudière; and 4th. The sources of the Moose River, opposed to the sources of the River du Loup, another tributary of the Chaudière, rising in the same continuity of highlands, or height of land in common with the sources of the above-mentioned four rivers, which are tributaries and principal branches of the River Kennebec, or ancient Sagadahoc. The next river of the class of Atlantic waters, is the Penobscot, the north-western tributaries of which river take their sources in the same height of land, in their continuity north-eastward, in common with the easterly tributaries of the River du Loup, called the Portage and Metgermette Rivers, to a point in those highlands, † where the highlands cease to separate the waters of the St. Lawrence, from the rivers falling into the sea, inasmuch as the north-

The highlands at the sources of the Rivers Metgermette and Penobscot trend easterly.

erly and easterly branches of the Penobscot take their sources in the highlands, ranging in continuity with those from the head of the River Connecticut, the opposing streams being the sources of the Waloostook, the Alagash, the Fish River, and Restook, all tributary rivers of the St. John.

These highlands, which are no doubt identical with the southern highlands of the Commissioners, continue in lofty ridges, distinguished by occasional peaks of great elevation, to range in a north-easterly direction, intercepting the "due north line" in the region between the Grand Falls on the River St. John, and the Restook,\* thence still in continuity of the same highlands, compose the well-known mountainous district, lying along the Salmon and Tobique Rivers, and the upper branches of the River Upsalquitch, represented on the map of the Province of New Brunswick, published in 1842, by John Simcoe Saunders, Esquire, Surveyor General of that Province, and dedicated to Sir John Colebrooke, Lieutenant Governor of New Brunswick. The highlands then range from Mount Nictoo, along lofty peaks and mountains, in a continuous ridge to the western extremity of the Bay des Chaleurs, near Dalhousie, a town situate at the base of the hills, which, with those on the northern coast of the bay, from the narrow entrance into the Bay of Restigouche.

It is evident from the foregoing description, that in following the "height of land" or "highlands," in the course indicated by the Royal Proclamation, highlands possessing the necessary physical attributes of dividing certain rivers, stated in that Proclamation, are found and traced to a point in those highlands situate at the sources of the Rivers Metgermette and Penobscot (a distance of about 130 miles from Hall Stream), from whence a continuous range of highlands is traced to the western extremity of the Bay des Chaleurs, constituting the elevated section of country which the Royal Commissioners, Featherstonhaugh and Mudge, have reported and designate on their map as the "axis of maximum elevation."†

But Major Robinson and Captain Henderson would, as the result of their exploration, establish the existence of highlands along the line claimed by New Brunswick "which would possess the physical attributes designed in the Royal Proclamation and in the Quebec Act," &c. ‡

This statement which would convey an idea of the physical character of the country in which the northern highlands are located, so widely at variance with the official reports of the scientific surveys recorded in this department, and explorations of certain parts of the disputed boundary authorized by the Imperial Government, the accuracy of which is sustained by the operations of the Royal Commissioners in 1840, merits a particular examination; more especially so, as upon the result of the explorations reported by Major Robinson and Captain Henderson, have been predicated the various arguments used by their colleague commissioner, Mr. Johnstone, in admitting the claim of New Brunswick, and rejecting the line claimed by Canada as her southern boundary.

In the arguments used in supporting the line of boundary claimed by the United States to run along the head-waters of the streams emptying into the River St. Lawrence from those falling into the River St. John (on similar grounds as now set up by New Brunswick), it was asserted that a range of highlands, in continuity of those from the Connecticut River, extended north of the Metgermette portage, dividing the sources of the Chaudière River from those flowing into the River St. John, to the sources of the River du Sud, and other rivers east thereof emptying

Continuity of the highlands east of the River St. John to the Bay des Chaleurs.

These highlands fulfil the conditions of the Royal Proclamation, and are reported as the axis of maximum elevation.

Exploratory surveys authorized by the Imperial Government.

Supposed highlands at the sources of the Rivers Chaudière and St. John.

\* Extract No. 24.

† Extract No. 25.

‡ Extracts Nos. 20 and 26.



into the River St. Lawrence, until intersected by the due north line, the pretended north-west angle of Nova Scotia.

The Imperial Government, desirous of settling the point of difference arising from the contrary and conflicting reports respecting that section of the disputed line of boundary, caused a special survey of the country lying at the sources of the Rivers Chaudière and St. Johns to be made.

To that effect the Earl of Dalhousie, then Governor of Lower Canada, instructed the Surveyor General, on the 8th March, 1828,\* “to explore minutely the whole tract of country from the head of the Metgermette branch of the River du Loup falling into the Chaudière to the sources of the River Ouelle, in order to ascertain the fact whether the waters falling into the River St John are, or are not, divided, from those which fall into the River St. Lawrence by land, which can fairly be designated as highlands.”

This service, one of the highest importance with reference to the question at issue, which was performed by Frederick Weiss, of the 60th Regiment, and W. Ware, Esquire, of the Field Train department, both sworn land surveyors, and Joseph

Shown not to exist  
by the official surveys.

Bouchette, Esquire, Deputy Surveyor General of Lower Canada, placed beyond any doubt the course of the highlands in continuity of the highlands ranging from the head of the Connecticut

River to trend easterly from the sources of the Metgermette and Penobscot Rivers, along the sources of the Atlantic rivers towards the Bay des Chaleurs, † and not northerly along the sources of the rivers emptying into the River St. Lawrence, as it is reported by Major Robinson and Captain Henderson.

The operations of these surveyors, joined to those of the Royal Commissioners, establish the non-existence of highlands located in the line claimed by New Brun-

The northern range  
of highlands unite  
with the southern  
range only south of  
the parallel of 45 °

wick that “connect themselves continuously by highlands with the coast of the Bay des Chaleurs, at its eastern extremity, and reach the 45 ° of north latitude,” as fulfilling the several requirements of the Proclamation and Act of Parliament; ‡ and it is apparent that through some mistake, attributable, no doubt, to an imperfect ex-

amination of the country in dispute, Major Robinson and Captain Henderson have supposed the north highlands to unite with the southern highlands at the heights of Metgermette and Penobscot, while they are ascertained to unite only south of the line of 45 °. ||

It has been shown that the southern highlands are a continuity of the highlands

The southern high-  
lands are the high-  
lands contemplated  
in the Royal Procla-  
mation of 1763.

fulfilling the attributes of the highlands of the Proclamation, from the head of the Connecticut River to the Metgermette heights, and thence in an uninterrupted chain of mountains reaches the Bay des Chaleurs, intercepting the due north line from the source of the St. Croix; and if assumed as the southern boundary

of Canada, would by geometrical construction, at that point of intersection form the north-west angle of the Province of New Brunswick.

Yet the objection has been raised in the present controversy that these highlands

Objection raised to  
these highlands.

do not fulfil the necessary requirements of the Proclamation or the Quebec Act, as they only separate, on the east side of the River St. John, the sources of the Tobique River from those fall-

ing into the River Restigouche, which are not the waters emptying into the River St. Lawrence. If this objection be valid for the southern, most assuredly it should obtain with respect to the northern highlands, supposing such a deficient feature to exist at the sources of the rivers emptying into the St. Lawrence.

\* Document A.

† Documents B, C, and D.

‡ Extract No. 27.

|| Extract No. 28.

As the northern highlands evidently fail to connect themselves continuously with the highlands trending to the head of the Connecticut River, the inquiry in regard to their possessing, as reported, the physical features and attributes required in the Proclamation and the Quebec Act, must necessarily be made at the eastern extremity of the line, and therefore begin at the Bay des Chaleurs, and thus proceed in the order of the description prescribed in the Quebec Act, that is, a line from the western extremity of the Bay des Chaleurs "along the highlands," &c.

In adopting this mode of investigation, difficulties of a twofold nature present themselves at the outset in drawing the line along the highlands towards the Connecticut River, highlands which would possess the physical attributes strictly required. The first difficulty regards the class of rivers to be divided, and the other, the discovery of a range of highlands connecting the coast of the Bay des Chaleurs with the northern highlands bordering on the St. Lawrence.

The line claimed by New Brunswick, as represented on the map (G.) accompanying the supplementary Report of Thomas Baillie, Esquire, Surveyor General of New Brunswick, and Commissioner on the part of that Province, dated December, 1844, takes its departure on the north side of the Bay of Restigouche, opposite Campbellton, situate on the south side of that Bay, which Mr. Baillie considers the western extremity of the Bay des Chaleurs.\*

According, however, to the well-authenticated facts and evidences † adduced by Alphonzo Wells, Esquire, in his Report as Commissioner on behalf of Canada, the western extremity of the Bay des Chaleurs is established at or near Dalhousie, lying on the south side of the entrance of the Bay of Restigouche, and not at Campbellton; whilst Major Robinson and Captain Henderson would place the western extremity of the Bay des Chaleurs fifteen miles east of that town, at the elevated mountains of Tracadigash on the north coast of the Bay of Chaleurs.

The above striking difference between the starting-point for the line of boundary claimed by New Brunswick at or near Mission Point, and the starting-point of the line explored by the Commissioners at the Peak of Tracadigash, both assumed in the various statements alleged and in the arguments respectively contained in the Supplementary Report of the New Brunswick Commissioners, and in the Report under consideration, as the western extremity of the Bay des Chaleurs, appears deserving of investigation with a view of discovering the reasons that have produced so wide a departure as twenty-five miles, which the line of coast from Mission Point to Tracadigash presents; especially as it was requisite to trace from one or the other of these points a line along highlands to sustain the line of boundary claimed by New Brunswick.

Upon inspection of the maps D and H (the latter being a copy of part of map B, which accompanies Mr. Wells' Report, compiled by him from official documents collected in New Brunswick), it appears very evident that Mission Point, or Campbellton, nearly opposite to it, are respectively located on the north and south shores of the River Restigouche, near the head of the Bay of that name, which has its entrance into the Bay des Chaleurs between India Point, near Dalhousie, and Point Miquasha, on the north coast of the Bay des Chaleurs.

\* Appendix B, Vol. IV., Journal Legislative Assembly.

† Appendix B, Vol. IV., Journal Legislative Assembly, Section No. 11.

According to the statutes of New Brunswick, \* the parish of Addington, in which lies the Town of Campbellton, and the Parish of Dalhousie, in which lies the Town of Dalhousie, are both bounded and limited towards the north by the River Restigouche, whilst the Indian Mission Village at Cross or Mission Point, is comprised within the ancient limits of the seigniory of Cloridon, conceded in the year 1691, on the north side of the River Restigouche, beginning at the River Porcepic (now called River du Loup), as its eastern extremity, and extending westerly eight leagues perpendicular breadth up the said River Restigouche.

The hills which skirt the shores of the Bay of Restigouche, with the exception of the elevated peaks of Scuminac and River du Loup, do not present any remarkable elevations until opposite Dalhousie, where they rise to a considerable height, ranging thence along the north coast of the Bay des Chaleurs towards the elevated mountains of Tracadigash, also called the Carleton Hills.

Yet the Commissioner, on behalf of New Brunswick, maintains that the Bay of Restigouche forms part of the Bay des Chaleurs, and has accordingly laid down a line (colored red) on his map, along supposed highlands which he describes as ranging from Mission Point, northward to the "highlands" bordering on the River St. Lawrence.

Major Robinson and Captain Henderson, with this knowledge of the location of the line claimed by New Brunswick, having however explored the country northward to the St. Lawrence, must have failed to discover highlands trending in that direction from Mission Point, and therefore in view of the claim of that Province as a result of their exploration of the country on the north shore of the River and Bay of Restigouche, ultimately fixed upon the aforesaid highlands of Tracadigash, which flank the Bay of Cascapedia on the north coast of the Bay des Chaleurs, as the intended highlands along which the southern boundary of the Province of Quebec should run.

At these elevated hills, which rise abruptly to the height of near 1,830 or 2,000 feet, the Commissioners have established the western extremity of the Bay des Chaleurs as best fulfilling the "language of the Proclamation, whence the line may be traced in a northerly direction, neither cutting nor intersecting any rivers for about forty-five miles through an elevated country, which may be considered as meeting the more specific range of north highlands, which from thence runs westwardly for a comparative short space, where it turns to the south, and continues that course for a very considerable distance until it is brought in the vicinity of the due north line."

In reviewing the foregoing statement, first with reference to the question relative to the western extremity of the Bay des Chaleurs, in addition to the documentary evidence which establishes the boundaries of the Parishes of Dalhousie and Addington, on the River Restigouche, contra-distinguished from those of the Parishes of Colborne, Durham, &c., which are bounded by the Bay des Chaleurs, besides various other facts which have been adduced in the present controversy, to the effect of satisfactorily showing that the western extremity of the Bay des Chaleurs does not lie east of Dalhousie, if it cannot be laid at Campbellton, or Mission Point; it is only necessary to inspect the hydrographical chart of Captain Bayfield,

whereof the Map E, is an accurate trace, to perceive the cause of the error into which the Commissioners appear to have fallen in locating the western extremity of the Bay des Chaleurs at Tracadigash.

\* Appendix B, No, 20.

The Bay at this point is upwards of twelve miles wide, while its northern coast lies nearly due west, about ten miles to Point Miguasha. The highlands from Tracadigash run parallel in an elevated chain of mountains with the coast until opposite Dalhousie, where they form, in conjunction with the hills at the foot of which that Town is situate, the elevated mountain barrier at the head or termination of the Bay des Chaleurs, well known to mariners, whilst, owing to the projecting headlands, the view of the entrance of the Restigouche is shut out to persons sailing up the Bay des Chaleurs until nearly opposite Point Miguasha.

East of Tracadigash the highlands trend in a semi-circular course, under a radius of about fifteen or twenty miles, reaching the entrance (on the east side) of the River and Bay of Cascapedia; north of these mountains lies the table-land of the Peninsula of Gaspé, intersected by the deep ravines formed by the tributaries of the Cascapedia River on one side towards the east, and of the Matapedia towards the west.\*

To this aspect of the northerly direction of the Tracadigash mountains may be attributed the error of the Commissioners in supposing them to range towards the St. Lawrence, whilst their general direction lies easterly along the coast towards the highlands at the head of Gaspé Bay. †

Although the exact locality of the western extremity of the Bay des Chaleurs may not be too rigidly insisted upon, nevertheless that point being a departure for the demarcation of a line of boundary according to the Quebec Act, the desired highlands, to make them consistent with the terms "strict legal rights of each Province" enjoined in the instructions, should have been formed intermediately opposite Campbellton and Dalhousie, if not at the former, under the pretensions of New Brunswick.

The conclusions of the Commissioners on the important subject relative to the western extremity of the Bay des Chaleurs being thus shown to be unsustainable by the existing knowledge of the configuration of the Bay des Chaleurs, and of the natural features of the country extending back into the interior of the Peninsula of Gaspé, the inquiry regarding the course of the line they describe to have traced along highlands will now be considered.

In the absence of the maps referred to in this report of the Commissioners and alluded to in the letter of Earl Grey, the Secretary of State, but which have not been transmitted from the Colonial Office, Mr. Baillie's map of the disputed territory will be referred to in this branch of the inquiry as exhibiting the pretensions of New Brunswick according to the line thereon delineated.

It has been ascertained from the combined surveys of the disputed territory and explorations in the Districts of Gaspé and Quebec, joined to a geographical examination of the Peninsula of Gaspé, ‡ more particularly embracing that section of the country watered by the Cascapedia and Bonaventure Rivers, discharging into the Bay des Chaleurs, and by the Matapedia towards the south, and by the Matane, Cape Chat, and the St. Anns Rivers emptying into the St. Lawrence towards the north, that the upper sections of the rivers of magnitude which irrigate the great valley, formed by the northern and southern ranges of highlands already mentioned, with the exception of the Rivers Chaudière and Matapedia, run parallel with the St. Lawrence, or Atlantic seaboard, and conformable with the direction of the strike of the stratification, which lays in parallel ridges of more or less elevation, bearing magnetic north-east and south-west, subordinately however to the external highland boundaries of this great valley. §

The combined surveys and geological examination of the disputed territory.

Show that the country is intersected by ridges which run parallel with the St. Lawrence, and subordinately to the northern and southern highlands.

\* Extract No. 30.

† Extract No. 31.

‡ Extracts Nos. 32 and 33.

§ Extracts Nos. 18, 19, and 35.

An inspection of the map D, will illustrate these natural physical features, which apply to the Rivers Kennebec, Penobscot, St. Johns, Restigouche, Cascapedia, St. Francis, Etchemin, Mitis, Matane, and Cap LaMadeleine, besides some inferior rivers. The Rivers Chaudière and Matapedia, like the trunks of several of the above enumerated rivers, run transversal with the direction of the ridges, and as it were in a broad crevice, in which such rivers (being generally rapid and interrupted by falls) have worn their present channels; whilst their numerous tributaries almost invariably course with the longitudinal valleys formed by those parallel ridges, which applies to the Rivers LaFamine, Du Loup, Metgermette, LaBras, tributaries of the former, the Assemequagam, and Casupscoult, &c., tributaries of the latter.

The northern range of mountains is found to maintain its undeviating general course from west of the Chaudière, north-eastwardly,\* forming at the sources of the River du Sud and Etchemin the Buckland Group, and beyond this the mountainous region of the Matane and Cape Chat Rivers, where it rises in elevated peaks to the height of from 2,000 to 3,650 feet above the sea, the Matane Group being here distinguished under the name of the ShickShock Mountains, then ranging easterly in a lofty ridge, under the appellation of the Monts de Notre Dame, terminates at Cape Rosiers on the Gulf of St. Lawrence.

Such being the physical features of the country though which lies the line of boundary claimed by New Brunswick, it is difficult to conceive how a line along highlands, whether starting from Mission Point, or from the Peaks of Tracadigash, "can have been traced which fulfils the requirements of the Proclamation," &c., &c. †

This statement is inconsistent not only with the known character of the country, but it is incongruous with the geological data obtained of that part of the Peninsula of Gaspé, as such highlands would range transversal with the parallel ridges which characterise the table-land of the Peninsula, ‡ and that run generally magnetic east and west with the course of the upper branches of the Cascapedia and the eastern tributaries of the Matapedia, and which otherwise would be indicative of a valley to the eastward of this transversal range which does not appear to exist.

Moreover, either line at the extremity of the 45 or 50 miles, would first have to traverse the valley of the Matane and cross the Trout and main branches of that river before attaining the crest of the ShickShock mountains, then to follow the range westerly to its extremity, re-cross the Matane, and then passing at the sources of the tributaries of the River Matapedia follow in a southerly course, generally through the level country which characterises the table-land of the St. Lawrence, the line dividing the sources of the Mitis River, emptying into the River St. Lawrence, and those of the River Restigouche until intersected by the prolongation of the due north line. §

That the proclamation of 1763, or the Quebec Act, contemplated any such line for the southern boundary of the Province of Quebec, cannot for a moment be supposed, as a very accurate knowledge of the breadth of the Peninsula between the Bay des Chaleurs and the River St. Lawrence, as well as the location and direction of the Montagnes de Notre Dame, existed for more than a century before the framing of those public acts. Had it been so intended to connect the range of those mountains with the north coast of the Bay des Chaleurs in accordance with any natural feature then presumed to exist, the line so connecting the highlands of the St. Lawrence with those along the Bay des Cha-

The principal rivers, with certain exception, course with the longitudinal valleys.

Description of the northern range of highlands.

The Report of the Commissioners is incongruous with the existing knowledge of the peninsula of Gaspé.

The line they describe to run was never intended by the framers of those public Acts to constitute the southern boundary of the Province of Quebec.

\* Extract No. 21.

† Extracts Nos. 36, 37, 38, and 39.

‡ Extract No. 40.

§ Extract No. 34.

leurs, would have formed part of the easterly boundary of Nova Scotia, and would no more have been overlooked by the framers of the description contained in the Commission to Montague Wilmot, Esquire, in 1763, than were the few miles of the south-west coast of the Bay des Chaleurs as a part of the eastern boundary of that Province, and repeated in the erection of the Province of New Brunswick in 1784.

The Report of the Commissioners, in support of the line traced by Major Robinson and Captain Henderson, invokes Mitchell's map as delineating the line of Boundary contemplated in the Treaty of 1763 and the Quebec Act for the southern boundary of the Province of Quebec. The undersigned, convinced of the good faith on the part of Great Britain, in which that map has been rejected in the evidence adduced by the American Government on the line now claimed by New Brunswick, must refrain from offering any other remark on the subject; inasmuch as most assuredly if such grounds were admitted in justification of the claim of that Province, for the same reason the United States were justified in the claim so forcibly resisted in the effective arguments of the British Commissioners under the fifth article of the Treaty of Ghent. The merits of the respective lines as they will best satisfy the Proclamation and the Quebec Act, must therefore rest upon the actual discovery of the requisite highlands (to result under the terms of the instructions) from the explorations therein committed to Major Robinson and Captain Henderson.

A very considerable misconception exists in the report under consideration with respect to the place at which Canada claims the boundary line in question to commence, which it is important to correct. Canada does not claim the commencement of her line of boundary at the Bay des Chaleurs, but at the Connecticut River, agreeably to the Proclamation of 1763, thence to run towards the Bay des Chaleurs, which bay is common property to both the Provinces of New Brunswick and Canada; and therefore, crossing the Bay of Restigouche, does not involve any interruption in the line of boundary to the north coast of the Bay des Chaleurs. The Act of Parliament of 1774, fixes the point on the Bay des Chaleurs at the western extremity of that Bay, from whence Canada claims its southern boundary to run along highlands, &c., to a point in 45° of north latitude on the east bank of the River Connecticut. This line of demarcation has been already shown to satisfy all the requirements of the Proclamation and the Quebec Act, as exhibiting a continuity of the highlands which divide the waters emptying into the St. Lawrence from those falling into the sea or Atlantic Ocean, whilst the northern highlands, whether in a geographical point of view, or in a geological aspect in regard to the rock formation which distinguishes those highlands, do not unite or connect themselves with the southern range of highlands in any intermediate point between the extreme termination of the great valley inclosed by those ranges from Montpelier, lying south of the parallel of 45° of north latitude and Cape Rosier. Nor do those northern highlands, supposing their continuity to the head of the Bay des Chaleurs, divide the sources of the rivers emptying into the St. Lawrence from those falling into the sea at any one point in the line claimed by New Brunswick, east of the prolongation of the due north line from the source of the St. Croix.

Under the express terms of the description of the western boundary of New Brunswick, as erected out of the Province of Nova Scotia in 1784, viz.:—"On the westward by the mouth of the River St. Croix by the said river to its source, and by a line drawn due north, from thence to the southern boundary of our Province

of Quebec," where even the due north line prolonged to the pretended north-west angle of Nova Scotia, north of the River Restigouche, the Province of New Brunswick could have no pretensions whatever to any territory west of that line. And yet it would appear that such pretensions as founded on the claim to the western source of the River St. Croix, are supported by the Commissioners on grounds, however, which are wholly untenable, as the source of the River Chiputnaticook was by the Treaty of Amity in 1794, determined to be the true source of the St. Croix River, stipulated in the Treaty of 1783.\*

The pretensions of New Brunswick to that effect were, at a very early period of the settlement of the country lying south of the River Madawaska, resisted by the Canadian Government, who claimed the territory now disputed by New Brunswick down to the well-known elevated country lying south of the Grand Falls on the River St. John, extending easterly to the head of the Bay des Chaleurs.†

Pending the correspondence and proceedings of the two Governments on the subject of their respective claims arose the question of boundary between the United States and Great Britain under the Treaty of 1783, which, until its settlement by the Treaty of Washington in 1842, kept the decision of the existing difference between Canada and New Brunswick in abeyance. But the latter Province meanwhile persisting to extend its jurisdiction up the River St. John and Madawaska, west of its western line of boundary, over a territory claimed as part of the old Province of Quebec, in the arguments of the British Commissioners under the Treaty of Ghent, it became urgent on the part of the Imperial Government to set bounds to those pretensions of New Brunswick pending the dispute with the United States.

Accordingly, in the confidential Despatch of the Right Honorable Sir George Murray, Secretary of State, dated 8th April, 1830, addressed to His Excellency Sir James Kempt, Governor of Lower Canada, the jurisdiction of the Province of New Brunswick was limited to the Little Falls at the mouth of the River Madawaska, ‡ agreeably to which limits the authorities of both Provinces have been governed in the seizure of timber cut on the territory disputed under the Treaty of 1783.§

Since the Treaty of Washington the Canadian Government, satisfied of its legal right and the justice of its claim to the territory lying within the conventional line settled by that Treaty, caused various surveys to be made of the tract of land lying between the River Madawaska and the River St. Francis, in view of organizing the same, and for disposing of the timber growing thereon as part of the public lands and property of Canada; and further, on the grounds herein set forth, to maintain her just right to all the extent of territory lying along the American line of boundary established by that Treaty, to the highlands intersected by the western boundary of the Province of New Brunswick, near the Grand Falls of the River St. John, thence easterly to the western extremity of the Bay des Chaleurs.

But the Commissioners, in answer to the first question, have reported, as their opinion, that a line can be drawn for the demarcation of the Provinces of Canada and New Brunswick, which would satisfy the legal claims of each, that is, "commencing at the point at which the extremity of the due north line strikes the north highlands before mentioned, and running along these highlands till reaching the north coast of the Bay des Chaleurs at the highlands of Tracadigash," agreeably to the accompanying map, being that part of the line colored green, and which lies between the

The jurisdiction of New Brunswick and Canada limited in Sir George Murray's despatch at the Little Falls on the River Madawaska.

The Commissioners report favorably on the line claimed by New Brunswick, and that the disputed part of the territory lying west of the due north line is included in the ancient grant of Sagadahoc.

\* Extract No. 41.

† Appendix B, Vol. IV., Journal Legislative Assembly, Section No. 31.

‡ Ditto, Section 37.

§ Extracts Nos. 43 and 44.

letters A and B. They further report that a tract of country lies between the north highlands westward of the due north line and the line of the United States, which according to the strict legal rights of the two Provinces, belong to neither, being included within the line marked B C, and in the map which, in 1763, formed part of the ancient territory of Sagadahoc.

With respect to the first part of the Report, it has been shown that the northern highlands, according to the well-ascertained natural features of the country in dispute, do not fulfil the characteristic attributes required in the Proclamation of 1763 nor the Quebec Act; and, as regards the second part of the Report, founded on the supposed boundary of the ancient territory of Sagadahoc, it must be assumed that the Commissioners, in resorting to such an argument to establish the neutrality of a portion of that territory in question, were unacquainted with the arguments urged by the Agents of the British Crown on the boundary question with the United States.

The claim set up by the United States relative to the grant of Sagadahoc resisted by the British Commissioners under the Treaty of 1783.

The energy with which the British Commissioners resisted, on behalf of Great Britain, the extension of the grant of Sagadahoc to the line the Commissioners would fain assign to that ancient territory, renders an appeal to those limits in the present controversy at least anomalous, as coming from a British Commissioner, and it would be calculated to impugn, in the eyes of a foreign country, that good faith by which the British Crown is well

known to have been animated in its resistance to the claims of the United States as their north-eastern boundary.

It would, therefore, unnecessarily extend this Report to enter into a discussion on the claim which was set up by the United States as the limit of the ancient grant of Sagadahoc to the country lying at the sources of the rivers emptying into the St. Lawrence. It is only necessary to refer to the documentary evidence on the subject, investigated by Messrs. Featherstonhaugh and Mudge, to establish the soundness of the refutation of that claim.\*

In illustration of the claim of the United States in regard to its north-eastern boundary may here be mentioned the map published by Guillaume De l'Isle in 1783, on which is represented by a red line (it is supposed drawn by Franklin, one of the American Commissioners then at Paris for the adjustment of the line of boundary with Great Britain) the northern boundary of New Hampshire, one of the Old English Provinces.

It is apparent that the line of boundary then claimed by the United States did not extend northwardly beyond the sources of the Atlantic Rivers west of the river St. Croix, and therefore that the ancient grant of Sagadahoc was restricted to the highlands south of the River St. John.

But it has been already shown that Canada was anciently contiguous not only with Acadia, but with the New England Provinces from the Connecticut River to the Bay des Chaleurs, and therefore, whatever line of boundary might arise out of the dispute with the United States (representing the old English Provinces) became of right the boundary of Canada, whilst the settlement of a continuous line of boundary with Acadia or Nova Scotia would rest upon the instruments which defined the southern boundary of the Province of Quebec.

The Commissioners having thus evidently paved the way to the dismemberment of Canada in reporting the northern highlands as the southern boundary of the Province of Quebec; secondly, rejecting the line claimed by Canada as its southern boundary; and, thirdly, representing part of the disputed territory as forming part of the ancient grant of Sagadahoc;—then, as an act of mere indulgence towards Canada, purporting to be for

Analysis of the report of the Commissioners.



the practical convenience of both Provinces at issue, allow Canada to retain the narrow strip of land north-west of the United States boundary line, assigning the remainder of the disputed territory to New Brunswick.

The above analysis of the Report under consideration points out how vitally would be affected the ancient land-marks of Canada were this recommendation of the Commissioners acceded to by the Imperial Government, and it behoves the Province to avail itself of the opportunity thus offered by the Right Honorable

The result of the deliberations of the Commissioners do not satisfy the strict legal claims of Canada.

the Secretary of State for the Colonies to enter its dissent from the result of the Commissioners' deliberations as contained in their Report, which in the opinion of the undersigned, neither satisfy the strict legal claims of the Province of Canada, nor in the conventional line of boundary, which they recommend as far as

Canada is concerned, combines the greatest practical convenience to both Provinces, for the following reasons:—

1st. Because the boundaries of Canada, founded on Treaties, Proclamations, and other solemn public acts, extend southward to the boundary originally claimed by Great Britain as the boundary between the British possessions in America and the United States, which has since been restricted by the Treaty of Washington to the conventional line now existing under the authority of that treaty.

Reasons why Canada cannot accede to the conventional line of boundary proposed in the report.

2nd. Because Canada has also a legal right to all the territory extending southwardly to the line "along the highlands" forming the "axis of maximum elevation" from a point in the said highlands intersected by the western boundary line of the Province of New Brunswick, eastwardly to the Bay des Chaleurs at Dalhousie.

3rd. Because part of this territory, anterior to the Treaty of 1763, was granted by the King of France, and composed the frontier settlements of Canada on the side of Acadia, intended, according to the spirit of the Imperial Act of 1774, to be enclosed within the Province of Quebec, which exercised jurisdiction over that territory.

Hence, instead of New Brunswick seceding from any of her rights, as the Commissioners would assume in the conventional line of boundary they have recommended, this line would, in fact, be an encroachment on Canada to the extent of upwards of three millions of acres; over one-half of which territory, that part lying north of the Restigouche and St. John Rivers, Canada has asserted and exercised its jurisdiction. the other half, south of the Restigouche, having tacitly been left under the jurisdiction of New Brunswick,

This conventional line encroaches upon Canada to the extent of upwards of three millions of acres.

The strict legal rights of Canada, with reference to her boundary on the side of New Brunswick, being, as the undersigned hopes, thus irrefragably established, he is of opinion, however, that a conventional line of boundary between the sister Provinces might be adopted that would, in combining the greatest amount of practical convenience to either of the Provinces, meet the views of Her Majesty's Imperial Government consistently with the just and legal claims of both Provinces.

This conventional line of boundary which the undersigned would respectfully submit to the consideration of your Lordship would be as follows, that is to say:—commencing on the north bank of the River St. John at the mouth of the river commonly called "Madawaska," thence running towards the north-east on a course parallel with the line traced by the Commissioners of Boundary under the

Line of boundary between the Provinces submitted for the consideration of Her Majesty's Government.

Treaty of Washington from the outlet of Lake Pohenegamook to the north-west branch of the River St. John, until intersected by that branch of the Restigouche River called the Grande Fourche or Kedgewick, thence to the middle of the channel of the said river, and then south-easterly down the middle of the channel of the said River Kedgewick to the middle of the channel of the Restigouche River, thence

down the middle of the said channel easterly to the mouth of the said River Restigouche in the Bay des Chaleurs, and thence through the middle of the bay to the Gulf of St. Lawrence, giving to the Provinces of Canada and New Brunswick the islands in the River Kedgewick and Restigouche nearest to the shores in front of the said Provinces.

This line, delineated on the accompanying map by the letters A B C D, and which may with greater facility and at a lesser expense be defined in the field and marked by proper monuments, will divide the territory in dispute in a manner to do the least possible injury to Canada, whilst it will add upwards of 3,000 square miles to the Province of New Brunswick, for which it possesses no strict legal right.

In the foregoing Report the question at issue has been examined as one to be decided entirely upon the evidence of facts, as one dependent upon the language of the public documents and the geographical features of the country, and wholly irrespective of any consideration which the Commissioners have had in contemplation when adverting to the "meritorious claims" of New Brunswick, the bearing of which, upon the conclusions to be arrived at in such a controversy, does not appear very obvious.

With the desire in the Report of the Commissioners that no reference should be made to the arguments resorted to by Great Britain in its controversy with the United States relative to the north-east boundary, it has been found wholly impossible to comply; nor, indeed, could any urgent reason be assigned for excluding those arguments from consideration, based as they are upon all the public documents, to which a reference must necessarily be had by Canada in resisting the pretensions of New Brunswick over a large section of the territory of this Province.

The undersigned, therefore, sensibly conceiving that, so far from militating against coming to a just and equitable judgment upon the respective claims of the two Provinces, an appeal to the arguments of the Commissioners and Agents of the Imperial Government, pending the controversy with the United States, is best calculated to facilitate the investigation, and to lead Her Majesty's Government to such a determination as will comport at once with consistency, and with the territorial rights of the Province of Quebec.

All which is respectfully submitted.

J. H. PRICE,

Commissioner of Crown Lands.

Since the foregoing statement was prepared, it is satisfactory to have to remark that the description therein contained of the characteristic features of the country along the lines of boundary, respectively claimed by Canada and New Brunswick, is corroborated and borne out by the result of the exploratory surveys and operations performed by Major Robinson, commissioner appointed to explore the country for a line of Railway from Halifax through New Brunswick to Quebec, which report has been laid before the public, and alluded to in the speech of His Excellency the Governor General, at the opening of the present session of Parliament.

As the description which this valuable document affords of the country along the different routes explored through that portion of the disputed territory, from the Tobique River and mountains to the highland range along the St. Lawrence, is fully sustained by the existing knowledge of that tract of country. The following extracts of the Report describing the 4th and 5th obstacles, of the five which Major Robin-

son enumerates to the carrying out of the proposed railway through that section of country, is respectfully submitted as bearing upon the geographical information desired to be obtained from the explorations directed in Mr. Gladstone's instructions:—

#### EXTRACTS.

"4. The fourth obstacle is the broad and extensive range of highlands which occupies nearly the whole space in the centre of New Brunswick, from the Miramichi River north to the Restigouche. Some of these mountains rise to an altitude exceeding 2,000 feet.

"The Tobique River runs through them, forming a deep valley or trough, which must be crossed by the direct line, and increases greatly the difficulty of passing by them.

"The lowest point of the ridge overlooking the Tobique River at which any line of railway must pass, is 1,216 feet above the sea. Then follows a descent to the river of 796 feet in 18 miles; and the summit level on the opposite ridge of crest between the Tobique and Restigouche waters is 920 above the sea, or a ridge of 500 feet above the point of crossing the Tobique water. These great summit levels, which must be surmounted, form a serious objection to this route.

"The eastern line by the coast avoids this chain altogether. The greatest summit level along it will not be above 368 feet, while the distance by each from the Province line at Bay Verte to the Restigouche River (the northern limit of New Brunswick) will be as nearly as possible the same, there being only a difference of one mile in these two routes through this Province."

"The rocks composing this chain of mountains are granite, various kinds of slates, grauwacke, limestone, sandstone, &c.

"5. The fifth and last obstacle to be overcome, and which cannot be avoided by any of the routes, is the mountain range running along the whole course of the River St. Lawrence in a very irregular line; but at an average distance from it of about 20 miles. It occupies, with its spurs and branches, a large portion of the space between the St. Lawrence and the Restigouche Rivers.

"The rocks and strata composing this range are of the same character and kind as the Tobique range. The tops of the mountains are as elevated in this range as in the other.

"It will be evident, therefore, that any line from the coast of Nova Scotia to the St. Lawrence has a general direction to follow, which is the most unfavorable that could have occurred for it, having to cross all these mountain ranges, streams, and valleys at right angles nearly to their courses.

"The exploring parties failed to find a line through this range to join on the direct line through New Brunswick, but succeeded in carrying on the eastern or Bay Chaleurs' route, owing to the fortunate intervention of the valley of the Metapedia River.

The line which was tried, and failed, was across from the Trois Pistoles River by the head of Green River, and down the Pseudy, or some of the streams in that part running into the Restigouche River.

"A favorable line from Trois Pistoles was ascertained from Eagle Lake and Torcadi River as far as the Rimousqui; and it is probable that by ascending this river and ascending the Kedgewick River, this line (route No. 4) could be completed.

"But it is most improbable that it could compete in favorable grades with the Metapedia.

"It will be allowing it sufficient latitude to suppose it will be equal in engineer-

ing merits, and that if accomplished it will give the route No. 4 an apparent advantage of 40 miles in distance.

“A very striking characteristic in the geological formation of North America, and which has been noticed in the writings of persons who described the country, is the tendency of the rock strata to run in parallel ridges in courses north-easterly and south-westerly.

“On referring to the General Map No. 1, and confining the attention more particularly to that portion of country east and north of the St. John River, through which any line must pass, this general tendency cannot fail to be remarked :

“The River St. Lawrence, the main Restigouche River and intermediate chain of mountains, the Tobique River and mountains, all the streams of New Brunswick (the main trunk of St. John, a branch of the Miramichi excepted) ;

“The Tobequid range, the Bay of Fundy, and a high and rocky range along the Atlantic shore, have all this north-east and south-western tendency.

“The lines explored for the direct route through New Brunswick were obliged, on this account, to keep the elevated ground crossing the upper parts of the streams.

“By so doing a line was found to the Restigouche, which may be considered just within the limits of practicability, but having very unfavorable summit levels to surmount.

“And the peculiar formation of the strata and general course of the valleys and streams, renders it most improbable that any further explorations to improve this direct line through New Brunswick would be attended with much success.

“Very fortunately for the eastern line, one of the branches of the north-western Miramichi presented itself as an exception to the general tendency, and enabled that line to reach the coast of the Bay Chaleurs.

“The distance across in a direct line from the coast of Nova Scotia to the St. Lawrence has been stated at about 360 miles, forming the difficult and unfavorable portion of the line. When the St. Lawrence mountains are passed, then the tendency of the strata and courses north-easterly and south-westerly becomes as favorable for the remaining 200 miles along that river as it was before adverse.

“The general character of the ground between the St. Lawrence River and the mountains is that of irregular terraces or broad valleys, rising one above another by steep short banks, having the appearance as if the river had at some former periods higher levels for its waters.

“The streams run along these valleys parallel with the course of the St. Lawrence, until meeting some obstruction, they turn suddenly off and find their way over precipices and falls to the main river.”

J. H. PRICE,  
Commissioner of Crown Lands.

Crown Land Department,  
Montreal, February 1, 1849.

Enclosure 3, in No. 18.

EXTRACTS from the Report of Colonel R. Z. Mudge and G. W. Featherstonhaugh, Esquire, Commissioners appointed by Her Majesty.

Foreign Office, April 16, 1840.

My Lord,—No. 1.—In obedience to your Lordship's instructions, dated July 9, 1839, requiring us to proceed to Her Majesty's Province of New Brunswick, for the purpose of making investigations “respecting the nature and configuration of

the territory in dispute" between Her Majesty's Government and the Government of the United States of America, and to "report" which of the three following lines presents the best defined continuity of highland range:—

"First. The line claimed by the British Commissioners from the source of the Chaudière to Mars Hill.

"Secondly. The line from the source of the Chaudière to the point at which a line drawn from that source to the western extremity of the Bay des Chaleurs, intercepts the due north line.

"Thirdly. The line claimed by the Americans from the source of the Chaudière to the point at which they make the due north line end."

We have the honor to present the following report of our proceedings, and of the results which we have arrived at, accompanied with the map, marked A, of the territory in dispute, and of the countries adjacent to it, together with a sheet, marked B, of extracts from other maps, and containing a section and a sketch, all of which are alluded to in this report.

Having found the physical geography of the disputed territory very much at variance with all the accounts of it, to which we had had access, and perceiving that the popular opinions regarding it both in Great Britain and in the United States of America owed their origin to the previous surveys and negotiations respecting the boundary question, some of which surveys we found singularly at variance with our own careful observations, made on the spot, as to the heights of some leading points of the country of vital importance to the question, we came to the conclusion that the most significant of those previous estimates, and which were connected with important inferences, were conjecturally made without knowledge of the truth, and that thus very incorrect statements had been submitted to the judgment of the sovereign arbiter, to whom under the Convention of the 29th September, 1827, those previous surveys were to be referred. We shall in the course of this report point out to your Lordship these inaccuracies in a more specific manner.

We close these preliminary remarks by stating, that under these circumstances it has appeared to us that such a lucid exposition of the boundary case as would be deemed useful and satisfactory by your Lordship, would be best made by first reviewing, in a brief manner, the history of that part of North America connected with the disputed territory, with a view to discover how far the ancient descriptions of the territorial demarcations, therein, coincide with the boundary intended to be established for the United States, by the second Article of the Treaty of 1783; and by then proceeding to a description of the physical geography of the country, and to an investigation of the three geographical lines.

No. 2. In 1702 war broke out again, subsequently to which came the Peace of Utrecht in 1713, when France ceded to England for ever her rights to all "Acadia," according "to its ancient limits." The misunderstanding which now arose in the construction of this expression ended in the war of 1756, and the annexation of all the possessions of France in North America to the British empire.

No. 3. We have entered into this brief historical sketch to draw your Lordship's attention to the fact, that the most ancient limits of Acadia are those described in the Letters Patent to De Monts in 1603, from the fortieth to the forty-sixth degree of north latitude; and that this parallel, when protracted through the disputed territory to the west, passes through the highlands at the very point where they divide the sources of the Chaudière from the most western waters of the Penobscot. That these same highlands continued from thence running south of the River St. John, in a north-east direction, as far as the western termination of the Bay des Chaleurs, appears to have been known at an early period.

We also find proofs in various concessions made by the Crown of France in ancient times, that all its grants made further to the north than the limits of the

Patent of De Monts, were placed within the jurisdiction of the castle of St. Lewis, at Quebec; from whence the inference may be fairly drawn, that the country north of the 46th parallel was considered at all times to be within the jurisdiction of Quebec. We shall quote a passage from one of these grants before we enter upon this branch of the subject in more detail:—

“Concessions de M. de la Barre, Gouverneur, de Canada, et M. de Menles, Intendant de la Nouvelle France, à Renes d'Amours, Sieur de Dignancourt de terres à la Rivière de St. Jean, près de Medoctet, du 20 Septembre, 1684.”

No. 4. The Fief of Meductit thus conceded lies north of the 46th parallel of north latitude, and the feoffee is bound in the grant to bear “foi et hommage à sa Majesté, au Chateau de St. Louis de Cette. Donné à Quebec, le 20 Septembre, 1684.”

No. 5. We shall proceed to show that the right of Massachusetts to go to the River St. Lawrence was denied by the British Government before the establishment of the southern boundary of the Province of Quebec by the Royal Proclamation of 1763, and that the question of the northern boundary of Massachusetts as respected the Sagadahoc territory continued unsettled after that period.

No. 6. The English title to any part of this country first began 1713, at the Peace of Utrecht, when France ceded Acadia according to its ancient limits, which extended only to the forty-sixth degree of north latitude; and the English title to the remaining part of the country accrued at the Peace of 1763 without the northern boundary of Massachusetts ever having been defined by any Act of the British Government from the earliest of those periods. We think it, therefore, manifest that the northern boundary of Massachusetts has always stood nearly in the same relation to the Charter of 1691 that her eastern boundary stands in to that of 1621. It has been stated that in the Charter of the colony of Massachusetts Bay, granted by William and Mary in 1691, the original grant of the colony of Massachusetts, lying east of New Hampshire, which had been vacated, was revived, and the Province of Maine, the Sagadahoc country, and Nova Scotia, were annexed to it.

No. 7. The Province of Maine had been granted by Charles the First on the 3rd of April 1639, to Sir Ferdinando Gorges. It consisted of an area comprehended between two lines, one extending from the coast by the Picataway River, 120 miles into the interior, and the other further east extending up the Kennebec River for the same distance. This area is marked out on many of the older maps, as well as on Mitchell's, and has its northern limit far to the south of the heights of land described by Pownall, hereafter to be mentioned.

No. 8. The colony of Massachusetts had acquired Maine by purchase in 1677, from Sir Ferdinando Gorges, and by the Charter of 1691 acquired a war-title to the country intervening between the Kennebec and the territories of Nova Scotia. This country, in the grant by Charles the Second to his brother the Duke of York in 1664, was bounded on the west by the Kennebec River, and so upwards by the shortest course to the River Canada northward. But the whole of this country was within the ancient limits of Acadia. The French had constructed a fort at the Kennebec, and at various points on the coast eastward from that river. These were subdued in 1654 by Major Sedgewick, under a Commission from Cromwell, who summoned the Sieur Charles de St. Etienne to surrender all that part of the country; and the summons being obeyed, he took possession of the French ports of Pentagoet (Penobscot), St. Jean, and Port Royal. On the 9th of August, 1656, Cromwell granted the country under the Great Seal of England to the same St. Etienne, Thomas Temple, and to William Crowne, under the designation of “the country and territory called Acadia, and a part of the country, called Nova Scotia;” and in the same year Temple was sent out as Governor. Subsequently in 1664 Charles II. granted the territory to the Duke of York, and annexed to the grant the coun-

try west of the St. Croix, as far as the Kennebec. But in 1667 the whole country was, by the 10th Article of the Treaty of Bréda, restored to France under the designation of "Le pays appelé l'Acadie, situé dans l'Amérique Septentrionale, dont le Roi très-chrétien a autrefois joui."

No. 9. But the Royal Charter of 1691, even if it had been annulled in relation to Sagadahoc by the Treaty of Ryswick, furnishes no ground for a claim on the part of Massachusetts to go to the St. Lawrence. The words of the Charter are simply:—"Those lands and hereditaments lying and extending between the said country or territory of Nova Scotia, and the said river of Sagadahoc." The furthest point, therefore, to which this north-western corner of Sagadahoc can be claimed is the source of the river, which being the Kennebec River, is the point passed by the highlands of the Treaty of 1783, in north latitude  $46^{\circ}$  or nearly so. This Charter, then, gives no title beyond the head of that river. Indeed the pretence to go from thence to the St. Lawrence has been altogether discountenanced by intelligent Americans, who had carefully studied the subject both before and after their independence.

No. 10. Now it is obvious that this opinion is founded entirely upon the hypothesis that the country in question had never been restored to France by any Treaty, whereas we have seen that it had been twice restored, in 1667 and in 1697. But this opinion of the law officers did not sanction at all the right of Massachusetts to go to the St. Lawrence,—a right, as we have before seen, which was not granted by the Charter of 1691. The opinion is purely applied to the terms of the Charter of 1791, and not to those of the grant of 1664 to the Duke of York, and runs thus:—

Upon considering the said case and questions, and the evidence laid before us, and what was alleged on all sides, it appears to us, that all the said tract of land lying between the Rivers Kennebec and St. Croix is, among other things, granted by the said Charter, to the inhabitants of the said Provinces, &c.

No inference can be drawn from this, that they meant to sanction the right of Massachusetts to go to the St. Lawrence, although it is insinuated by the American statement.

No. 11. It may therefore be safely asserted, that no act of the British Government, in relation to the annexation of the Sagadahoc territory to the colony of Massachusetts Bay, gave that colony a title to any part of it beyond the description contained in the Charter of William and Mary (1691), viz.:—

"All those lands and hereditaments lying and extending between the said country or territory of Nova Scotia, and the said River of Sagadahoc;" which being construed as far as the sources of the Kennebec River, coincides with the most southerly source of the River Chaudière.

No. 12. From the earliest periods, it had been known to the French and English settlers in that part of North America, that a great axis of elevation or height of land, which had its origin in the English colonies, passed to the north-east, throwing down from one flank at about  $45^{\circ}$  north latitude, the head waters of the Connecticut River, which empties itself to the south into that channel of the Atlantic Ocean which separates Long Island from the continent; and from the other flank, the head-waters of the St. Francis River, which empties itself in a north-westerly direction into the River St. Lawrence. Further to the north-east, the head-waters to the Kennebec, and the most western sources of the Penobscot, take their rise in the same height of land. These two rivers discharge themselves into the Atlantic Ocean, whilst the Chaudière River, the sources of which almost interlock with those of the two last-named rivers, empties itself into the St. Lawrence, nearly opposite to Quebec. Equally close to the sources of the Chaudière and the Penobscot, and in about forty-six degrees of north latitude, the south-west branches

of the St. John are derived from the same height of land. This river, after running for about 160 miles in a north-easterly course, nearly parallel to the same axis of elevation in which it takes its rise, turns to the south-east, and at the Great Falls of the St. John in north latitude  $47^{\circ} 2' 39''$ , passes through the same axis, and proceeds to discharge itself into the Bay of Fundy. It is further of importance to observe, that the trail or path of the Indian nations between the Atlantic Ocean and the River St. Lawrence, lay across that height of land from the earliest times; and that Quebec, which is situated on that part of the St. Lawrence, where the river suddenly contrasts in breadth, and which receives its name from the Indian word Kebec, signifying narrow, appears to have been a place of resort for the Indians, long before the white men visited the country.

From Quebec, the Indians were wont to pass up the Chaudière in their bark canoes, carrying them across the Portages, and over the height of land to the waters of the Penobscot, and continuing down which to near the forty-fifth degree of north latitude, they then turned up one of its eastern branches, called Passadumkeay, whence, making a small portage of about two miles, they got into the westernmost waters of the St. Croix, and so reached the Bay of Fundy; performing the whole distance of about 275 miles by water, with the exception of perhaps twelve miles of portage, over which, according to the custom still in use by the North American Indians, they carried their light birch-bark canoes.

No. 13. Can there then be a doubt amongst intelligent men, that the highlands mentioned in the Royal Proclamation are the identical highlands, or height of land, described in the Extracts from Pownall's work? or that the two classes of rivers, spoken of as being divided by those highlands (one class falling into the St. Lawrence, and the other into the sea) are on the one hand, the St. Francis and the Chaudière of Pownall, the only rivers which there empty themselves into the St. Lawrence; and, on the other hand, the Connecticut, the Kennebec, and the Penobscot, the only rivers which from thence fall into the Atlantic Ocean? the Connecticut rising, as Pownall states, "in  $45^{\circ} 10'$ , at the height of land between Kennebaeg and Chaudière," and the Kennebec and Penobscot having their heads, as he also states, in the same height of land.

No. 14. It is not true then, as has heretofore been stated, that the Royal Proclamation of 1763, is silent as to that part of the country intervening between the highlands, where they confusedly divide the St. Francis and the Chaudière from the Connecticut, the Kennebec, and the Penobscot, and the further continuation of those highlands, in the direction of the Bay of Chaleurs; for it distinctly speaks of the highlands as dividing the rivers that empty themselves into the St. Lawrence from those which fall into the sea; and we have not shown that the Penobscot, which is admitted to fall into the sea, actually extends nearly across the whole southern front of the disputed territory, having its most eastern source distant more than one hundred miles from its most western source, and the whole of its branches being thrown down by highlands, which we shall hereafter show to be a continuation of the highlands which divide it from the Chaudière.

No. 15. The Proclamation of 1763 states also, that the line of boundary of the Government of Quebec, is to pass along the "north coast of the Bay des Chaleurs;" it does not state, as has been erroneously asserted, that the line passes along the highlands, which are on the north coast, so as to place the whole of that part of the country, down to the water's edge of the bay, within the jurisdiction of Quebec. And it is a fact, which will hereafter be shown, that the highlands do extend from the eastern sources of the Penobscot, to the Bay of Chaleurs, forming a perfect continuity of highlands from that bay to the heads of the Chaudière.

No. 16. The propriety of including all the settlements accustomed to be governed by French law, and professing, as the Canadians of those settlements did, the Roman



Catholic religion, was manifestly one of the motives for extending the jurisdiction of Quebec, wherever the settlements were French. This is evident, both from the language of the Proclamation of 1763, where the boundary line is directed to go "also along the north coast of the Bay of Chaleurs," because various fishing settlements were there; and from the recital of the same boundary in the Act 14, Geo. III., 1774, commonly called the Quebec Act, where the southern boundary is thus described:—"All the territories, islands, and countries, in North America, belonging to the Crown of Great Britain, bounded on the south by a line from the Bay of Chaleurs, along the highlands which divide the rivers that empty themselves into the St. Lawrence, from those which fall into the sea, to a point forty-five degrees of northern latitude, on the eastern bank of the River Connecticut."

On a review of the preceding pages, it will be seen that we have shown:—

1st. That the colony of Massachusetts Bay acquired at no time any title to lands lying north of the ancient limits of Acadia, which extended only to the forty-sixth degree of north latitude.

2nd. That the height of land described by Evans and Pownall in 1755, extended to the eastern branches of the Penobscot.

3rd. That the description of the southern boundary of the Province of Quebec, in the Royal Proclamation of 1763, was derived from the information published by Evans, the highlands there spoken of being identical with the height of land laid down in Evans' map.

4th. That the boundary description contained in the Commission of Governor Wilmot, and other Governors; in the Quebec Act of 1774; in the Resolutions of the Congress in the Secret Journals; in the Royal Proclamation of 1763; and in the Treaty of 1783, are well identical with each other; and—

Lastly. That this was admitted to be so by the State of Massachusetts, by their public acts in 1792, and by their published maps in 1816.

It has before been shown by the Royal Proclamation of 1763, as by the subsequent Act of the 14th Geo. III., 1774, that the southern boundary of the colony of Quebec, was a line running from near the sources of the River Chaudière to the Bay of Chaleurs; the due north line, then mentioned in the three Commissions just alluded to, being directed to stop at the southern boundary of the colony of Quebec, in like manner as, by the 2nd Article of the Treaty of 1783, it is enjoined to stop at the highlands. It appears, therefore, manifest, that the southern boundary and the highlands are identical; and we think it equally so.

No. 17. Submitting the reasonableness of our conclusions, most carefully made from one step of deduction to another, we desire to contrast them with the very irrational and intolerable inconsistencies that obtrude themselves, when considering the results that present themselves in a contrary sense.

#### *Physical Geography of the Country.*

No. 18. There is no part of the surface of the Globe where the tendency of the rock strata to run north-easterly and south-westerly in parallel ridges is more strongly marked than in North America.

No. 19. By reference to the map, it will be seen that the southern edge of this section of elevated land, thus described, runs north easterly, from about  $43^{\circ} 20'$  to  $46^{\circ}$  north latitude; and that if it were further protracted easterly, it would continue along that elevated part of the country, where we, in the map, place the axis of maximum elevation of the whole country, to the Bay of Chaleurs.

No. 20. The other two ridges being, one of them the line of highlands overlooking the St. Lawrence, and claimed by the Americans to be the highlands of the Treaty of 1783, and the other the only line of highlands which manifestly fulfils the

intentions of the treaty, and the character of which we shall now examine more in detail.

No. 21. These two ridges, as will be apparent from an examination of the map, are the main branches of a common stem which runs between the River Hudson of the State of New York and the Connecticut River, and which divides into two branches on reaching the forty-fourth degree of north latitude.

No. 22. The southern branch (*vide* map A), holding its course north-easterly, throws down from its south-east flank the head streams of the Connecticut River, those of the Androscoggin, and those of the Dead River (a branch of the Kennebec River), a little to the north of the forty-fifth degree of north latitude; whilst on the opposite, or north-west flank, the most southern head streams of the Chaudière River take their rise. Continuing its north-easterly course, it separates the Du Loup, another branch of the Chaudière, from the most western course of the Penobscot River, which discharges itself into the Atlantic Ocean. This ridge is the one which Pownall describes, and which the Royal Proclamation of 1763 fixes as the southern boundary of the government of Quebec, viz:—

“The said line, crossing the River St. Lawrence and the Lake Champlain in forty-five degrees of north latitude, passes along the highlands which divide the rivers that empty themselves into the said River St. Lawrence from those which fall into the sea.”

No. 23. Having separated the Du Loup from the western sources of the Penobscot, the ridge now tends more to the eastward, but always in a bold continuous manner, until it reaches west longitude  $69^{\circ} 40'$ , when the peaks become separated occasionally by wide gaps, the portions connecting the peaks being nevertheless very elevated. As it passes further to the east its continuity becomes more interrupted; it assumes a character of much less elevation than it maintains west of seventy degrees of west longitude, so that when it reaches  $68^{\circ} 32'$  west longitude, it takes a subordinate character, although it still continues to form a part of the axis of maximum elevation. Thence, passing north-easterly, and intersected at times by the Roostuc River, west of the tributary stream called St. Croix, this ridge throws down the eastern branches of Penobscot to the south, and keeping its course by a well-defined elevation south of the Roostuc, it strikes the valley of the River St. John, nearly opposite to the mouth of the Tobique River. From that point eastward the country again rises rapidly in elevation, and presents the same character in a continuous elevated range, interrupted only by a few slight depressions, until it approaches the shores of the Bay of Chaleurs.

No. 24. The section of elevations which we have placed on the left margin of the map, taken between the extreme points, viz., the Bay of Chaleurs and the sources of the St. John, with the barometrical height in English feet, will give a just view of the elevation of the country along the whole line. We have not been able, for want of room, to place upon this section all the barometrical elevations we have taken betwixt the River St. John and the Bay of Chaleurs, neither do all the elevations taken by us appear on the map, the scale upon which it is projected not admitting of their being all placed on their respective localities. That part of the section nearest to the Bay of Chaleurs only represents the height of the land on the northern face of that portion of the axis of maximum elevation which runs between the points above spoken of. A line running westerly from Bathurst and a little to the south of Middle River, gives a series of elevations in English feet above the sea, from east to west, as far as Nictor Lake, where the line joins the series of elevations of the northern face as follows:—236, 278, 550, 714, 815, 779, 802, 873, 1,049, 1,078, 850, 1,367, 1,934, 1,261, 819, 1845, 2,110, 1,583, 1,846, 2,110. The distance upon which these elevations are distributed is about fifty-six miles. A few of these were taken down upon conspicuous peaks, but the intervals between them are

continuously of a lofty character. The general aspect of the whole line corresponds with its height, and is mountainous. The Mepisiquit River, which flows to the east, and which empties itself into the Bay of Chaleurs at Bathurst, takes its rise, together with its northern branches, in this chain, as likewise does the Upsalquitch, which flows to the north to join the Restigouche. From Nictor Lake the axis continues to the River St. John in a south-westerly direction, trending between the Tobique River and the Salmon River in a bold continuous ridge, varying from 750 to 1,000 feet. On the west side of the St. John it re-appears on the south bank of the Roostuc, near the falls of this river, where it has an elevation of 710 feet. From thence the section, with the heights expressed in English feet, exhibits the elevation of the country to the sources of the St. John. We have not continued it any further to the south-west, as the ridge from thence preserves a continuous lofty character to the head-waters of the Connecticut River, with an average height of about 2,000 feet. We thought it unnecessary to extend the section to so great a distance, nor could we have done it conveniently upon the proper scale.

No. 25. We therefore present this axis of maximum elevation of the whole country as the true highlands intended by the 2nd article of the Treaty of 1783, uniting to the character of highlands, as contra-distinguished from lowlands, the condition required by the Treaty of dividing the "rivers that empty themselves into the St. Lawrence from those which flow into the Atlantic Ocean to the north-western-most head of the Connecticut River." It will be seen hereafter that this is the only part of the disputed territory where highlands of a similar character are to be found.

No. 26. By reference to the map A, Your Lordship will observe than no chain or ridge is found extending from the most southern source of the Ouelle to the eastern-most sources of the Metjarmette, yet it is along a line extending between those two points that the American surveyor protracted his fictitious hills. As the verification or disproof of this ridge was a matter of vital importance in the controversy about the boundary, we were very careful to examine that part of the country, in order that our report might effectually dispose of the matter one way or the other, consistently with the truth. We therefore, after a careful examination of all that part of the country between the mouth of the Mittaywawquam, where that river joins the River St. John and the eastern sources of the Etchemin River, unhesitatingly declare that the ridge inserted in the American map is entirely fictitious, and that there is no foundation in the natural appearance of the country for such an invention. Had anything of the kind been there, we must unavoidably have seen it, and have crossed it on our way from the mouth of the Mittaywawquam to Lake Etchemin, the source of that fictitious ridge, as represented in the American map, lying six or seven miles east of the sources of the Mittaywawquam, and about ten miles east of Lake Etchemin. And it is singular enough that precisely at the point where the pretended ridge crosses the Mittaywawquam, and for many miles around, the country is a long flat swamp, the streams issuing from which have such a sluggish course that there is scarcely a perceptible current, or one sufficiently established to give visible motion to a feather. Over no part of the country which we traversed from the St. John to Lake Etchemin does the elevation exceed fifty feet, nor is there any visible elevation at any point of the course. It is only west of Lake Etchemin that the highlands claimed by the Americans as the highlands of the Treaty of 1783 are found. These are visible from a distance of several miles, and are a portion of the highlands which we have spoken of at p. 41 as the northern branch.

No. 27. EXTRACT of the Compendium of the Argument of the Honorable Ward Chipman, Agent of Her Britannic Majesty, before the Commissioners under the 5th Article of the Treaty of Ghent in 1821.

Under the provisions of the 5th Article of the said Treaty of Ghent, to ascertain and determine the north-west angle of Nova Scotia, and the north-westernmost head of the Connecticut River, in conformity with the provisions of the Treaty of 1783, it is set forth that the British claim places the north-west angle of Nova Scotia at or near Mars Hill, a point on the said north line distant about forty miles from the source of the St. Croix, and thirty-seven miles south of the River St. John.

That the first line of the angle being a due north line, the angle is formed by a line running from the north-westernmost head of the Connecticut River, the second point in the boundary, along the well-known height of land in that quarter in such a manner as to leave the whole of the Androscoggin, Kennebec, and Penobscot falling into the Atlantic Ocean within the United States, and the Chaudière and Du Loup emptying into the St. Lawrence within Her Majesty's territories until it meets the due north line at or near Mars Hill, which is the first highlands intersected by the due north line.

That this line of boundary along the highlands dividing those rivers fully satisfies the words of the Treaty, and corresponds with its obvious spirit and intention, and moreover accords with the description of the southern boundary of Quebec originally designated in the Proclamation of 1763, afterwards the Act of Parliament of 1774.

On board the "Ringdove," October 26, 1839.

No. 28. Mr. Featherstonhaugh presents his compliments to Mr. Bouchette, and thanks him for the sketch of the Metis county, which he received.

Mr. Featherstonhaugh hopes that it will be convenient for Mr. Bouchette to transmit to him at an early day the other sketches promised by Mr. Bouchette, to wit.: the point of bifurcation of that chain which comes up through the State of Vermont, and as exact a delineation as Mr. Bouchette can give of the separate continuity of each subordinate chain, the northern one, which passes by Lake Etchemin, and runs parallel with the St. Lawrence (with notes of the locality of the separate peaks, and of the extent of places which separate them), and the other, which tends north-easterly from the heads of the Connecticut to those of the Chaudière.

Mr. Featherstonhaugh is also very desirous of having a copy of Mr. Bouchette's map of the heads of the south-west branch of the St. Johns, and the most westerly branch of the Penobscot, with the waters of the Mittaywawquam, or Daaquam, as it is sometimes called. Mr. Featherstonhaugh possesses the original field-notes of that reconnaissance made by directions of Lord Dalhousie. If Mr. Bouchette has visited that part of the country a second time, any corrections will probably be noted. Mr. Featherstonhaugh will be happy to receive any information from Mr. Bouchette connected with the object alluded to in this note, and requests the map and information may be addressed to him at Sir John Harvey's, Fredericton, New Brunswick, and forwarded from Quebec not later than November 4.

(B.)

To Joseph Bouchette, Esquire, His Majesty's Surveyor General of Lower Canada, &c. &c.

Sir,—That branch of the public service to explore the country between the head

of the Metgermette River and the point of Mr. Weir's departure having devolved on me, conformably to the 5th Article of the Instructions of His Excellency the Governor in Chief, dated the 8th March last, conveyed by the Honorable A. W. Cochran, Esquire, Civil Secretary, a copy of which is annexed to yours of the 10th, for my better guidance.

In pursuance thereto I proceeded to the mouth of the River Metgermette, discharging into the River du Loup, which falls into the Chaudière, latitude by observation  $46^{\circ} 0' 36''$ , and thence did trace up this river and its branches to their sources.

The north-west branch, after traversing a very flat country, is finally lost at its source in a cedar tamarack and spruce swamp, whence, from the tops of trees can be discovered, with the exception of some hills on the south-east and south, between two and three miles distance, the same features of country.

The main branch, until it reaches the Metgermette Hills at about eleven miles from its mouth, generally preserves the same character of country as its north-westerly branch. Here I diverged northward to the summits of the hills, which extend parallel with the general course of the river, and from position A observed the bold mountain in a southern direction, as likewise the whole space of country south-eastward, lying at the base of several conspicuous heights or peaks, which I have since ascertained to be the Guespempisitook Mountains, and on the east also a few very distant headlands of great height, bearing in Mars Hill direction (see sketch No. 1.)

I then ascended to position B on the north side of the mountain, and then observed the whole space of country from N.N.E. half to W.N.W. in a distance of upwards of fifty miles; the conspicuous objects are the great mountains A, B, C, D, the distance and heights of which I ascertained with the utmost care; the mountain A, situated at the sources of the Rivers DuSud and Etchemin, appears to have considerable heights near it—whereas B, C, and D, are unconnected with any ridge or mountains whatsoever, unless a few hills of inferior height between B and C. There I found I was 800 to 900 feet above the level of a lake, which was subsequently ascertained to be the waters of River Lafamine, bearing N.  $2^{\circ} 20'$  E.  $16\frac{1}{2}$  miles distance, lying in a vast plain of level country, stretching from the base of the Metgermette Hills to four or five miles north of the lake, and but few patches of hard woodland diversify the general sameness in the appearance of the timber—for spruce, cedar, tamarack, and balsam, seem to be the prevailing quality in this low tract of country. After this survey I returned to the Metgermette.

This river takes its sources in two lakes, the westerly one, by much the greater, is over three-fourths of a mile long, and of very irregular figure. No features about it denote a mountainous country, although there is a broken and rugged appearance in the dwarf hills that lie in the north-easterly part of it. The inlet of this lake takes its source in the same valley with the Penobscot waters formed by these hills and Moose Mountains. The height of land C is however observable between the Metgermette lakes and two small lakes at the head of the west branch of Penobscot River, which runs to the south and south-east. The principal elevation about the head of these rivers is Moose Mountain D, which lies between the east and west branches of Penobscot River. From it I observed the great mountains A, B, C, D, and likewise the same low flat country I had seen from Metgermette.

The inlet to the lake of the east branch, which lies at the base of Moose Mountain, takes its source to the north-west of it in a spruce and cedar swamp, and the same description of country as at the source of the north-west branch of Metgermette. Following the height of land on the north-east of the lake, a mountain (E G) of nearly equal elevation with Moose Mountain, running east-north-easterly, divides the Penobscot waters from those of the River St. John, which rises in a

small lake of about two-and-a-half miles circumference; its inlet, coming from the west, takes its source in the same spruce and cedar swamp with the Penobscot.

The land on the east, south, and south-east of Lake St. John is mountainous; the mountains F G appear to take a general direction east-north-easterly. To the west and south-west an extensive level tract lies open to view the Metgermette Hills; on the north-west and north a cedar and tamarack swamp (savanne) extends from the margin of the lake a considerable distance, until it reaches a swell of hard woodland (or coteau), which runs parallel with and at about a mile from the River St. John, as does also a coteau on the north-east side, but of a bolder aspect than the former.

I would beg leave here to make an observation relative to the copy of a plan of the Commissioners of the boundary line, accompanying your Instructions for my guidance. In every respect I have found it to differ with the actual locality of the country it would represent, and deviates so widely in respect to the situation, manner and distance at which I expected to find the River St. John, that without the great research I made to ascertain whether these were the waters, I must have been led into serious error, detrimental to the public service.

Having found no lands in these parts which divide the waters falling into the River St. John from those flowing into the River St. Lawrence that can fairly be designated highlands, as those I had hitherto followed is the chain of mountains lying at the head of the Penobscot waters, and dividing them from the waters flowing into the St. Lawrence on the west and on the north-east from the head or source of the main River St. John, I reached the lake or head-waters of a branch of the St. Johns, where this fact is further confirmed.

It is about a mile long by one-third wide, and around it are to be seen six or seven detached hills, the highest of which (O) lies on the eastern bank of the River St. John, while the northern extremity of the coteau before mentioned is observed at upwards of two miles to the south-east.

One prevailing feature of low level country, commonly called "Savanne" or "Tamarack" plains, characterizes the land in its vicinity which it bears out to Lake Lafamine, the head-waters of a branch of the south-east arm of that river, which falls into the Chaudière. The hunters have cut a very good portage road through the swamp between the two lakes, the distance being but five hundred and fifty yards.

On the north and north-east side of the lake the land is low and swampy, while on the south and south-east the hill approaches its borders to the eastward; the chain of hills (O) on the eastern bank of the River St. John is distinctly observed stretching north-easterly.

There are still no highlands and fewer hills at the source of another branch of the St. John, which I traced up from the main river into a cedar, spruce, and tamarack swamp, where it is finally lost. At half a mile northward of the source a rising ground, of about 80 to 100 feet, affords a view of the whole expanse of country for several miles round, which is low and swampy, and slopes to the west and north-west.

In this distance can be seen southward the Metgermette Hills, on the west the settlements on the western bank of the Chaudière, and northward the mountains along the north-east outline of the township of Ware. From this elevation I penetrated into the interior in search of the opposite waters, but travelled in various directions for several miles to no other effect than to convince me, beyond a question of doubt, that there are no highlands dividing the waters of the St. Johns from those flowing into the St. Lawrence, but on the reverse, a vast extent of low, flat country, which spreads its characteristic feature to the main River St. Johns, and

into which its tributary streams take their source, as do the waters of the River Lafamine or St. Lawrence.

The River Wawetemmantetook reaches its source after traversing from its mouth in the River St. Johns several of these extensive plains or savannas, wherein it generally spreads into shallow ponds. On approaching its source the stream divides into two brooks, the one taking a direction to the north-east of a rising ground into one of these plains of several miles extent, and the other north-westerly into a small lake or pond, which forms its source. On the west a rising ground of 70 to 80 feet in height, divides the St. Johns waters from a small brook, the waters of the River Lafamine running south-westerly. Further to the westward, in a tamarack plain, are two small lakes the source of waters of the River Daaquam, a great arm of the River St. John, from which, at about three-quarters of a mile south, in the same plain or swamp, lies the fore-mentioned branch of the River Lafamine.

Here there are two considerable branches of the River St. John divided from a branch of the north-east arm of the River Lafamine by a few swells of hard woodland, not one hundred feet above the surrounding country, from which I discovered the extensive flat land observed from Metgermette.

The middle branch of the River Daaquam takes likewise its source in low tamarack and cedar swamps, with the source of a branch of the River Lafamine, which itself lies in a valley formed by the mountains along the Standon and Ware lines, and the mountain in the seventh mile of the road marked in the field by Mr. Ware, D.P.S., in 1825. The north-easterly branch of the River Daaquam crosses that road line, and heads among the mountains at the north angle of Ware.

From a conspicuous elevation at the angle K, in the seventh mile of the road, latitude, by observation,  $46^{\circ} 25' 28''$ , I observed a range of very high mountains, bearing between south by east to east south-east, distant forty and fifty miles, the height of which I determined trigonometrically; the Bald Mountains, forty-eight miles distant, are very distinguishable, and likewise the Metgermette Hills and Moose Mountains to the eastward. A very remarkable mountain, Y, bears S.  $48^{\circ} 50' E.$ , distant about  $42\frac{1}{2}$  miles, and corresponds with Quacungamook Mountain, as likewise does another mountain, Z, bearing S.  $66^{\circ} E.$ , about fifty miles with Banjahquahen Mountain, which was observed from Moose Mountain.

This ridge is higher by some hundred feet than the mountains A, B, C, D, observed from Metgermette, and from which the lands receding northward diminish in height in manner of parallel lays of country, which I imagine form the beds of the great branches of the River St. John. Having reached the point of Mr. Ware's departure, and thus accomplished the nature and substance of my instructions, I determined on taking the Daaquam in my route homeward, and ascend the largest branch I might meet nearest its estuary into the River St. John, which I supposed might correspond with the River Eseganetsogook.

Omitting particulars which my journal contains, I will only notice such parts as particularly attracted my attention in the course of my route, which was generally north-north-westerly.

At lake Eseganetsogook I recognised the Mountain C, D, observed from Metgermette, forming the bed of the inlet to the lake, which is here a wide stream. From the heights the great mountain B, is seen bearing N.N.W., about 800 feet above the adjacent country. To the eastward it is connected with a ridge of very inferior heights, extending about three or four miles east-north-easterly, to the northward of which runs the River Eseganetsogook, coming from the W.S.W., thereby nearly enclosing the principal heights or headlands in all this portion of country.

After passing to the northward of the river, the land rises into gentle swells, and becomes, to the northward of the small branch of that river, quite level, into which

some of the waters of the St. Johns take their source. From an eminence between the river and its branch I observed the mountain B, bearing S.S.E., 500 feet above the level of the surrounding country. I did not perceive any material ascent from thence to this plain, which, I venture to say, is from 300 to 400 feet under the level of summit of mountain B.

Extensive savannas or tamarack and cedar swamps cover this plain to the border of a remarkable descent, from which is observed a rugged ridge of hills extending east-north-easterly, above which, however, is seen the Bay St. Paul, the Capes Tourment and Maillard, and the settlements on the north shore of the River St. Lawrence.

At the foot of this hill a stream or branch of River du Sud runs W.N.W., towards a chasm observed on the opposite hills. North of these the country resumes its level aspect for seven or eight miles, till after passing a small lake and branch running to the north-west, the lands become again rugged and broken, ascending for a while the height of land, from whence are observed the nearer settlements along the St. Lawrence, and the church of L'Islet bearing N.N.W. Thence the lands descend steeply by several ridges to the Bras St. Nicholas, on which are several great falls, one, in particular, I estimated at seventy or eighty feet, until it reaches the settlements in the level country at the base of the hills. Having reached the settlements of the Parish of L'Islet I returned to Quebec.

All which is most respectfully submitted, this 18th day of May, 1828.

(Signed,) JOSEPH BOUCHETTE,  
Junior, D.P.S.

(C.)

To Joseph Bouchette, Esquire, Surveyor General for the Province of Lower Canada, &c. &c.

Quebec, April 25, 1828.

Sir,—I have the honor to acknowledge the receipt of your letter of this day, desiring me to give my opinion, for the information of His Majesty's Government, on the copies of the plans of the British and American Commissioners, under the fifth Article of the Treaty of Ghent, as far as my knowledge of the country in general, and more particularly that part lately by me explored, may enable me to do so.

After mature and strict examination of these copies, I have the honour to inform you, that within the extent of my knowledge of the country, almost every one of the rivers seems to be laid down merely to show that such a river exists about such a place, but that there is not the least similarity whatever in their courses; and a number of branches of rivers, as well of those falling into the St. Lawrence as of those falling into the St. Johns River, are not laid down at all thereon.

I cannot conceive how it can be possible to form a judgment by such documents, as very few of the rivers seem to have been placed on these plans by actual surveys, but rather from information and from memory.

The mountains and hills, also, are there very differently represented from what they actually are: so that it is impossible, in doing anything by these plans, to avoid falling into the most serious errors.

I have, &c.

FREDERICK WYSS,  
Surveyor of Lands.



(D.)

Quebec, April 25, 1828.

Sir,—I have the honor to acknowledge the receipt of your letter of this day's date, referring me to copies of the plans of the British and American Surveyors, employed by the Commissioners, under the fifth Article of the Treaty of Ghent, to examine the said plans, and state to you, for the information of His Majesty's Government, whether any and what difference exists in the general features of the country, courses of rivers and their sources, by me recently explored.

I beg leave to state that I have, in conformity with your letter, carefully examined the plans of the said Commissioners in your office. The most palpable error in the American Commissioners' plan which came within my knowledge, is a chain of mountains which he represents as separating the waters of the St. Lawrence from those of the St. John, while, in point of fact, with the exception of a cluster of mountains, in which the River Etchemin and a branch of the Du Sud take their rise, together with an inferior ridge near the line between Standon and Ware the waters are not separated by mountains or high lands, but both take their rise in the same plain. As regards the courses of rivers and their sources, the most conspicuous error that I discovered, and which relates to the British as well as to the American Commissioners' plan, is, that the whole course of the rivers Du Sud and Etchemin are so inaccurately laid down as to bear no resemblance to the truth.

I have, &amp;c.,

W. WARE, D.P.S.

Joseph Bouchette, Esquire,  
Surveyor General, Quebec.

No. 29. EXTRACT from the Report of Geological Survey of Canada for the year 1844, by W. E. Logan, Esquire, Provincial Geologist.

All these heights given between the two extreme summits are the links of a chain standing on the north side of the longitudinal valleys which have been mentioned, and while they constitute the most elevated serrated ridge, none of them are much more than a mile from the northern base of the whole belt. The five miles which compose the remainder of its breadth present summits of more moderate height, and one of the most elevated of these which stand conspicuously protruded into the gorge on its east side, and was named the South Mountain, we found to be 2,413 feet. The whole of these, as well as the northern crest, are abrupt on the north side, and in general more sloping on the south, in the probable direction of the dip of the strata: and these, as indicated by the ridges have a strike which, in this part of the range, may be considered, E.N.E. and W.S.W., magnetic.

From the highest summit we visited, the panorama displayed was of the grandest description. In the northern half of the circle, the waters of the St. Lawrence, dotted with its ships and fishing boats, spread out to the right and to the left as far as the eye could reach.

On its northern shore, immediately in front, unaided vision could plainly distinguish the lighthouse of the Pointe des Monts some fifty miles off, from which the granite hills rising immediately behind it in the interior, gradually sunk below the horizon as they receded from us, following them down the expanding Gulf to a point where we thought we could discern the Island of Anticosta, one hundred miles away in the mist of the distance, while at our feet were arranged in parallel lines the ridges and valleys of the lower land between us and the river. To the eastward a confusion of mountains and ravines belonging to the Notre Dame range filled up several degrees of the circle; and one summit, which exhibited a patch of

snow, we supposed might be higher than the point we stood upon. Many of the peaks were bare, and as they retired one behind another, and occupied a smaller angle in the perspective, it became difficult to distinguish those of the Notre Dame from such as appertained to other ranges. Turning southward, a sea of parallel undulating ridges occupied the picture, the more distant of which we conceived might present a table land, with a few marked points rising in cones and domes; and through one gap, which probably was the valley of some south-flowing river, we distinguished a faint blue horizontal line, which we fancied might be in New Brunswick. Prominent points became still fewer, veering westward, until the horizon was again interrupted in that direction by a well defined outline of a not very distant part of the range from which we looked.

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No. 31. EXTRACTS from the Report of Alexander Murray, Esquire, Assistant Provincial Geologist, addressed to W. E. Logan, Esquire, Provincial Geologist, 1845.

On the west side of the Great Cascapedia the unconformable conglomerate again makes its appearance. It is seen in a conspicuous hill, in which the strata gradually rise from Indian Point, attaining an elevation of 378 feet on Mr. M'Kay's land. It composes not only the hill, but the flat valley beyond, which holds a very thriving settlement upon it, much incommoded by the want of road, and comes out on the river higher up. From Indian Point its stretch up the river may be four miles, and reaching the base of the mountains which present a flank running for the peak of Tracadigash, it skirts the bay up to the dividing line between the townships of Maria and Carlton, with the breadth of a mile and upwards, though it is not seen on the coast, being there covered over from Indian Point with the tertiary deposit,

No. 32. Judging from the journeys made across the Gaspé and Bonaventure peninsula by the Chat and Cascapedia, and back again by the Metapedia, the mountain flank alluded to, which continues up the bay as far as my examination extended, is the southern boundary of what may be considered a table-land extending across to the St. Lawrence, on which the mountains of Notre Dame are a conspicuous range of highlands, while the river courses are deep and narrow excavations cut out of the block. That part of the flank which reaches from the Cascapedia to the peak of Tracadigash, appears to be composed of a coarse silicious conglomerate standing in a vertical attitude, and to run south-west in the strike of the measures, which present several remarkable precipices. But between it and the upper or flat calcareous conglomerate in front, there stand a few successive isolated trap hills with conical summits, occasionally half resting on the flank, and the breadth these occupy indicates that the trap range, with which they are connected, is of some importance.

No. 33. From Tracadigash Peak the border of the table-land changes its direction, running parallel with the coast a little to the north of west, and makes a partial section obliquely across the measures, exhibiting in succession dark-coloured slates, several masses of trap, and finally a great calcareous deposit, which seems to run inland to the north of the silicious conglomerate. It is probable, however, that the strike and the mountain flank again coincide further on, for there is trap at the root of it associated with limestone beds at Nouvelle Bridge, five miles up from its mouth; and, finally, trap comes upon the Restigouche on the land of Mr. John Adams, at the junction of the Little River with the main stream, from which stream it is separated between the Scaumeac and the Little River, by a margin of silicious conglomerate very like that of Tracadigash, seen in vertical or highly-tilted south-dipping strata below Mungo's Brook, at Point La Garde and at Point Bordeau.

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No. 34. EXTRACT from the Report of Alexander Murray, Esquire, Assistant Provincial Geologist, addressed to W. E. Logan, Esquire, Provincial Geologist, 1846.

The Matan River falls into the St. Lawrence in latitude  $48^{\circ} 51'$  N., longitude,  $67^{\circ} 33'$  W., according to Captain Bayfield's chart, about 60 miles below Bic Island, and 35 miles above Cape Chat.

Taking its rise in the country to the North of the Notre Dame Mountains, where the uppermost of the three lakes is situated, the main Branch of the Matan flows south, cutting a deep gorge through the range, which is occupied by part of the middle and the whole of the lower lakes, with their connecting stream. It then runs westerly, between the southern base of the mountains and an escarpment of limestone, to the Trout River branch, which discharges into it a large body of water. Thence sweeping around the western extremity of the range, nearly opposite to the Tawagadee branch, it afterwards pursues a northerly course to the junction with the St. Lawrence. With its tributaries, the river probably drains an area of country extending over about 800 square miles.

No. 35 One of the most remarkable features of the Gaspé peninsula is the chain of the Notre Dame Mountains. Its western extremity comes to within two miles of the eastern bank of the Matan, bearing from the mouth of that river S.  $25^{\circ}$  E., at a distance in a straight line of about  $21\frac{1}{2}$  miles. Its breadth does not here exceed two miles, while the summit heights are on an average about 2,000 feet above the level of the sea. The mountain range runs nearly due East and West magnetic, and it increases between the Matan and Ste. Anne in width and elevation, advancing eastward. At the Lakes of Matan it occupies a width of four miles, and the highest summits are about 2,700 feet, while at the Chat, where this river intersects the range at the Old Man and South Mountains, as ascertained the previous season, there is a breadth of six miles, the most elevated peaks rising to upwards of 3,500 feet. From this until striking the Ste. Anne the highest summits on the northern crest maintain a pretty uniform elevation, and still bear directly east; but beyond that point the range appears to split, and after the valley of the river takes its upward turn South of East, the highest summits on its south side recede from it three or four miles, while a range commencing on the north makes rather to the North of East for the lake at the head of Marten River, and appears to run ultimately to Mont Louis on the coast.

No. 36. From the highest point on the south-western extreme we had a commanding prospect of nearly the whole western range of the mountains, among which the lofty summits of Flag-staff Peak and Mount Bayfield, were distinctly recognizable. The valleys of the upper branches of the Chat and Cascapedia lay to the west and south of us: and while many of the mountains of Gaspé and Bonaventure were presented to us on the south-east, the panorama was bounded on the north-east by the range separating the waters of the Ste. Anne and Magdalen. From the north-eastern station, the same Ste. Anne and Magdalen mountains bounded our view eastward, and the same peaks in Gaspé and Bonaventure were seen south-east; many of the same mountains to the westward; but northward of west the St. Lawrence to its northern shore was spread out, and the valley of the Ste. Anne could be traced extensively, while immediately below us, we could here and there distinguish its rapid torrent rushing along among the rocky cliffs.

No. 37. The country generally to the north of the great mountain range consists of a series of ridges running parallel to it and to one another, which decrease in elevation as they advance to the westward, and as they approach the shores of the St. Lawrence. These ridges are entirely covered with a dense forest consisting of balsam, fir, spruce, white, black, and yellow birch-trees, white pine, and white cedar; maple, elm, ash, likewise occur, but are comparatively rare. Pine-trees of

good size, and many groves of fine spruce occur upon the hills, near the banks of the Ste. Anne and Chat, but on the main branch of the Matan such timber, although not altogether absent, is rare. This is the more to be regretted as it affords facilities for driving far superior to any other river on the south coast of this part of the St. Lawrence, being easily accessible to the highest of its lakes.

Except on the flats, and on the low lands near the shores, the soil appears to be of a very light description, and holds out but few inducements for agricultural improvement; on them the quality is frequently very favorable, and of this the settlements at Matan, Ste. Anne, and Cape Chat are examples. South of the mountain range, on the Matan, the size and the character of the forest growth indicate a better description of soil than on the north; and the country being less broken or mountainous than that to the eastward, might, were it less remotely situated, be cleared and cultivated. Hitherto it has been but rarely visited, except by Indians or hunters in pursuit of fish or furs. Game abounds through the whole of these forests, and the rivers are amply supplied during the summer season with fish and water-fowl. The Chat and Ste. Anne abound with the finest description of salmon and sea-trout; but since the erection of the saw-mill, being unable to get over the dam, they have entirely disappeared from the waters of the Matan, where they are said to have formerly been more numerous than in any other river on the coast.

#### *River Sections.*

No. 38. The rivers on the north coast of the peninsula, running for a considerable portion of their course, directly transverse to the general strike of the stratification, afford the best, if not the only means of obtaining exposed sections of the older rocks in the interior; the whole country, elsewhere, except on the summits of the highest mountains, being clothed with a dense forest; but as even on the rivers the exposures are but partial, their banks being frequently, for long distances, composed of drifted material or overgrown with shrubs and trees, it is a matter of the greatest difficulty to establish a regular order of super-position; and there is to be added to the perplexing embarrassment, resulting from the nature of the surface, the usual difficulty incident to a geological examination of a highly disturbed and altered region.

No. 39. The character of the range of the Notre Dame Mountains, from the Matan to Mount Albert on the St. Anne, exactly corresponds with the description given in last year's report of the mountains of the Chat. The color of the rocks is invariably more or less green, resembling the green of epidote. In some instances they are of a pale-yellowish green, striped or mottled over with red jaspery patches, and are very hard, compact, and silicious. At other times they are found of an olive-green color, as a fibrous splintery slate, and occasionally they possess a character allied to mica shist. Talc and steatite were sometimes observed among loose fragments on the surface. Wherever the inclination could be determined, it was invariably found to dip to the southward at a very high angle, or to be quite vertical.

EXTRACTS from the Geographical and Statistical Dictionary, by J. R. McCulloch, Esquire.

#### *Article, "Canada."*

No. 40. The aspect of the south shore of the estuary of St. Lawrence, between longitude  $69^{\circ} 30'$  and  $72^{\circ}$ , though bold and hilly, is not mountainous as on the opposite shore; and the hill ranges are interspersed with valleys and even plains of some extent, many of which, from the encouragement afforded, by the contiguous markets of the capital, have been brought into very tolerable cultivation. East of Kamouraska the country is diversified by more abrupt eminences, while population

and culture become more limited; and in the district of Gaspé, the mountains rise into two chains of considerable elevation, enclosing between them a lofty table-land or central valley. The most southerly of these chains bounds on its south side the valley of the Restigouche and the St. Johns Rivers. The upper part of the basin of the St. John forms a region at least 600 or 700 feet above the level of the sea, covered with forests, lakes, and rivers, and according to Mr. McGregor and other authorities, equal in point of fertility to any part of America; enclosed by mountain ranges on the north, south, and west, and divided into two nearly equal parts by the St. John River, running from west to east.

*Treaty of Amity, 1794.*

No. 41. By Thomas Barclay, David Howell, and Egbert Benson, Commissioners appointed in pursuance of the fifth Article of the Treaty of Amity, commerce and navigation between His Britannic Majesty and the United States of America, finally to decide the question, "What river was truly intended, under the name of the river St. Croix, mentioned in the Treaty of Peace between His Majesty and the United States of America, and forming a part of the boundary therein described."

*Declaration.*

No. 42. We, the said Commissioners, having been sworn "impartially to examine and decide the said question according to such evidence as should respectively be laid before us on the part of the British Government and of the United States," and having heard the evidence which hath been laid before us by the agent of His Majesty and the agent of the United States respectively appointed and authorized to manage the business on behalf of the respective Governments, have decided, and hereby do decide:—The river hereinafter particularly described and mentioned to be the river truly intended under the name of the river St. Croix in the said Treaty of Peace, and forming a part of the boundary therein described, that is to say,—the mouth of the said river is in Passamaquaddy Bay, at a point of land called Ive's Point, about one mile northward from the northern part of St. Andrew's Island, and in the latitude of  $45^{\circ} 5'$  and  $5''$  north, and in the longitude of  $67^{\circ} 12'$  and  $30''$  west, from the Royal Observatory at Greenwich in Great Britain, and  $3^{\circ} 50'$  and  $15''$  east from Howard College in the University of Cambridge, in the State of Massachusetts. And the course of the said river up from its source is northerly to a point of land called the Devil's Head, thence turning the said point, is westerly to where it divides into two streams, the one coming from the westward and the other from the northward, having the Indian name Chiputnatecook, or Chipnitcook, as the same may be variously spelt, then up the said stream, so coming from the northward to its source, which is at a stake near a yellow birch-tree, hooped with iron, marked "S. T. and J. H., 1797," by Samuel Titcomb and John Harris, the surveyors employed to survey the above-mentioned stream coming from the northward. And the said river is designated on the map hereunto annexed and hereby referred to as further descriptive of it by the letters A, B, C, D, E, F, G, H, I, K, and L, the letter A being at its said mouth, and the letter L being at its said source. And the course and distance of the said source from the island at the confluence of the above-mentioned two streams is as laid down on the said map, north  $5^{\circ}$  and about  $15'$  west by the magnet; about forty-eight miles and one quarter.

In testimony whereof we have hereunto set our hands and seals at Providence, in the State of Rhode Island, the 25th day of October, in the year 1798.

(Signed,)

THOS. BARCLAY, (L.S.)  
DAVID HOWELL, (L.S.)  
EGBERT BENSON, (L.S.)

Witness.

(Signed,)

ED. WINSLOW,

Secretary to the Commissioners.

A true Copy.

(Signed,)

ED. WINSLOW.

## No. 43.

GOVERNMENT HOUSE,

FREDERICTON, August 4, 1836.

Sir,—I have the honor to acknowledge the receipt of your letter of the 29th ultimo, reporting your arrival at Madawaska, by order of His Excellency the Earl of Gosford, for the purpose of examining the depredations reported by me as having been committed within the limits of the disputed territory.

That these depredations have been carried on to a very great extent, I have but too much reason to believe, and this I have no doubt you will find to be the case in the course of your investigation

To afford you early information on this subject, I have directed J. A. M'Lauchlan, Esquire, the warden of the disputed territory, to join you without delay: he is well acquainted with every step already taken in regard to the question under discussion, as well as the matter that I now wish particularly to be followed; and I trust that your united exertions will lead to the conviction of all the parties concerned in the crime of having daringly and lawlessly cut great quantities of timber on Crown Lands, whether in the jurisdiction of Canada or New Brunswick, of course equally culpable.

Great efforts will, I doubt not, be made by the parties accused to make it appear that a proportion of the said timber was cut on granted lands, but of that you will be able to satisfy yourselves by personal inspection on the spot.

I have, &amp;c.,

(Signed,) ARCH. CAMPBELL,  
Lieutenant Governor.

J. BOUCHETTE, Esquire,  
Deputy Surveyor General,  
&c.                      &c.                      &c.

## No. 44.

JOSEPH HERBERT'S, Wednesday, 7 o'clock, Evening.

Dear Sir,—I left the Great Falls this morning, in hopes with meeting you at the entrance of the Little Madawaska, or at Trout River; but I find from Captain Herbert, who has just come from the latter, that you had left for the upper part of the Lake Temisquata, and would not return here again within Sunday or Monday.

I received letters by the post to-day from the Governor, embracing instructions for both of us, and yours I now enclose. His Excellency will be at the Great Falls to-morrow evening, and I shall have to meet him. His stay there will probably be about a day, then he returns to Fredericton; and Sir John Caldwell and myself will be here on Sunday evening, or early on Monday morning.

I remain, &amp;c.,

JOHN McLAUHLAN,  
Agent for New Brunswick.

To JOSEPH BOUCHETTE, Esquire,  
Deputy Surveyor General,  
Agent on the part of Lower Canada.

## No. 19.

(No. 11.)

Copy of a despatch from Lieutenant Governor Sir Edmund Head, Baronet,  
to Earl Grey.

(Received April 2, 1850,—Answered June 27, 1850, No. 198.)

GOVERNMENT HOUSE,

Fredericton, March, 19, 1850.

My Lord,—Having received from Lord Elgin an extract from a Report made by a Committee of the Executive Council of Canada, approved by His Excellency the Governor General in Council, on the 23rd of July last, together with a copy of a Report from the Crown Land Department in Canada, relating to the disputed boundary of this Province, I took immediate steps for laying the same before my Executive Council.

The Governor General informs me that he intends to forward to your Lordship copies of the Minute and Report in question, and I therefore think it necessary to trouble your Lordship with a minute of the Executive Council of New Brunswick, of which a copy is enclosed.

The whole of the papers therefore relating to this long-pending dispute will now be in the hands of Her Majesty's Government. I will only add, that I myself fully concur in the view expressed in this last minute of my Council, and express my hope that the question may be speedily settled.

I have, &c.,

EDMUND HEAD.

The Right Honorable Earl GREY,  
&c. &c. &c.

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Enclosure in No. 19.

Read a Copy of an Extract from a Report of a Committee of the Executive Council of Canada, approved by His Excellency the Governor General in Council, February 23, 1850, reference being also had to the copies of the Report of J. H. Price, Esquire of the Crown Land Department of Canada, and to the Report of Her Majesty's Commissioners on the boundary between this Province and Canada, with the maps and documents appended.

*Resolved* on the part of the Executive Council of New Brunswick.—

1. With reference to the arguments in the Report of Mr. Price drawn from the old French maps, and from grants by the Crown of France previous to the Proclamation of 1763. It appears a sufficient answer to all such arguments to cite the following extracts from the Report of Her Majesty's Commissioners:—

“It seems proper, in consequence of arguments that have been advanced in the course of the controversy, to offer the preliminary observation that the object of the investigation being to ascertain the boundaries appointed to the Provinces, after they came under the dominion of Great Britain: the question is not controlled by any previously existing extent of territory or jurisdiction.

“Whatever line shall be found substantially to answer the description these documents (*i. e.* the Quebec Act, the Proclamations, and Commission of 1763) give of the boundaries of the Provinces, must control the legal claims of Canada and New Brunswick. Whether a boundary of that character actually existed was a question demanding for its solution, exploration and scientific research.”

This last passage appears to express the real object of appointing the Royal Commission, and the Council do not believe that the Proclamation of 1763, or the Quebec Act, can be treated as subsidiary to, or dependent upon, the limits assigned to seigniories or jurisdictions granted by the Crown of France.

The Council apprehend that the "spirit" of an English Act of Parliament, or an English Proclamation, is in the first place to be sought in the fair and obvious inference from the words of those documents.

2. All the classes of arguments connected with the settlement of the American boundary line and the Treaty of 1783 are disposed of, as it appears to the Council, by the Commissioners, who state,—

"As the Treaty was not designed to alter, and had not force to alter, the colonial boundaries (which remained to be ascertained after the Treaty by the same distinctive features as before), if in fact the line of highlands claimed by Great Britain as the boundary with the United States was not the ancient Provincial boundary, a mistaken assumption on that point could not affect the latter boundary."

It is perfectly clear, that from 1763 to 1783, the Provincial boundary, whatever it was, existed by virtue of the Royal Proclamation as confirmed by the Quebec Act: what it was could not be affected by a treaty concluded 20 years afterwards, with a power not in existence when the boundary was established. Moreover, as the Commissioners observe, the very fact that this last Commission was appointed by Her Most Gracious Majesty, to explore the territory, and ascertain, if possible, the strict legal claims of the two Provinces, is sufficient to prove that Her Majesty's Government did not consider the question concluded by the Treaty of 1783, or by anything which had taken place under it.

3. The appointment of the Commissioners was made, as the Council presume, in order to obtain, after inspection of the ground, a fair and impartial finding on the facts of the case by persons at once competent and unbiassed by any local interest. These persons distinctly lay down an essential requisite for fulfilling to the letter and the spirit of the Quebec Act and the Proclamation of 1783, viz., that the line of highlands to be taken as the basis of the northern boundary of New Brunswick is to be a line from which the streams flow into the River St. Lawrence.

It may be observed that this condition expressly negatives the assumption as the boundary of any line of highlands south of the river of Restigouche.

At the same time, this condition is most distinctly laid down in the documents which form the groundwork of the legal rights of both Provinces, so distinctly, indeed, that the Council believe it will not admit of being shaken by mere presumption or inferences from French grants anterior to the exercise of the authority of the British Crown.

The question at issue really is, "In what manner that authority was exercised when it came into existence?"

Her Majesty's Commissioners have thus returned their finding on the facts, and the Council feel perfect confidence in the equity of the decision at which Her Majesty will be advised to arrive.

4. Assuming, therefore, that the essential conditions attaching to the line of highlands have been determined by Her Majesty's Commissioners, it remains only to advert to the conventional lines proposed respectively by Her Majesty's Commissioners and by the Canadian Crown Land Office. With regard to the former, the Executive Council of New Brunswick have already expressed their belief that it would readily be acceded to by the Legislature of this Province, although, according to the views of the Commissioners, it involves the cession by New Brunswick of a considerable portion of territory.



With regard to the line now proposed in Mr. Price's Report, the Executive Council can only say that it would cut off the whole right bank of the Madawaska River; and by a line run north-east to the Petam-Kedgewick, would moreover cede a large tract on the left bank of the former river, to which New Brunswick, according to the Commissioners' Report, and the fair construction of the Quebec Act and Royal Proclamation, has an undoubted legal claim. Over both of these tracts, too, New Brunswick has exercised jurisdiction since the year 1783.

It is difficult to see what sort of compensation this latter proposition offers for the cession of the rights implied by the necessity of adopting as the basis of the boundary a watershed of which the northern slope descends to the St. Lawrence.

There is of course no tribunal before which the legal rights of these Provinces can be litigated except that of Her Most Gracious Majesty, by whose express commands the evidence has been now collected, and in whose hands the Executive Council of New Brunswick are contented to leave the care of their own Province, with perfect confidence in the justice of Her Majesty's decision.

That a copy of this minute be transmitted by the Lieutenant Governor to Her Majesty's Secretary of State for the Colonies, and to His Excellency the Governor General.

## No. 20.

(No. 483.)

Copy of a Despatch from Earl Grey to Governor General the Earl of Elgin and Kincardine.

DOWNING STREET, April 11, 1850.

My Lord,—I have the honor to acknowledge the receipt of your Despatch, No. 159, of the 9th March, transmitting the copy of an approved Minute of your Executive Council on the report made to Your Lordship by the Commissioner of Crown Lands in Canada, commenting on that made by the Commissioners appointed by Her Majesty's Government to inquire into the respective claims of Canada and New Brunswick, to the territory awarded to Great Britain in the Treaty of Washington.

The papers with which Your Lordship has now furnished me on this important subject, will not fail to receive the early and serious consideration of Her Majesty's Government; but, adverting to the closing observation in the Minute of Council, I must express my opinion that, in the present state of the question, it would be highly inexpedient to bring the difference entertained between the two Provinces under discussion in the Canadian Legislature.

I have, &c.,

(Signed,) GREY.

The Earl of ELGIN and KINCARDINE,  
&c. &c. &c.

## No. 21.

(No. 198.)

Copy of a Despatch from Earl Grey to Lieutenant Governor Sir Edmund Head, Baronet.

DOWNING STREET, June 27, 1850.

Sir,—I have now to acknowledge your Despatch, No. 11, of March 19th last, on the subject of the disputed boundary between Canada and New Brunswick.

2. I greatly regret the delays which have impeded the settlement of this question, feeling very strongly the force of the observations which you have from time to time addressed to me on the partial inconveniences which result to New Brunswick from its present undecided state.

3. But, notwithstanding the importance of these considerations, I have been anxious to make every effort for the final arrangement of the dispute by mutual accommodation, rather than by the positive interference of Her Majesty's Government; and I now transmit to you the copy of a Despatch which I have addressed by the same mail to Lord Elgin, containing the outlines of a proposal which I trust may still lead to this result.

You will, therefore, on receipt of this Despatch, proceed to place yourself in communication with Lord Elgin on this subject, unless you consider it indispensable to make any previous observations direct to myself. If it appear to Lord Elgin and to yourself that your personally conferring with him upon this subject would facilitate an adjustment of the question at issue between the two Provinces, you will consider yourself as authorized to proceed to Toronto for that purpose; and should you do so it will probably be convenient that you should be accompanied by one of the members of your Executive Council to assist you in the discussions that may take place.

I have, &c.,

(Signed,) GREY.

Lieutenant Governor Sir Edmund HEAD, Baronet,  
&c.                      &c.                      &c.

## SCHEDULE

OF Additional PAPERS relative to the Settlement of the DISPUTED BOUNDARIES between the PROVINCES of CANADA and NEW BRUNSWICK, in continuation of the preceding.

| No. of Despatch. | —                                                          | Date.                    | SUBJECT.                                                                                                                                     |
|------------------|------------------------------------------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| 1.               | —Earl of Elgin and Kincardine to Sir E. Head . . . . .     | March 2, 1850 . . . . .  | Enclosing copy of MINUTE of the EXECUTIVE COUNCIL, and of REPORT by the COMMISSIONER of CROWN LANDS on the subject of the Disputed Boundary. |
| 2.               | —Sir E. Head to the Earl of Elgin and Kincardine . . . . . | do 21, do . . . . .      | Enclosing MINUTE of the EXECUTIVE COUNCIL of NEW BRUNSWICK, on the same subject.                                                             |
| 3.               | —The Same to the Same . . . . .                            | August 2, do . . . . .   | Has received from Earl Grey a PROPOSAL for the FINAL ARRANGEMENT of the DISPUTE. Proposes to meet the Governor General at Toronto.           |
| 4.               | —Earl of Elgin and Kincardine to Sir E. Head . . . . .     | do 11, do . . . . .      | In reply to the above, names the 20th September for MEETING at TORONTO.                                                                      |
| 5.               | —The Same to the Same . . . . .                            | October 1, do . . . . .  | Enclosing REPORT of the EXECUTIVE COUNCIL on the CONDITIONS of the PROPOSED ARBITRATION.                                                     |
| 6.               | —Sir E. Head to the Earl of Elgin and Kincardine . . . . . | do do do . . . . .       | ASSENTS to the TERMS on the part of NEW BRUNSWICK, stated in the above communication.                                                        |
| 7.               | —The Same to the Same . . . . .                            | do 28, do . . . . .      | Reports APPROVAL in COUNCIL of ARRANGEMENTS MADE at TORONTO; and appointment of DR. T. TWISS as Arbitrator.                                  |
| 8.               | —Earl of Elgin and Kincardine to Sir E. Head . . . . .     | November 7, do . . . . . | Transmitting copies of sundry Reports on the subject of the DISPUTED TERRITORY, which are to be laid before the Arbitrators.                 |

## SCHEDULE.—(Continued.)

| No. of<br>Despatch. | —                                                           | Date.               | S U B J E C T.                                                                                                                                                                       |
|---------------------|-------------------------------------------------------------|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (621) . . . . .     | 9.—Earl Grey to the Earl of Elgin and Kincardine . . . . .  | July 14, 1851..     | Desires £200 to be remitted for MR. FALCONER, and encloses copy of BILL INTRODUCED INTO THE IMPERIAL PARLIAMENT, founded on the AWARD of the Arbitrators.                            |
| (99) . . . . .      | 10.—Earl of Elgin and Kincardine to Earl Grey . . . . .     | August 8, do ..     | Enclosing BILL of EXCHANGE £200 in favor of MR. FALCONER.                                                                                                                            |
| (638) . . . . .     | 11.—Earl Grey to the Earl of Elgin and Kincardine . . . . . | do do do ..         | Transmits ACT OF THE IMPERIAL PARLIAMENT for the SETTLEMENT OF THE BOUNDARY.                                                                                                         |
| (641) . . . . .     | 12.—The Same to the Same . . . . .                          | September 10, do .. | Acknowledging receipt of BILL of EXCHANGE for £200.                                                                                                                                  |
| (677) . . . . .     | 13.—The Same to the Same . . . . .                          | January 14, 1852..  | Desires to be informed of steps taken by the CANADIAN GOVERNMENT for CARRYING INTO EFFECT the PROVISIONS OF THE IMPERIAL ACT for appointing a COMMISSIONER to run the BOUNDARY LINE. |
| (11) . . . . .      | 14.—Earl of Elgin and Kincardine to Earl Grey . . . . .     | February 17, do ..  | Reports, in reply to the above, the appointment of MR. BOUCHETTE as COMMISSIONER on the part of CANADA to run the Boundary Line.                                                     |

## No. 1.

Copy of a Despatch from Governor General the Earl of Elgin and Kincardine, to Lieutenant Governor Sir Edmund Head, Baronet.

GOVERNMENT HOUSE,

TORONTO, 2nd March, 1850.

Sir,—I have the honor to transmit herewith for Your Excellency's information, the copy of a Minute of the Executive Council of this Province, and of a Report of the Commissioner of Crown Lands, in reference to the Report drawn up by the Commissioners appointed by Her Majesty to investigate and report upon the differences existing between Canada and New Brunswick in relation to the territory which, since the Treaty of Washington, has been in dispute between these Provinces.

2. I propose to send a copy of this Minute and Report, by the first opportunity, to Her Majesty's Secretary of State for the Colonies.

I have, &c.,

(Signed,) ELGIN AND KINCARDINE.

His Excellency Sir EDMUND HEAD, Baronet.

&c., &c., &c.

NOTE.—[*The enclosures of the preceding Despatch are copies of the same as those enclosed to Earl Grey in Despatch No. 18, of the Appendix referred to in the first Schedule.*]

## No. 2.

Copy of a Despatch from Lieutenant Governor Sir Edmund Head, Baronet, to Governor General the Earl of Elgin and Kincardine.

GOVERNMENT HOUSE,

FREDERICTON, New Brunswick, 21st March, 1850.

My Lord,—I have the honor to acknowledge Your Excellency's letter of the 2nd March, inclosing copies of a Minute of the Executive Council of Canada, together with a copy of a Report of Mr. J. H. Price, on the subject of the Disputed Boundary between Canada and this Province.

I have lost no time in bringing these papers before my Executive Council, and I now enclose, for Your Excellency's information, a copy of a Minute on this subject, of which a copy has also been forwarded to Earl Grey.

I have, &c.

(Signed,) EDMUND HEAD.

His Excellency,

The Earl of ELGIN AND KINCARDINE,  
Governor General, &c., &c., &c.

NOTE.—[*The Enclosure of the preceding Despatch is copy of the same as that enclosed to Earl Grey, in Despatch No. 19 of the Appendix referred to in the first Schedule.*]

## No. 3.

Copy of a Despatch from Lieutenant Governor Sir Edmund Head, Baronet, to Governor General the Earl of Elgin and Kincardine.

GOVERNMENT HOUSE,  
Fredericton, August 2nd, 1850.

My Lord,—I have received from Her Majesty's Secretary of State for the Colonies, the Copy of a Despatch dated the 27th of June, and addressed to Your Excellency, with reference to the Disputed Boundary between the Provinces of New Brunswick and Canada.

In a Despatch to myself of the same date, Earl Grey intimates that it may possibly be expedient for me to have an opportunity of conferring with Your Excellency on the proposed arbitration, and he conveys to me permission to proceed to Toronto for this purpose, if such a course should appear desirable.

I see some difficulties in connection with the course suggested by Her Majesty's Government, and I think that an opportunity of a personal interview with Your Excellency, accompanied as I should be, by a member of my Executive Council, might materially conduce to a more speedy settlement of the question.

It is especially difficult to determine what class of persons can properly be selected as Arbitrators in these Colonies; unless such Arbitrators are free from all suspicion of partiality, their decision would in fact be treated as that of the one umpire selected by themselves.

Another point to be considered may be, whether such arbitrators would have to decide in any way on the appropriation of the money arising from timber cut on the disputed territory.

Should Your Excellency deem it expedient that I should have the honor of discussing these matters personally with yourself, I shall be in readiness to start for Toronto, with as little delay as possible, on receiving an intimation of your views on the subject.

I have, &c.,

(Signed,) EDMUND HEAD.

His Excellency

The Earl of ELGIN and KINCARDINE, K.T.

&c.,

&c.,

&c.

## No. 4.

Copy of a Despatch from Governor General the Earl of Elgin and Kincardine, to Lieutenant Governor Sir Edmund Head, Baronet.

GOVERNMENT HOUSE,  
TORONTO, 11th August, 1850.

Sir,—I have received your Despatch of the 2nd August, and beg to state in reply, that I consider that it would be very advisable that I should have the advantage of a personal interview with Your Excellency on the subject of the Boundary between Canada and New Brunswick.

I have made arrangements for visiting Lakes Huron and Superior at this season, which will necessarily detain me at a distance from Toronto for some weeks.

Should it not however be too late in the year, it would give me much pleasure to receive you here on or about the 20th of next month.

I have, &c.,

(Signed,) ELGIN AND KINCARDINE.

His Excellency Sir EDMUND HEAD, Baronet,  
&c., &c., &c.

## No. 5.

Copy of a Despatch from Governor General the Earl of Elgin and Kincardine, to Lieutenant Governor Sir Edmund Head, Baronet.

GOVERNMENT HOUSE,

TORONTO, 1st October, 1850.

Sir,—With reference to the conference which I had yesterday with Your Excellency on the subject of the arbitration proposed by Earl Grey for the settlement of the question of Boundary between the Provinces of Canada and New Brunswick, I have the honor to transmit herewith the copy of a Minute of the Executive Council of this Province, which will, I trust, be satisfactory to you.

I have, &c.,

(Signed,) ELGIN AND KINCARDINE.

His Excellency Sir EDMUND HEAD, Baronet,  
&c., &c., &c.

NOTE.—[The enclosure of the preceding Despatch is copy of the same as that enclosed to Earl Grey in Despatch No. 2, of the first Schedule.]

## No. 6.

Copy of a Despatch from Lieutenant Governor Sir Edmund Head, Baronet, to Governor General the Earl of Elgin and Kincardine.

TORONTO, 1st October, 1850.

My Lord,—I have the honor to acknowledge your Lordship's letter of this day, with its enclosure.

Acting on behalf of the Government of New Brunswick, I beg to express my assent to the terms laid down in the Minute of Council transmitted by Your Excellency.

I have, &c.,

(Signed,) EDMUND HEAD.

The Right Honorable  
The Earl of ELGIN AND KINCARDINE,  
&c., &c., &c.

## No. 7.

Copy of a Despatch from Lieutenant Governor Sir Edmund Head, Baronet, to Governor General the Earl of Elgin and Kincardine.

GOVERNMENT HOUSE,

FREDERICTON, N.B., October 23rd, 1850,

My Lord,—I have the honor to inform Your Excellency, that I have this day formally approved in Council the terms agreed to by myself at Toronto, and embodied in the Minute of the Canadian Council of the 30th of September last.

I have also, with the assent of my Council, nominated as Arbitrator on behalf of New Brunswick, Travers Twiss, D.C.L., and in the event of his declining the appointment, Robert Fillmore, D.C.L. Both these Gentlemen are, as your Lordship knows, Civilians practising in Doctors Commons.

The object of naming two is merely to prevent delay in case the first refuse.

I shall forward a copy of this Minute to the Secretary of State for the Colonies by the next mail.

I have, &c.,

(Signed,) EDMUND HEAD.

His Excellency,

The Governor General,

&c., &c., &c.

## No. 8.

Copy of a Despatch from Governor General the Earl of Elgin and Kincardine, to Lieutenant Governor Sir Edmund Head, Baronet.

GOVERNMENT HOUSE,

TORONTO, 7th November, 1850.

Sir,—I have the honor to acknowledge the receipt of Your Excellency's Despatch of the 23rd ultimo, and at the same time to transmit the Copy of an approved Minute of the Executive Council of this Province, covering sundry Reports of the Commissioner of Crown Lands on the subject of the disputed territory between Canada and New Brunswick.

2. I have forwarded copies of these documents to Her Majesty's Principal Secretary of State for the Colonies, and in accordance with the recommendation of the Council, applied to His Lordship to request Thomas Falconer, Esquire, to act as Arbitrator on behalf of this Province.

I have, &c.,

(Signed,) ELGIN AND KINCARDINE.

His Excellency Sir EDMUND HEAD, Baronet,

&c., &c., &c.

NOTE.—[*The enclosures of the preceding Despatch are copies of the same as those enclosed to Earl Grey, in Despatch No. 4, of the first Schedule.*]



## No. 9.

(No. 621.)

Copy of a Despatch from Earl Grey to Governor General the Earl of Elgin and Kincardine.

DOWNING STREET, 14th July, 1851.

My Lord,—With reference to my Despatch of 25th June last, No. 611, enclosing the award of the two arbitrators on the boundary question between Canada and New Brunswick, I have now to inform you that Doctor Lushington, the third arbitrator appointed, having declined to accept any remuneration in respect of the services which he has now rendered the two Provinces, I have fixed the payment to be made to Doctor Twiss and Mr. Falconer, at £200 each, according to the power reserved to me in the terms of arbitration, having had regard both to the importance of the duty performed by them, and the amount of labor and time which they have devoted to its execution.

If (as I understand to be the case) the funds arising from the disputed territory are at present placed at your disposal jointly with Sir Edmund Head, for the purposes of the arbitration, you will probably be able to remit the sum of £200 to me at once, to be applied to this payment.

I transmit herewith the Papers on this subject, which have been before both Houses of Parliament, and of a Bill which I have introduced into the House of Lords for the purpose of carrying the award into effect.

I have, &c.,

(Signed,)

GREY.

The Right Honorable

The Earl of ELGIN and KINCARDINE,

&c.,                      &c.,                      &c.

## No. 10.

(No. 99.)

Copy of a Despatch from Governor General the Earl of Elgin and Kincardine, to Earl Grey.

GOVERNMENT HOUSE,

TORONTO, 8th August, 1851.

My Lord,—With reference to your Lordship's Despatch No. 621, of the 14th July, I have the honor to transmit herewith, the first of a Bill of Exchange, payable to the order of Mr. Falconer, for the sum of £200.

I have, &c.,

(Signed,)

ELGIN and KINCARDINE.

The Right Honorable Earl GREY,

&c.,                      &c.,                      &c.

## No. 11.

(No. 633.)

Copy of a Despatch from Earl Grey to Governor General the Earl of Elgin and Kincardine.

DOWNING STREET 8th August, 1851.

My Lord,—I transmit to your Lordship an Act for the settlement of the Boundaries between the Provinces of Canada and New Brunswick, which has received Her Majesty's assent.

As this Act is founded on the reference, by both Provinces, of this long-pending question to Arbitrators appointed by themselves, and as the steps of the Arbitration have already been made known to your Lordship, it appears unnecessary to enter into further details respecting it.

The power given me in the first Section I propose to exercise by authorizing yourself, with the advice of your Council, to nominate a Commissioner and giving a similar authority to Sir E. Head, on the part of New Brunswick; I shall myself nominate a third, who will probably be an officer of Her Majesty's Military Service.

You will, therefore, communicate with Sir E. Head on the subject, and report the result to me with as little delay as you may find practicable.

I have, &c.,

(Signed,) GREY.

The Right Honorable the Earl of ELGIN,  
&c., &c., &c.

Enclosure in No. 11.

ANNO DECIMO QUARTO & DECIMO QUINTO VICTORIÆ REGINÆ.

CAP. LXIII.

An Act for the Settlement of the Boundaries between the Provinces of Canada and New Brunswick.

[7th August, 1851.]

**W**HEREAS, certain disputes have existed respecting the boundary line between the Provinces of Canada and New Brunswick in North America; and pending such disputes certain funds have arisen from the disputed territory, and have been received by the Governments of such Provinces respectively: And whereas, with a view to the settlement of such disputes, the Governor General of Canada and the Lieutenant Governor of New Brunswick, by the advice of their respective Councils, agreed that the matter in dispute should be referred to arbitrators, who should be directed to report to Her Majesty's Government, and that such Governor General and Lieutenant Governor should each name an arbitrator on behalf of the said respective Provinces, and that such arbitrators should name a third arbitrator, the award to be made by the three arbitrators or any two of them; and it was also agreed by such Governor General and Lieutenant Governor, with the advice aforesaid, that the net proceeds of the funds in the hands of the said Governments arising from the disputed territory should be applied, first, to defray the Expenses of the arbitration, second, to defray the necessary expenses of running the (boundary) line as settled, (in case such funds should prove insufficient, the expenses to be borne equally by the respective Governments,) and, third, the balance of such funds to the improvement of the land and water communication between the Great Falls of the St. John and the St. Lawrence; And whereas, in pursuance of the agreement

in this behalf, the Governor General of Canada named Thomas Falconer, Esquire, to be one of the said arbitrators, and the Lieutenant Governor of New Brunswick named Travers Twiss, Doctor of Laws, to be another of the said arbitrators, and the said Thomas Falconer and Travers Twiss named the Right Honorable Stephen Lushington, Judge of the Admiralty Court, to act as the third arbitrator: And whereas on the seventeenth day of April, one thousand eight hundred and fifty-one the said Stephen Lushington and Travers Twiss made an award concerning the said boundary, and transmitted the same, together with a plan therein referred to, to the Right Honorable Earl Grey, one of Her Majesty's Principal Secretaries of State, and such award is in the following terms:—

“ That New Brunswick shall be bounded on the west by the boundary of the United States, as traced by the Commissioners of boundary under the Treaty of Washington, dated August, 1842, from the source of the St. Croix to a point near the outlet of Lake Pech-la-wee-kaa-co-nies or Lake Beau, marked A in the accompanying copy of a part of plan seventeen of the survey of the boundary under the above Treaty; thence by a straight line connecting that point with another point, to be determined at the distance of one mile due south from the southernmost point of Long Lake; thence by a straight line drawn to the southernmost point of the Fiefs Madawaska and the Temiscouata, and along the south-eastern boundary of those Fiefs to the south-east angle of the same; thence by a meridional line northwards till it meets a line running east and west, and tangent to the height of land dividing the waters flowing into the River Rimouski from those tributary to the St. John; thence along this tangent line eastward until it meets another meridional line tangent to the height of land dividing waters flowing into the River Rimouski from those flowing into the Restigouche River; thence along the Meridional line the forty-eighth parallel of latitude; thence along that parallel to the Mistouche River; and thence down the centre of the stream of that River to the Restigouche; thence down the centre of the stream of the Restigouche to its mouth in the Bay of Chaleurs; and thence through the middle of that Bay to the Gulf of the St. Lawrence; the islands in the said Rivers Mistouche and Restigouche to the mouth of the latter river at Dalhousie being given to New Brunswick:” And whereas it is expedient that the said boundary should be settled in conformity with the said award: Now, therefore, be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

I. New Brunswick shall be bounded as in the said award mentioned; and it shall be lawful for one of Her Majesty's Principal Secretaries of State to appoint such person or persons as he may think fit to ascertain, define, and mark the boundary line between the said Province of New Brunswick and the said Province of Canada, according to the intent of the said award.

II. The net Proceeds of the Funds in the hands of the local Governments of the said Provinces of Canada and New Brunswick respectively arising from the territory heretofore in dispute between such Provinces shall be applied according to the terms herein-before mentioned of the said agreement concerning the same.

## No. 12.

(No. 641.)

Copy of a Despatch from Earl Grey, to Governor General the Earl of Elgin and Kincardine.

DOWNING STREET, 10th September, 1851.

My Lord,—I have the honor to acknowledge the receipt of Your Lordship's Despatch, No. 99, of the 8th of August, and to acquaint you that I have caused the Bill of Exchange for £200 enclosed therein, to be remitted to Mr. Falconer.

I have, &c.,

(Signed,)

GREY.

His Excellency the Right Honorable

The Earl of ELGIN AND KINCARDINE, K.T.

&c., &c., &c.

## No. 13.

(No. 677.)

Copy of a Despatch from Earl Grey, to Governor General the Earl of Elgin and Kincardine,

DOWNING STREET, 14th January, 1852.

My Lord,—Sir Edmund Head having reported that the Honorable A. E. Botsford, a Member of the Legislative Council of New Brunswick, has been appointed a Commissioner for running the Boundary Line between that Province and Canada, I have to call Your Lordship's attention to my Despatch, No. 633, of the 8th of August last, and to request that you will inform me what steps have been taken for making a similar appointment on the part of the Canadian Government.

I have, &c.,

(Signed,)

GREY.

The Right Honorable Earl of ELGIN,

&c., &c., &c.

## No. 14.

(No. 11.)

Copy of a Despatch from Governor General the Earl of Elgin and Kincardine, to Earl Grey.

GOVERNMENT HOUSE,

QUEBEC, 17th February, 1852.

My Lord,—In reply to your Lordship's Despatch, No. 677, of the 14th January, I have the honor to state, that I have appointed Joseph Bouchette, Esquire, to be Commissioner for running the boundary line between this Province and New Brunswick, on the part of the Canadian Government.

I have, &c.,

(Signed,)

ELGIN AND KINCARDINE.

The Right Honorable Earl GREY,

&c., &c., &c.

# R E T U R N

To an Address from the Legislative Assembly to His Excellency, the Governor General, dated 15th instant; praying that he will be pleased to direct the proper officer to lay before that House, any Documents in the possession of the Government relating to the Reduction of Duties on Red Pine Timber; as also, the Report of the Commissioner of Crown Lands on that subject.

By Command,

A. N. MORIN,  
Secretary.

SECRETARY'S OFFICE,  
Quebec, 18th October, 1852.

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No. 1134.

## R E P O R T .

The Commissioner of Crown Lands has the honor to Report, for the information of His Excellency, the Governor General, in Council, on the Petition of the Mayor and Corporation of the Town of Bytown; a Petition adopted at a Public Meeting of the Inhabitants of Bytown; and the Petition of the Municipal Council of the County of Carleton; praying for a Reduction of the Duty now levied upon Red Pine Timber.

The Petitioners represent, that from the time when the Imperial differential duty was reduced below 24s. per load, the export of Red Pine from Canada began to diminish, and that they anticipate a continual decrease in consequence of the prices now obtained being insufficient to remunerate the Lumber Merchant for the heavy outlay necessary in that branch of the trade. They further state, that they are apprehensive that the decline in the trade will continue to such an extent as to threaten its utter extinction, which, considering the large capital invested therein, would be ruinous to those embarked in it, unless something be done to reduce the heavy charges to which it is subject, and the relief which they now crave is that the duty be reduced from the present rate of 1d. to  $\frac{1}{2}$ d. per foot, the present rate levied upon White Pine.

It appears that the rates levied upon the respective kinds of Timber were adopted under circumstances very different from what now exist. At a period not very remote, White Pine, the staple product of the Forests of Canada, did not bear a very high character in the British Markets. On the other hand, Red Pine, which is the staple product of the Forests of Northern Europe, was highly esteemed. The result was, that the heavy duty on Foreign Timber enhanced the price of that article, of which the supply was obtained mainly from the Baltic, and while the greater quantity obtained from thence regulated the price, the limited supply

obtained from Canada was favored by a difference, at one time, of more than 1s., and until quite lately, of more than 6d. per foot, even the latter being much more than the difference in freight.

Of late years, however, the White Pine of Canada has been found for many purposes a better article than Red, and has acquired a higher character than it formerly bore, the result of which has been, that while the export value of Red Pine in Quebec has been diminished by the withdrawal of the artificial price formerly created for it, the value of the White Pine has become gradually enhanced by a better appreciation of its qualities.

It is indeed to be hoped that Canada will, upon the whole, be a gainer by the changed aspect of the trade. It may seem strange that a higher value should be attached to a highly taxed article merely, as it were, by reason of its extra price, but it is a remarkable fact, that as the price of the highly taxed and highly prized article was lowered by the removal of the unjust impost upon the consumer, the comparatively untaxed article, till then cheap, became better appreciated as it became subject to a more equitable and fair competition. When the Colonial Timber Trade was "protected," the species of Timber which Canada and New Brunswick only could supply in abundance was cheap, and in proportion to its price was considered of little value, but when left to a fair competition, it has risen in the estimation of the consumer to an extent equivalent to the loss sustained upon that species of Timber which had really been enhanced in value by the differential duty.

When the first great reduction of duty on foreign timber took place, the Red Pine trade in Canada suffered from the panic thereby created, but not permanently, as with the aid of a difference of 24s. then still existing in its favor, it rose to a greater degree of prosperity than it had ever before attained, which continued till the further reduction of the differential duty, when it immediately became depressed, and has continued to decline to such an extent that the quantity exported has been seriously contracted, and continues to diminish. A continued and gradually increasing depression for five years cannot be looked upon as arising from any mere panic, or as being of a temporary nature, but must be the effect of a permanent condition of things. The statistics submitted (most fully with the Petition of the Municipal Council of the County of Carleton) are correct, and give ample evidence of the steady and permanent character of the depression complained of; an urgent case is therefore established for the consideration of the Government, that an important branch of the export trade of the country may not continue under a greater pressure than it can bear, or than it ought in justice to be subject to.

The present rates of duty levied upon Red and White Pine appear to have been established in 1829, and through all the mutations of the trade from that period till now have undergone no modification whatever.

There do not appear to be any statistics obtainable to shew what was the relative value of Red Pine at that period, but at a much more recent date (indeed immediately before the present depression commenced) the average market value was at least double that of White Pine, and therefore it was justly subject to the higher rate of duty or price levied upon it.

At the present time, it still bears a higher value in the Quebec Market than White Pine does, but it also costs more to bring it to market. Under the present system the duty, or rather price charged by Government on the respective kinds of timber, is assumed to be the value of the standing timber in the forest, and viewed in this light, it is questionable whether Red Pine bears even as high a value when growing in its natural state as White Pine does, for these reasons:—

First,—It is of a much smaller average size, consequently it requires a greater amount of labor to produce in a marketable state an equal quantity in cubic feet;

thus—upon an average, three pieces of White Pine have the same, or rather more cubic contents than five pieces of Red Pine, but it takes considerably more labor to square and hew the five pieces of the latter than the three pieces of the former.

Second,—The Red Pine producing country lies at a greater average distance from market, and consequently it costs more to bring the timber from that greater distance.

Third,—The average level of the Red Pine country is higher than where the White Pine is principally produced, consequently there are greater obstacles to encounter in floating it down the streams and rivers, and a greater amount of capital must necessarily be sunk in overcoming these obstructions by means of slides, dams, and such like expensive improvements, and the interest on the outlay thereon is at least chargeable annually upon the quantity of timber descending by them. The heavier charges therefore to which the production of Red Pine is subject, it is believed are fully equivalent to the difference of price still existing in its favor in market, and reduce the value of the standing timber in the forest to a par with the White Pine; and therefore, it seems improper, when two articles are brought to an equal value to continue to charge double for the one what is charged for the other, merely because, when the charge was first instituted, the value of the one was double the value of the other.

It is also to be remarked, that we have the complete control of the White Pine trade within ourselves: there is no cause likely to depress it unless over-manufacture within ourselves should produce that result; and assuming that a certain quantity is required, so long as our manufacturers do not press more than that quantity upon the market, any duty thereon will in a great measure fall upon the consumer. It is not so however with Red Pine, for which our merchants must take what they can get in a market regulated by a foreign supply.

It may here be proper to estimate the loss to the revenue which would be the result should the prayer of the Petitioners be granted. According to the best estimate available, the quantity on which the reduction would take effect for the current season would be about 2,000,000 feet, which, at the present rate, would amount to £8,333 6s. Od., and at the reduced rate prayed for, to £4,166 13s. Od.

It has, however, become apparent that a sum at least equal to, and perhaps greater than the loss to the revenue, which would be sustained by the remission of half the duty on Red Pine, will be realized this season through a more strict observance of the Law in respect to timber cut upon public lands, much timber having hitherto fraudulently escaped the duty with which it was justly chargeable, under the false pretence of being from private lands, an evil which, however much to be regretted, cannot be entirely cured while so much scope for (and direct inducement to) corrupt practices exist, as under the present pernicious system and imperfect Law.

The rates of duty on timber from public lands have never been regulated by Statute, and may be modified or enhanced by Order in Council.

The Commissioner of Crown Lands has therefore the honor to recommend, in consideration of the present circumstances of the trade, that the prayer of the Petitioners be granted, and the duty on Red Pine reduced to one halfpenny per cubic foot.

Respectfully submitted.

JOHN ROLPH.

CROWN LAND DEPARTMENT,  
Quebec, 24th July, 1852.

BYTOWN, 21st February, 1852.

Sir,—I beg herewith to enclose a Memorial to His Excellency the Governor, in Council, from the Municipality of the Town of Bytown, praying for a reduction of the Provincial Impost on Red Pine Timber, which I trust may be brought under the consideration of the Government at an early day.

I have the honor, &c.,

(Signed,) R. W. SCOTT, Mayor.

To the Honorable the Provincial Secretary.

To His Excellency the Right Honorable JAMES, Earl of ELGIN and KINCARDINE, &c. &c. &c.

The Memorial of the Mayor and Town Council of Bytown, respectfully sheweth:—

1st.—That the altered policy of the Imperial Government, in depriving the colonies of that protection which their products formally obtained in the home market, has been attended with such serious injury to the Red Pine Timber Trade as to threaten its destruction.

2nd.—That a large amount of capital has been invested in this trade, in the improvements of tributary streams, for the purpose of facilitating its operations, which must prove an entire sacrifice in the event of the trade failing to revive.

3rd.—That this branch of commerce has contributed largely to the benefit of the Province, and to the prosperity of the whole section of the country comprising the Valley of the Ottawa, and that its destruction would be an evil of no ordinary magnitude.

4th.—Your Memorialists would respectfully urge, that the Provincial Impost of one penny per cubic foot, is felt to be a burden which presses grievously upon the trade laboring under its present depression, being a tax of about one-seventh the value of the whole capital and labor invested in it.

Wherefore, your Memorialists would pray, that Your Excellency in Council, would cause an immediate reduction of the Provincial Impost upon Red Pine timber, and adopt such other measures as may be deemed expedient for the relief of the trade.

And your Memorialists, as in duty bound, will ever pray.

(Signed,) R. W. SCOTT, Mayor.

Certified.

(Signed,) E. BURKE,

Bytown, February 9, 1852.

Town Clerk.

BYTOWN, 12th February, 1852.

Sir,—Being deputed at a Public Meeting held in this place on the 13th ultimo, to transmit copy of the Resolutions passed at said meeting, with a Memorial to His Excellency the Governor General, in Council, praying for a reduction on the duty of Red Pine; in discharge of the duty assigned to us, we beg to enclose you the document referred to.

We have the honor to be, Sir,

Your most obedient Servants,

(Signed,)

JOHN EGAN,

JOSEPH AUMOND,

DANIEL McLACHLIN.

To the Honorable the Provincial Secretary,  
Quebec.



To His Excellency the Right Honorable JAMES, Earl of ELGIN and KINCARDINE, Governor General of British North America, &c., &c., &c., in Council.

The Memorial of the Inhabitants of the Ottawa Country, interested in the Timber Trade of the Province of Canada, adopted at a Public Meeting held in Bytown, on Tuesday, the 13th day of January, 1852;

MOST HUMBLY REPRESENTS:

That the removal of the protective duty in favor of Colonial Timber in the British Market has had a most unfavorable effect on the Red Pine Trade of this Province, of which the Honorable the Legislative Council, and the Legislative Assembly were convinced, having represented the same in a Joint Address to Her Gracious Majesty in Council, during the last Session of Parliament.

That the export of Red Pine from Canada since the removal of the protection is annually diminishing, as is fully shewn by the following statistics submitted by Your Memorialists for Your Excellency's information. A steady decline is evident since 1847, the period when the duty on Baltic Timber was effectively reduced, previous to which, the Colonial produce had a protection of Twenty-four shillings a load, nearly equal to sixpence sterling per cubic foot.

The average of the three years exports preceding this period was 5,029,169 feet annually.

|                              |                          |    |    |
|------------------------------|--------------------------|----|----|
| In 1847 the export was ..... | 4,466,520 feet annually. |    |    |
| In 1848 do .....             | 4,365,440 do             | do | do |
| In 1849 do .....             | 4,070,600 do             | do | do |
| In 1850 do .....             | 3,586,840 do             | do | do |
| In 1851 do .....             | 3,482,400 do             | do | do |

The yearly average of which is 3,994,320 feet, being a decrease of about Twenty per cent. per annum, while a reduction of at least Thirty per cent. in price has occurred during the same time.

That the exportation of the past season was made at a serious loss to the Canadian merchant, but could not be avoided when obliged to compete with the Baltic merchant, favored by a difference of about 4d. a foot in freight, and fifty per cent. in labor. Foreign timber has been lately sold in the London market as low as 47s. 6d. to 50s. per load. Take the extreme price, which is 1s. per foot, that is 50s., and it becomes evident that the Canadian producer cannot compete with the foreigner without ruinous loss, under present circumstances: as freight from Quebec is on an average about 8d. a foot, to which may be added 1d. for charges, this would leave the merchant in Quebec only 3d. a foot; even at an advance of 3d. a foot for Colonial over foreign timber, the price here, deducting freight and charges, would not leave over 6d., out of which the Government receives 1d. a foot as dues, and one farthing a foot slidage.

That the Provincial Impost is a serious tax on the legitimate producer, equal to one-seventh at least of the capital engaged in production and transport to market of Red Pine, and about one-tenth of that engaged in the White Pine trade; those in the trade being obliged to invest large amounts in improving rivers for increasing facility of descent of timber from remote localities, when heretofore the timber was to be had in abundance on the shores of the Ottawa.

That in consideration of the importance of this branch of Canadian products, your Memorialists humbly hope Your Excellency in Council, will cause every facility to be afforded to the trade, in order to enable the Canadian producer to compete with the foreigner, otherwise the Red Pine trade must be abandoned as a ruinous business.

Wherefore your Memorialists humbly pray, that a reduction be made of one-half the present dues levied on Red Pine timber.

And your Memorialists, as in duty bound, will ever pray.

On behalf of the meeting.

(Signed,) ED. MALLOCH,  
Chairman.

(Signed,) JAMES H. BURKE,  
Secretary.

Bytown, 13th January, 1852.

At a Public Meeting held at the British Hotel, Bytown, on Tuesday, the 13th January, for the purpose of adopting a Memorial to His Excellency the Governor General, in Council, praying a reduction of the duty levied on Red Pine Timber:—

It was moved by John Egan, Esquire, M.P.P., seconded by Isaac Smith, Esquire, That Edward Malloch, Esquire, M.P.P., do take the Chair.

Moved by James Robinson, Esquire, seconded by Edward Griffin, Esquire, That Mr. James H. Burke be requested to act as Secretary.

The Chairman having read the requisition calling the Meeting, the following Resolutions were put and carried unanimously:—

Moved by Joseph Aumond, Esquire, seconded by Richard McConnell, Esquire, That the Government cannot fail to see the great importance of the lumber trade in all its bearings on the prosperity of the Province, giving as it does direct employment to a very large laboring population, freight to the greater part of the shipping arriving annually from sea, affording to the agriculturist a home market for his produce, the means of exchange to pay for our imports, besides yielding a direct revenue to the Province of at least £25,000 per annum; therefore this meeting has firm confidence that the interests of this trade will meet with grave consideration from the Government, whereby all practicable measures will be taken for fostering the trade, and encouraging the legitimate producer.

Moved by Coll. McDonell, Esquire, seconded by W. McArthur, Esquire,

That the changes in the commercial policy of the Mother Country have had a steadily depressing influence on the Red Pine Trade, so much as to leave just grounds to apprehend that the production and export of Red Pine must cease.

Under these circumstances, this meeting looks to a reduction of Government duty on Red Pine as one of the first measures of relief.

Moved by James Leamy, Esquire, T. C., seconded by Hugh Hamilton, Esquire,

That a Memorial be addressed to His Excellency the Governor General, in Council, praying a removal or deduction of the Crown timber dues now levied on Red Pine, setting forth the reasons of the prayer, and that D. McLachlin, Joseph Aumond, Isaac Smith, and Richard McConnell, Esquires, be a Committee to draft said Memorial.

Moved by John Foran, Esquire, seconded by Andrew Porter, Esquire,

That the Memorial now presented to the Meeting be adopted and circulated for signature, through the County.

Moved by D. McLachlin, Esquire, M.P.P., seconded by B. McConnell, Esquire,

That the Municipal Corporations interested in the Lumber Trade, in connexion with the best interests of the Ottawa, be called upon to give the prayer of this Memorial their support.

Moved by J. Stewart Johnson, Esquire, seconded by—McArthur, Esquire,

That a Committee, composed of the Chairman, J. Egan, Esquire, M.P.P., D. McLachlan, Esquire, M.P.P., and Joseph Aumond, Esquire, be appointed to transmit to the Provincial Secretary a copy of the Resolutions and Memorial of this Meeting.

Moved by Edward Giffin, Esquire, seconded by J. W. Russell, Esquire,

That the proceedings of this meeting be published in the Bytown, Montreal, and Quebec newspapers.

Moved by Joseph Aumond, Esquire, seconded by Robert Farley, Esquire,

That the Chairman do leave the Chair, and James Robinson, Esquire, be called thereto.

Moved by R. W. Scott, Esquire, seconded by Robert Conroy, Esquire,

That the thanks of this meeting be awarded to the Chairman and Secretary, for their efficient discharge of duty.

(Signed,) EDWARD MALLOCH, Chairman.  
 " JAMES H. BURKE, Secretary.

COUNTY OF CARLETON,  
 County Clerk's Office, Bytown, 19th February, 1852.

SIR,—I have the honor to transmit herewith, for the consideration of the Governor in Council, a copy of a Memorial adopted by the Municipal Council of the County of Carleton, praying for a reduction of the duty on Red Pine Timber.

I have the honor to be, Sir,  
 Your obedient Servant,  
 (Signed,)

C. H. PINHEY,  
 C. C. C.

Honorable A. N. Morin,  
 Provincial Secretary, Quebec.

Extracts from the Journals of the Municipal Council of the County of Carleton,  
 January Sessions, 1852.

" Mr. Lyon moved, seconded by Mr. Powell, That the Report of the Committee to whom was referred the communication of James H. Burke, Secretary, &c., be adopted, and the accompanying memorial to the Governor in Council, be concurred in, and three copies thereof be drawn up by the Clerk and signed by the Warden, on behalf of this Council; and one copy thereof presented to the Governor, in Council, and each Branch of the Legislature," carried.

Copy of the Memorial above mentioned as adopted by the Council.

To His Excellency the Right Honorable JAMES, Earl of ELGIN and KINCARDINE, Governor General of British North America, &c., &c., &c., in Council.

The Memorial of the Warden and Council of the County of Carleton,  
 Respectfully sheweth,

1st. That the altered policy of the Imperial Government, in taking from the Colonies that protection, which their products formerly obtained in the Home Market, has been attended with such serious injury to the Red Pine timber trade as to threaten its annihilation.

The decline in prices with the decrease in production shewn in the following carefully prepared statistics afford full evidence of this:—

| Export.    |                 | Price, (40 feet average.) |
|------------|-----------------|---------------------------|
| 1844 ..... | 4,699,149 ..... | 1s. per foot.             |
| 1845 ..... | 5,182,320 ..... | 1s. do                    |
| 1846 ..... | 5,206,040 ..... | 11½d. do                  |
| 1847 ..... | 4,466,520 ..... | 9d. do                    |
| 1848 ..... | 4,365,440 ..... | 8½d. do                   |

|            |                 |               |
|------------|-----------------|---------------|
| 1849 ..... | 4,070,600 ..... | 8d. per foot. |
| 1850 ..... | 3,586,844 ..... | 8d. do        |
| 1851 ..... | 3,482,400 ..... | 8d. do        |

Previous to the 5th April, 1847, Colonial timber enjoyed a protection of 25s. upon the load of 50 cubic feet, and the average production during the three preceding years was 5,029,169 feet, at that period a reduction took place in the duty on foreign timber of 5s., and annually since then a still further reduction, until in 1851, it was brought to the almost nominal duty of 8s. per load.

With this gradual removal of protection a corresponding decrease in the production of colonial timber, and decline in prices has occurred, until in 1851 the former is upwards of a million and a half feet, and the latter about 33 per cent less than the average export and price of the three years preceding the withdrawal of protection with an almost certain prospect of a further reduction in the current year.

2nd.—That a large amount of capital has been invested in this trade, in the construction of slides, dams, and other improvements necessary to render streams navigable, and to facilitate its operations, which will be a total sacrifice in the event of the trade failing to revive.

3rd.—That this branch of commerce has contributed largely to the benefit of the Province, and its destruction would be an evil of no ordinary magnitude.

Irrespective of the large provincial revenue derived directly from this trade, its indirect benefits have been not less important, affording outward bound freights for a large number of vessels, it has contributed to assist the tide of emigration by the consequent reduction in the cost of passage, thus realizing the wildest fables of antiquity.—Transforming the limbs and trunks of trees, into living members of the community, industrious, happy and free.—By its operation, the wilderness has been in many instances reclaimed, settlement and the improvement of the country invariably following in its footsteps, whilst it affords employment to a numerous class of the community, and support to their families.

4th.—Your memorialists would respectfully urge, that the provincial impost of one penny per cubic foot is felt to be a burden which presses grievously upon the trade, labouring under its present depression, being a tax of about one-seventh the value of the whole capital and labour invested in it.

Wherefore, your memorialists would pray, that your Excellency in Council would cause a reduction of the Provincial impost from one penny to a half-penny per foot, and adopt such other measures of relief as may seem to them fit, towards relieving the present depression in the trade.

And Your Memorialists, as in duty bound, will ever pray.

(Signed,)

HAMNETT PINHEY,  
Warden, County Carleton.

Certified, a true copy of the original fyled in my office. Dated this sixteenth day of February, in the year of our Lord 1852.

(Signed,) C. H. PINHEY, C.C.C.

QUEBEC, 5th August, 1852.

Sir,—Herewith I beg to present you with a letter addressed to me from Richard McConnell, Esquire, and others, requesting me to get the decision of the Government as soon as possible on the prayer of the memorial sent last winter to His Excellency the Governor General, in Council, praying for a reduction of one-half the duty on Red Pine. The Government must be aware that this Branch of Commerce has been nearly thrown out of the Home market, in consequence of the low rate

at which foreign Red Pine can be imported into Great Britain. Trusting to your usual attention,

I am, &c.,

(Signed,)

JOHN EGAN.

To the Honorable Commissioner of Crown Lands.

QUEBEC, 1st August, 1852.

Sir,—We, the undersigned, interested in the Timber Trade on the Ottawa and its tributaries, having entrusted you and others with a Memorial to the Government, praying for a reduction in the duty of Red Pine, beg you will endeavor to get a decision from the Government as soon as possible, and you will oblige,

Your obedient Servants,

RICHARD McCONNELL,  
 JOSEPH AUMOND,  
 JOHN POUPORE,  
 WOOD, PETRIE, POITRAS & Co.,  
 DAVID GILMOUR,  
 JOHN GILMOUR,  
 HUGH HAMILTON,  
 DAVID MOOR,  
 ANDERSON & PARADIS,  
 DAVID Q. BROWN,  
 JOHN SUPPLE,  
 G. BURNS SYMMS & Co.,  
 WILLIAM CRAIG,  
 JAMES DAVIDSON,  
 JOHN BROWN,  
 ROBERT CONROY,  
 C. & R. McDONELL,  
 BENJ. McCONNELL,  
 LEMESURIER TILSON & Co.  
 ALEXANDER McDONNELL,  
 JAS. GILLESPIE,  
 R. KERNAHAN,  
 ALEX. McLAREN,

To JOHN EGAN, Esquire, M.P.P.

# R E T U R N

To an Address from the Legislative Assembly to the Governor General, dated 30th ult., for a copy of all Instructions founded on the Order in Council of 14th ultimo, relative to the reduction of dues on Red Pine Timber, and of all subsequent Orders in Council relative thereto, and copies of all Correspondence that has taken place between the Government and parties interested in the Timber Trade since the Meeting of Parliament, be laid before the House.

By Command,

A. N. MORIN,

SECRETARY'S OFFICE,

Secretary.

Quebec, 18th October, 1852.

CROWN LANDS DEPARTMENT,

Quebec, 18th October, 1852.

Sir,—In conformity with the Address of the Legislative Assembly of 30th ult., I have the honor to transmit a copy of the Order in Council of the 14th September, relative to the reduction of dues on Red Pine Timber, and the instructions founded thereon.

I am aware of no "correspondence between the Government and parties interested in the Timber Trade since the Meeting of Parliament," except that the routine duties of this Department, as affecting that branch of the public service, have of course been going on as usual.

I have the honor to be, Sir,  
Your most obedient humble Servant,

JOHN ROLPH.

To the Honorable A. N. MORIN,  
Provincial Secretary, Quebec.

IN COUNCIL, 14th September, 1852.

On the report of the Commissioner of Crown Lands, No. 1129, dated 24th July, 1852, on the Petition of the Mayor and Corporation of the Town of Bytown; a Petition adopted at a public meeting of the inhabitants of Bytown; and the Petition of the Municipal Council of the County of Carleton; praying for a reduction of the duty now levied upon Red Pine Timber.

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The Committee, for the reasons stated in the above mentioned report, concur in opinion with the Commissioner of Crown Lands, and humbly advise Your Excellency to accede to the prayer of the Petitioners, by authorizing a reduction in the duty levied upon Red Pine Timber, from one penny to one halfpenny per cubic foot.

Certified.

(Signed,)

WM. H. LEE,  
Acting Clerk, E. C.

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Letter of instructions to Collectors of Timber duties, founded on the foregoing Order in Council :—

CROWN LAND DEPARTMENT,

Quebec, 20th September, 1852.

Sir,—I have to inform you, that His Excellency the Governor General, by Order in Council dated the 14th instant, has been pleased to reduce the duty chargeable upon Red Pine Timber from one penny to one halfpenny per cubic foot.

You will therefore please to govern yourself accordingly in collecting the duty.

I have, &c., &c.

(Signed,)

JOHN ROLPH.

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PRINTED BY JOHN LOVELL, MOUNTAIN STREET, QUEBEC.

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## R E P O R T.

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*9th November, 1852.*

The Committee to whom it was referred to report the circumstances connected with the late reduction of Duties on RED PINE TIMBER, have the honor to report;

That under the provisions of law contained in the Provincial enactment, 12 Vic. cap. 30, the Commissioner of Crown Lands, or any officer or agent under him, duly authorized to that effect, was authorized to grant licenses to cut timber on the ungranted lands of the Province, at such rates, and subject to such conditions, regulations, and restrictions, as might, from time to time, be established by the Governor of the Province, by and with the advice of the Executive Council, and of which due notice should be given in the Canada Gazette.

That the reduction of the duties on Red Pine Timber had, long previous to the date of the alleged Order in Council, subsequently referred to, been urged upon the consideration of the Administration; and on the 20th of September last, the Commissioner of Crown Lands transmitted to the Collector of Duties on Timber at the Port of Quebec, the following Order in Council, purporting to bear date on the 14th of the same month, and did also direct the retro-active effect of that Order to the 4th of August preceding.

“ Extract from an Order in Council, No. 4,997, dated 14th September.

“ On the Report of the Commissioner of Crown Lands, No. 1,129, dated 24th July, 1852, on the Petition of the Mayor and Corporation of the Town of Bytown, a Petition adopted at a Public Meeting of the Inhabitants of Bytown, and the Petition of the Municipal Council of the County of Carleton, praying for a reduction of the duty now levied upon Red Pine Timber,—

“ It was Ordered, That the duty levied upon Red Pine Timber be reduced from one penny to one half-penny per cubic foot.”

That the direction of the Commissioner of Crown Lands for the retro-active effect of the reduced rate of duties, was made upon his own responsibility alone, and without any Order in Council therefor.

That no satisfactory evidence has been adduced of the time of the adoption, by the Executive Council, of the Order above adverted to, although it was not formally communicated to the Commissioner of Crown Lands, until the 16th of September, nor by him to the Collector of Timber Dues at Quebec, until the 20th of the same month.

That in obedience to the direction of the Commissioner, the Collector discharged a large quantity of Red Pine Timber from the higher rate of duty accrued upon it under the operation of the previous tariff of rates, and collected thereon only the reduced duty imposed by the said Order in Council, whereby a considerable loss of revenue was incurred by the Province.

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PRINTED BY JOHN LOVELL, MOUNTAIN STREET, QUEBEC.

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Your Committee report the above circumstances connected with the reference of Your Honorable House, and in addition submit herewith the evidence adduced before them.

WM. H. BOULTON,  
Chairman.

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## MINUTES OF EVIDENCE.

THURSDAY, 21ST OCTOBER, 1852.

*William H. Lee*, Esquire, called in, and Examined:

States,—I am Acting Clerk of the Honorable Executive Council; as such I receive documents from other Departments, prepare abstracts of the same, and hand them to the President of the Council to be laid before it. I keep the Records of the proceedings of the Executive Council, but am not present at its deliberations. After cases are disposed of, the President reports to me the Members present and the result of their deliberations, which I record by forming into a formal Report, which Report I receive into the Office as the record of the proceedings. My knowledge of the Members present in Council, when deliberating upon any particular measure, is derived from a printed memorandum of the names of all the Members, the President ticking off those that were present. I have access to the Council Chamber, but only make my records of those present from the list referred to, as handed to me by the President. I have not the original list given me by the President, Mr. Cameron, shewing who were present on the 14th of September last, the day on which the order was made relative to the reduction of duty on Red Pine Timber. The Report of the Council of that date, which I now exhibit to the Committee, was drawn up and signed by Mr. Cameron in my presence, on the 14th of September last. The Reports are sent in for approval by the Governor General, and he approves them in Council after perusal—his approval to the Report of the 14th September was given on that day, and the date of that approval is in my handwriting in the margin. The names of the Members of the Executive Council present on the 14th September last, as given me by Mr. Cameron, were:—Mr. Cameron, Mr. Hincks, Mr. Taché, Mr. Morris, Mr. Morin, Mr. Rolph, Mr. Richards, and Mr. Young. After receiving a Report as approved by the Governor General, I am in the habit of communicating within a day or two, or as speedily as the business of the Office will permit, to the Department to which the matter relates; and the Report and papers annexed are copied by a Clerk in the book. On the back of the Report of the Commissioner of Crown Lands, I caused to be endorsed an abstract of the Order in Council of the 14th September. This Order in Council was communicated to the Commissioner of Crown Lands on the 16th September, which fact is endorsed also on the Report. The several Orders in Council of a day are on different pieces of paper, which are made into one parcel by me, and then signed by the President, and afterwards approved by the Governor General. I am certain that the Order in Council of the 14th September, was given to me on that day, and is the only one made on the subject of the duty on Red Pine Timber. Every thing relating to this Order in Council was transacted in the ordinary way.

And then he withdrew.

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The Honorable *John Young*, called in, and Examined:

Q. Were you generally present at Meetings of the Honorable the Executive Council while a member of the same?—A. I was.

Q. Were you in Quebec on the 14th September last?—A. I was; and most probably was present at the meeting of the Executive Council on that day.

Q. Will you state to the Committee what policy or proceeding was had by the Executive in relation to the reduction of the duty on Red Pine Timber?—A. The policy of reducing the duty on Red Pine Timber had frequently engaged the attention of the Council, and, for some few days before the 16th September, the subject had been brought forward in a written Report for adoption, but was not finally decided on till the 16th, on the morning of which day I saw John Gilmour at my office, who made inquiry respecting the intentions of Government about reducing the duty: stating that the article of Red Pine was very depressed, and that the mode of collecting the duty, by actual measurement, bore very severely on the trade. I stated, that the subject would probably be taken up that day—that I would try to bring the subject before Council, and that I would let him know, in the afternoon, the result. The subject was brought before Council in a written Report, which had been, I believe, ready for some days, when it was decided not to reduce the duty, until a measure which was then in preparation, providing for an export duty on all timber, was brought forward and approved. This objection was raised by Mr. Hincks. After leaving the Council, I went to my office, where I wrote a note to John Gilmour, stating the result of the Meeting of Council, which note I intended to be strictly private, but on examination of a copy of the note, find that I had neglected to mark it private; this note was dated the 16th September, and from a comparison of other documents, written at same time, I find that there is no doubt whatever that the note was correctly dated. In this view I am confirmed by the fact that the Honorable Mr. Cameron mentioned to me, next day, that he had seen Mr. Gilmour, who spoke to him respecting it, and that he had seen Joseph Aumond, Esquire, of Bytown, also, who referred to the note received by Mr. Gilmour. A good deal of excitement was produced by Mr. Gilmour having made the contents of the note public. Mr. Cameron stated to me, that he would bring the matter up again, and the measure reducing the duty on the Red Pine was passed, either the next day succeeding the 16th September or soon after, at which meeting of Council I did not happen to be present.

The only way I can account for the Order in Council being dated the 14th, is that the Report having been brought forward as referred to, and expected to pass on or about that day, that when final action was taken, the date was, by accident, not altered. I am quite certain, that the final action on the reduction of duty took place by the pressure brought on the Government by the trade, in consequence of the information conveyed in my note to Mr. Gilmour having become public. It was after this, that Mr. Cameron spoke to me of the noise that was being made about the duty not being taken off, that it was decided to pass the Report.

I had no conversation with any one on the subject except Mr. Cameron, after the decision which was come to not to take off the duty, till the general measure was adopted.

My decided impression is, that I was not present on any occasion when the Order in Council, dated the 14th September, was passed; although it is hardly possible that the measure may have passed in my presence without adverting to it. This is not however likely, from the interest I took in the subject, knowing as I did how severely this duty pressed on this branch of trade.

The reason for the measure for reducing the duty on Red Pine not being passed when the Report first came before Council was, that the Commissioner of Crown Lands and myself had a Bill in preparation, providing for a general export duty on timber, by which it was supposed an increase to the revenue would be the result; and it was only because that this general measure had not been produced, that the Inspector General refused at that time to act in reducing the duty.

QUEBEC, 21st October, 1852.

My Dear Sir,—I have to apologise for not having replied to your note of the 16th instant; having been unexpectedly hurried out of Town, my brother attended to it.

Your several notes, however, were received on the days of their respective dates, and it is not within my knowledge that the remission of duty on Red Pine Timber was made by Government before or after receipt of your note to me of the 16th ultimo.

I am, my dear Sir,  
Yours respectfully,

JOHN GILMOUR.

Honorable JOHN YOUNG.

*John Egan*, Esquire, M.P.P., called in, and Examined:

Since the reduction of the duty on foreign timber in England, the trade have frequently addressed the Government in favor of reduction. About a month ago, a deputation waited upon the Government, to ascertain if the reduction prayed for would take place, as by an official notice in the Gazette, of the 5th June last, part of a system intended to be carried out by the Government, viz.: that of an Export Duty, to the effect that all timber should be levied upon according to measurement, previous to which, all Red Pine was rated at 38 cubic feet per stick. The effect of having to pay on the actual measurement was an additional charge which the trade did not expect, and consequently those interested, viz., producers, prayed to have a reduction made in accordance with the Memorial sent from Bytown last winter. The reduction made, although nominally a halfpenny a foot, does not amount to much over a farthing, as the large timber is levied upon according to the Supervisor's specification, giving the Government the benefit of from 38 to, in some instances, 55 feet: making on some rafts to the extent of £50 extra charge. As it has been imputed to me that I used undue influence with the Government, I unhesitatingly state that I never did so; and no Member of the Government asked me to vote on any question whatever; and I take this opportunity of stating that I never asked a personal favor of the Government.

Q. (By Chairman).—Did you ever inform John Bopore or William Stubbs, that Mr. Young or the Government had refused taking off the duty on Red Pine, and that after Mr. Young had made such statements, a pressure had been brought to bear upon the Government, and that by two o'clock the next day, the Order was made; or words to that effect?—A. I was informed by Mr. Aumond, that Messrs. Gilmour & Co. had a note from Mr. Young that the Government intended to make the reduction in connection with an Export Duty embraced in a general measure. I went to Mr. Young after having heard this fact, and told him that the trade would be much disappointed.

if they had to pay an extra charge consequent on a change effected by the Order of the 5th of June. I may have said to the persons mentioned in the question, that I had represented the disappointment felt by the trade. I may have told them generally, that I had heard that the Government had refused to take off the duty. I may have said that a pressure had been brought to bear on the Government in the way of deputations, and that I was one, in connection with Mr. Malloch and many persons interested in the trade on the Ottawa, who called on the Commissioner of Crown Lands and Mr. Young, to urge this subject on the Government, and was replied to that the reduction would take place. This conversation may have been a few days\* the reduction did take place. The evening that I heard that the duty would not be taken off, I called on Mr. Young, (it was the same evening Mr. Aumond told me,) and begged of him to see further into it, and the next day it was generally reported that the duty was reduced.

Q. (By Honorable Mr. Robinson.)—Had you a knowledge that the duty was taken off previous to the receipt of Mr. Young's letter by Mr. Gilmour?—A. I had not: but I called on Mr. Young, I think, the same evening that I heard of the note to Mr. Gilmour; it was with reference to the reduction that I so called on Mr. Young. He told me he would see into it; that the Government would consider it, and the trade would know in a short time more particularly about it.

Q. Was it not after the receipt of the note that the reduction of duty was made known?—A. Yes.

Q. Did Messrs. Aumond, and others, press on the Government the necessity of the reduction after the receipt of that note; and was there not some excitement among the trade after the receipt of the note?—A. As to what course Mr. Aumond and others adopted, I am ignorant. After I heard of the receipt of the note, I saw very few persons connected with the trade, it being late in the afternoon. I was aware of such a note having been written, and I think the following day I heard that the duty was reduced; as to the exact days of the month when these occurrences took place, I cannot now recollect.

FRIDAY, 22ND OCTOBER, 1852.

*D. Gilmour*, Esquire, called in, and Examined:

I produce a note from *J. Young*, Esquire, dated 16th September, as follows:—

“QUEBEC, 16th September, 1852.

“My Dear Sir,—Nothing can be done I find with the Red Pine duties, till the question of the general alteration in collecting duties is decided on.

“Yours truly,

(Signed,)

“JOHN YOUNG.”

“*John Gilmour*, Esquire.”

This note was received by Mr. *J. Gilmour*, on the 16th September, the day it was written; neither note or envelope were marked private. I had no communication with any Member of the Government after the receipt of that note—nor

\* This blank occurs in the original Minutes.

previously. I first heard that the reduction had been made on the 17th or 18th, I am not certain which. I heard it from general report; I do not remember who first told me. I do not remember having had any communication with Mr. Egan or Mr. McLaughlan on the subject, about that time—but I had, previously, with Mr. Egan. I think Mr. Egan came to the office on the day of the receipt of the note, and I told him the contents of the note from Mr. Young. I do not remember what conversation took place between us on the subject. I had, with others, since June previous, been endeavouring to get the reduction made by the Government.

(Mr. Young identified the note.)

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*John Gilmour*, Esquire, called in, and Examined:

I identify the letter referred to in the examination of previous witness. The letter was received on the afternoon of the 16th September, after an interview on the same day with Mr. Young on the subject to which it refers.

I had no intimation at that time of the duties having been reduced. I think I first heard of the reduction on the day after the receipt of Mr. Young's letter, or the day following that. I had no communication with any Member of the Government, except after receiving the letter. On the morning of the 16th September, I was told, by Mr. Young, that the reduction would not be made until the Government brought in a Bill to collect an export duty on all timber.

In July or August, I was one of a deputation to wait on Mr. Cameron and Mr. Young, on the subject of a reduction of Timber duties. I saw Mr. Cameron and Mr. Young; after frequent interviews with these gentlemen, I was informed and led to believe that a remission of duties would take place, but understood that the measure had first to be submitted to the Council. On the morning of the 16th September, I saw Mr. Young at his own Office, and asked him if any reduction on duties on Red Pine Timber had been made. He (Mr. Young) said not. I then said, on behalf of myself and some others, I requested to have a definite answer as soon as possible—those whom I represented were getting impatient—and that if an answer in writing were given, it would be more satisfactory, as they would then know what course afterwards to pursue. Mr. Young then said he would write to me; and, accordingly, on the same day, I received the note handed in. A considerable time before the 16th September, I had frequent interviews with the Honorable M. Cameron on the subject, but I do not recollect precisely what took place. I did not show Mr. Young's note to Mr. Cameron, but communicated its contents to him; this was before I had heard that the reduction had taken place—this must have been on the 17th or 18th September. Mr. Cameron replied, that Mr. Young should not have written such a note; Mr. Cameron said, they were all agreed upon a remission of duties, and had been some time before—but that Mr. Young wished to couple a measure respecting an Export duty with it. When I afterwards saw Mr. Cameron, I was under the impression that the matter stood as it had done for six weeks previous.

The Timber duties are collected in Quebec by Mr. Stewart. Our Firm had no Red Pine in Quebec on the 14th September, or before 1st October. Had I had any Red Pine Timber then, I would not have paid the then existing duties—feeling satisfied a reduction would soon be made. The note addressed to me on 16th September was not marked private, either on the envelope, or on the note itself.

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*McLean Stewart*, Esquire, called in, and Examined :

I am Collector of Duties on all Crown Timber, at the Port of Quebec. I recollect a reduction of the duty upon Red Pine Timber made in the month of September last. I received a letter from the Commissioner of Crown Lands, dated 20th September: a copy of the original is now produced (A.) Parties in the trade were agitating before the arrival of the Red Pine in Port, for the reduction of the duty. The first raft of Red Pine arrived about the 4th August, and continued to arrive until and after the 14th September. All Red Pine, as soon as it arrives in Port; is subject to duty, but the duty is not collected until it is sold. Immediately after the receipt of the letter abovementioned, I wrote to the Commissioner of Crown Lands, to ascertain whether the Order in Council, of the 14th September, was to be applicable to all Red Pine Timber brought down this year, or whether it was to apply to timber brought down after the 14th September only: the reply was; that the duty under this Order must be collected on all Red Pine brought down from the commencement of the arrival of the first Red Pine rafts, (a copy of this reply is handed in to the Committee (B.)) About two millions of feet of this timber have been affected by this reduction. The holders of this timber were from the Ottawa District, and were Messrs. Alexander McDonald, Calvin Rory McDonald, John Thompson, Daniel McLachlin, John Egan & Co., Joseph Aumond, John Supple, Robert Conroy, William Morris, George Morris & Co., and Allan Gilmour & Co., who benefitted in the whole to the extent of about £4,000 by the reduction, in the following proportions:—

|                                 |      |    |   |
|---------------------------------|------|----|---|
| Alexander McDonald .....        | £349 | 11 | 2 |
| Calvin Rory McDonald.....       | 363  | 13 | 3 |
| John Thompson.....              | 177  | 19 | 3 |
| Daniel McLachlin .....          | 673  | 4  | 7 |
| John Egan & Co. ....            | 819  | 6  | 0 |
| Joseph Aumond.....              | 653  | 2  | 0 |
| John Supple .....               | 153  | 14 | 9 |
| Robert Conroy .....             | 182  | 8  | 2 |
| William Morris .....            | 222  | 3  | 3 |
| George Morris & Co.....         | 21   | 10 | 5 |
| Allan Gilmour & Co., about..... | 990  | 0  | 0 |

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£4,606 12 10

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These parties benefit to the above extent, in consequence of the Order of the 14th September. There has been no Export Duty or other charge levied on the Red Pine belonging to the above parties, in lieu of or in consequence of that Order in Council.

There is now in this market unsold from 700,000 to 1,000,000 of feet, on which the old duty is paid, imported during the last year. There had been no duties collected on any of the Red Pine, which arrived this year, up to the time the witness received the Order in Council alluded to, for the reduction of duty.

Prior to the 4th June last, the duties on timber were charged at so many feet, 38 feet for a stick, without reference to its actual contents, but on that date an Order in Council was made desiring the duties to be collected according to actual measurement.

26TH OCTOBER, 1852.

*Joseph Aumont*, Esquire, of Bytown, Lumber Merchant, called in, and Examined:

Q. Do you know anything of a letter written by the Honorable Mr. Young to Mr. Gilmour, with reference to a reduction of the duties on Red Pine Timber?

A. I have heard Mr. Gilmour speak of it. For a considerable period before the date of that note, I and others interested in the lumber trade, made frequent application to the Members of the Government individually, on the subject of a reduction of the duty on Red Pine Timber, and expecting to receive at Quebec large quantities of that timber, we were a good deal excited on the subject. On the day after Mr. Gilmour's receipt of the note from Mr. Young, he informed me of having received it, and that we were not going to have any reduction of the duty. The fact of a reduction of duty having been made, did not come to my knowledge until after that time, and indeed it was not made until after my interview with Mr. Gilmour, though I cannot say exactly at what time. After receiving the information from Mr. Gilmour, my impression is that I went to Mr. Egan and communicated it to him,—and I believe this was the first intimation Mr. Egan had of that note.

(A.)

CROWN LAND DEPARTMENT,

Quebec, 20th September, 1852.

Sir,—I have to inform you, that His Excellency the Governor General, by Order in Council, dated the 14th instant, has been pleased to reduce the duty chargeable upon Red Pine Timber, from One Penny to One Half-penny per cubic Foot.

You will therefore please to govern yourself accordingly in collecting the duty.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed,) JOHN ROLPH.

McLEAN STEWART, Esquire,

Collector, Crown Timber Duty, &c.,  
Quebec.

(B.)

CROWN LANDS DEPARTMENT,

Quebec, 20th September, 1852.

Sir,—I have just seen the Commissioner on the subject of your note of this day, and am directed by him to say, that the reduction of duty on Red Pine was intended to take effect from the first arrival of a Red Pine raft this season, and that you are authorized to act accordingly.

I am,

Your most obedient Servant,

(Signed,) WM. McD. DAWSON:

McLEAN STEWART, Esquire,

&c., &c. &c.,  
Quebec.

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WEDNESDAY, 27TH OCTOBER, 1852.

Ordered, That the Honorable John Rolph, Commissioner of Crown Lands, a Member of the House, be requested to attend the Committee.

The Honorable *John Rolph*, called in, and Examined :

I am Commissioner of Crown Lands, and under directions from my Department the duties on Crown Timber are collected; the duties are imposed and collected under the authority of 12 Victoria, chapter 30, sec. 1; my directions are given according to the Orders of Council passed from time to time in reference thereto. I am not aware of there being any authority for me to act relative to the increase or reduction of duties, without an Order in Council first made giving some authority, though I would have no hesitation in suspending action under orders in anticipation of a change that Justice require, and which I felt would comport with the views of the Government. I am not aware of any other Act or authority than the Act above referred to, under which Timber duties are collected or changes made in such duties. The reduction of duties on Red Pine Timber was considered by the Government from the time of my report on the subject, some time previous to the Order in Council of 14th September; but Mr. Hincks thought it better not to adopt the report until some general measure should be introduced, which was then in contemplation, to alter the mode of collecting Crown dues on Timber generally, and that such measure would be introduced by the Government into the Legislature, the present mode being entirely inefficient for the purpose of collecting the just dues; the Order in Council is dated 14th September, and the alteration of duty must necessarily take effect from its date, subject to any further action of the Government on the subject. I cannot say on what day such order was made other than the 14th, and have no reason to doubt that it was made on that day, and I have no reason to believe otherwise. I am not aware whether I was present in Council or not when the order in Council was made; my views were well known to my colleagues. I communicated officially the Order in Council to the Collector of dues on the 20th September, as appears by my letter of that date (marked C.) The copy of letter addressed by Mr. Dawson, of my Department, to the Collector, dated 20th September, I have no doubt was written by my authority, and contains my views as Commissioner, and I am not aware of any other Order in Council being made than that of 14th, on this subject. The step taken by me in the letter of 20th September, addressed by Mr. Dawson to the Collector, was upon my own authority; a Bill has been prepared by me to secure the proper collection of all just dues on Timber, and to regulate the Crown dues on Timber; and containing such other provisions as I think necessary, and is, I believe, now in the hands of the Crown Officers for consideration: and the reduction was made on the 14th, in consequence, I believe, of the interests of the Trade, perhaps, not admitting of further delay, until the Bill could be satisfactorily maintained; this was my reason for acting at once. The letters produced, marked C., D. and E., are authentic copies of documents in my Department. Mr. Egan and other gentlemen waited upon me in reference to a reduction of the duty, and I believe the Trade wished a decision as the season advanced; therefore, in my opinion, the action in the matter was required, and was taken; I know of no other reason for acting at that moment. I think I only received the order on the 16th, and think it was quite in the ordinary way of doing business to communicate it by the 20th; the letter having to be received by me and required to be registered and passed through the Branch to me. I cannot say that I verbally communicated to any one such order before my official letter of 20th September.

(Copy—C.)

CROWN LAND DEPARTMENT,

Quebec, 20th September, 1852.

Sir,—I have to inform you that His Excellency the Governor General, by Order in Council, dated the 14th instant, has been pleased to reduce the duty chargeable upon Red Pine Timber, from one penny to one halfpenny per cubic foot.

You will therefore please to govern yourself accordingly in collecting the duty.

I have the honor to be,

&amp;c., &amp;c., &amp;c.,

(Signed,) JOHN ROLPH.

McLEAN STEWART, Esquire,

Collector, &amp;c., Quebec.

Certified a true Copy,

WILLIAM McD. DAWSON.

(D.)

CROWN LAND DEPARTMENT,

Quebec, 20th September, 1852.

Sir,—I have just seen the Commissioner on the subject of your note of this day, and am directed by him to say, that the reduction of duty on Red Pine was intended to take effect from the first arrival of a Red Pine Raft this season, and that you are authorized to act accordingly

I am, &amp;c., &amp;c., &amp;c.,

(Signed,) WM. McD. DAWSON.

McLEAN STEWART, Esquire,

&amp;c., &amp;c., &amp;c.

Quebec.

Certified a true Copy,

WM. McD. DAWSON.

(E.)

QUEBEC, 20th September, 1852.

Sir,—I have the honor to acknowledge your letter of this day, informing me, for my guidance, of the Order in Council of the 14th instant, reducing the duty charged upon Red Pine Timber from one penny to one halfpenny per foot.

I beg to be informed whether this Order refers to what Red Pine has already been measured (upwards of a million of feet), or only to take effect from the passing of the Order.

I have, &amp;c., &amp;c.,

(Signed,) McLEAN STEWART.

The Honorable the Commissioner of Crown Lands,

&amp;c., &amp;c., &amp;c.

THURSDAY, 28TH OCTOBER, 1852.

The Honorable *Francis Hincks*, called in, and Examined:

I am Inspector General and one of the Executive Council. I am not aware of any Imperial instructions relative to the mode of conducting the business of the Executive of this Province, nor am I aware of any written rules or regulations of any

kind adopted for governing the proceedings of Council; but the mode adopted is as follows:—all matters brought under the consideration of Council are referred to it by command of the Governor General, through one of the responsible Ministers in the shape of a Report, or written reference; on all occasions, the names of the Members present are taken down by the Clerk; he is not present in Council at its sittings, but occupies a room adjoining, but is aware of the Members who attend the Council, by personal knowledge or information given him by the President of the Council. Orders in Council are never formally passed to remain in abeyance; I never knew an instance of it. I am aware of an Order in Council, bearing date 14th September last, relative to Red Pine Timber, being passed, and was present when such Order was finally made. I have no knowledge of the exact date when it was passed, except from the records of the Council. I never heard of Mr. Young's letter to Mr. Gilmour until it was referred to in the House; the subject of the reduction of duties on Red Pine was the subject of consideration by the Council for several months previous to the Order of 14th September, and also occupied the attention of the late Government; the reason why such reductions were not previously made, was because it was thought desirable to make a change in the mode of collecting the stampage duty for the purpose of preventing fraud; the impression prevails that a considerable quantity of Timber, cut on Crown Lands, is passed as being cut on private lands, and it has been strongly recommended that the duties should be collected at the Custom Houses on Export, instead of the present system, with a view to increase the Revenue; and a Bill effecting that object has been under consideration for some time; it was contemplated equalizing the duties on Red and White Pine when such measure should be passed; several Members of the Council were anxious to do so before adopting the Export duty, but it was finally decided not to delay it for the measure, principally because it seemed very doubtful if the measure could be matured in time for Legislation this Session. I am aware of no particular reason other than those above stated for adopting the Resolution of the 14th, and no such contemplative change has been made in the mode of levying and collecting the duties, except the reduction above mentioned. I am not aware of the particular authority under which the changes in the duty from time to time takes place, nor of any authority for the Head of a Department altering or varying the effect of an Order in Council, and if he does so, it is upon his own responsibility.

I do not know the loss sustained by the Province in consequence of the said Order in Council; unless otherwise provided, all Orders in Council take effect from their date. I never heard of any suggestion being made to the Council by the Commissioner of Crown Lands, or other Member; the Order of 14th September should take effect from any period anterior to its date, nor am I aware of any authority authorizing any duties regulated by Order of Council being remitted or refunded.

FRIDAY, 29TH OCTOBER, 1852.

The Honorable *Malcolm Cameron*, called in, and Examined:

I am President of the Council, and as such preside at all meetings of the Council, and present such Petitions as are to be considered to the Members present; I keep no book in which is recorded the names of the Members present on any occasion, but keep a record by marking on a printed slip of paper the names of those present, and this is handed to the Clerk by me, with the minute in each case, from which he prepares the Report embracing the names of Members present, and the result. I am not aware that such printed lists are preserved by the Clerk. I presided in Council on the 14th September last, when an Order in Council was pas-

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sed reducing the duty on Red Pine Timber, and I believe Messrs. Hincks, Taché, Morris, Morin, Rolph, Richards, and Young, were present. The Report of Council now produced, and dated 14th September, 1852, is a correct report of what was done in Council on that day, and is signed by me as President of the Executive Council on that day, and I saw the Governor General attach his initials to the said Order marked Approved, but cannot say he did so on the 14th September; the Order in Council relative to Red Pine, and included in said Report, was finally passed on that day, the 14th September, and was never again brought under the consideration of the Council. A Petition for a reduction of duties on Red Pine, reported favorably on by the Commissioner of Crown Lands, was frequently brought before the Council between the date of the Commissioner's Report, 24th July, 1852, and the 14th September; the Report was based on Petition of the Mayor and Corporation of Bytown; another, of the inhabitants of Bytown; and one, from the Municipality of Carleton. The Members of the Government were all in favor of the change from the beginning, but the Commissioner of Public Works was in favor of an Export duty on all Lumber, private and public, to which I was opposed, and the Commissioner of Public Works, Commissioner of Crown Lands, and Inspector General, were in favor of coupling an export duty with a reduction on Red Pine, and were desirous to delay action in the latter until a measure was prepared between July and September. I understood and was aware that the Trade was not suffering, because there were but few sales, but in September, the time was approaching when the small holders must sell, and made a pressure on the Government. Mr. Aumond represented this to me on behalf of himself and others; another party, Mr. Connell and Wadsworth, waited on me at Russell's Hotel, urging the importance of having this matter disposed of. Mr. John Gilmour was with them; this was in the beginning of September, prior to the 14th. I recollect no others urging the reduction, except that Mr. Egan, in July, called on me on the subject; before the debate in the House of Assembly on the subject, I had heard of a letter from Mr. Young to Messrs. Gilmour, on the subject, but had not seen it. I have heard it stated that I went to Mr. Gilmour's immediately after Mr. Young's letter was written, saw the letter, and said "I would make it all right." This is utterly false. I think Mr. Gilmour mentioned the receipt of Mr. Young's letter to me on the day a launch of Mr. Gilmour's was to have taken place.

Q. Did you ever, with reference to Mr. Young's note of 16th September, say to Mr. Gilmour, you would make it all right?—A. I did not, and could not have said so, because I did not hear of the note to Mr. Gilmour from him until after the Order in Council was finally disposed of and made public.

Does not recollect whether he had any conversation with Mr. Young on the subject after he heard that Mr. Young had written his note of 16th, but thinks it likely he may have done so; is sure he did not say to Mr. Young that he (Mr. Young) should not have written such a note.

The Report of 14th was prepared by the Clerk, in July preceding, and remained on the table until the time of its adoption, without alteration. The object of the general measure referred to, was to reduce the present duty on timber, but to increase the revenue by an Export Duty on all timber, as well on private as public lands. No other Order in Council was passed reducing the duty before or after the 14th September.

# REPORT.

TUESDAY, 19th October, 1852.

The Committee appointed to enquire into and report upon the best means of remedying the difficulties which have arisen in several Counties of Canada West, from the informality of the By-laws of the Municipal Councils imposing County rates, beg leave to report:—

That they have carefully enquired into the subject referred to them, and in order that they might be put in possession of all the facts necessary to enable them to form a correct judgment, and to recommend to Your Honorable House a general measure for remedying the present difficulties, they have sent circulars to the Wardens of the several Counties in Upper Canada, requesting copies of the By-laws of the late District Councils imposing rates on land, together with suggestions as to the peculiar difficulties in each County; and they have also procured copies of all the judgments which have been delivered in the Superior Courts, upon questions arising under these By-laws—all which documents are herewith submitted. Your Committee have ascertained, that, in twelve, at least, of the twenty Districts in Upper Canada, the By-laws imposing rates on land have been illegal. In all of these there are certain informalities, as the By-laws not being annual, but continuing the rates for an unlimited time, the want of sufficient accuracy in limiting and appropriating the sums to be raised, and the system of taxing so much per acre instead of so much in the pound, which have been held by the Court of Queen's Bench sufficient to render the By-laws invalid. Your Committee, however, are of opinion, that great inconvenience would arise from the quashing of By-laws on account of mere technical defects, so long as no practical injustice was done to any one by imposing a higher rate than if all legal formalities had been attended to, might lawfully have been levied. A much more serious objection has arisen from the ambiguity of the 41st Section of the Municipal Act, 4 and 5 Vic. cap. 10. By the earlier portion of the Section, the power of taxation is limited to two pence in the pound on all rateable property, including land, and by the last proviso it is limited, on land, to one penny half penny per acre. These two parts of the section are in so far inconsistent, that, whilst it is provided that the rates shall be levied equally, and upon all land, by the first limitation uncultivated land cannot be taxed higher than  $\frac{2}{3}$  of a penny per acre, and, by the last, cleared land cannot be rated higher than one penny half penny in the pound, so that it is impossible to rate all land equally up to either limit. It is perhaps, impossible to decide at present what the real intention of the section was, and the interpretation put upon it by the Judges (see *Doe dem McGill vs. Langton, Trinity Terms, 1851*, and *Tyler vs. County of Waterloo Easter Term 1852*.) does not even now remove the difficulty. However this may be, all the twelve District Councils imagined, that they had a right to tax land by the acre, within the limit of one penny half penny, and imposed rates for various sums, which in no case reached that limit, although they all exceeded two pence in the pound on the assessed value of uncultivated land.

Your Committee have not found in the Reports of the cases in the Court of Queen's Bench any decision, which unequivocally determines the rates on land, exceeding in the whole two pence in the pound, to have been illegal. On the contrary, Chief Justice Robinson points out a way, (*Tyler vs. County of Waterloo*) by

which, if proper formalities are followed, such an excess might have been consistent with the Municipal Act. But your Committee would particularly direct the attention of Your Honorable House to this Act, 9 Vic., cap. 18, which was passed four years after the Municipal Act, in order to remedy in a particular District a similar difficulty to that which is now sought to be provided for by an Act applicable to the whole of Upper Canada. By that Act, any tax on land in the Huron District, not exceeding one penny half-penny per acre, is declared legal, notwithstanding any informalities in the By-laws imposing it. This Act your Committee can only understand as a distinct recognition by Parliament of the interpretation put upon the 41st Section of the Municipal Act by the various District Councils; the judgment already referred to, appears to support the same meaning; and in the opinion of your Committee such an interpretation is the most reasonable and the most reconcilable with the other parts of the same section. Your Committee would therefore recommend, that, in the Bill to be introduced to remedy existing difficulties, it should be declared to be the true intent and meaning of the 41st section, that all land should be liable to a tax, not exceeding one penny half-penny per acre, although such tax might exceed two pence in the pound upon its assessed value.

One difficulty of great importance remains to be considered. In six of the Districts, sales of lands have taken place for arrears of the taxes imposed by illegal By-laws, and these lands have since in many cases changed hands, and have been improved by actual settlers. After anxious consideration of the subject, and with a view to do justice to all parties interested, to the Districts, the owners of the land, the purchasers and the present occupants, your Committee would recommend, that a list be advertised of all the lands in each District, which have been sold for arrears of taxes since the establishment of the District Councils, together with the sums for which they were sold, and the sums with which they were lawfully chargeable at the date of the sale. That at any time within one year from the date of such advertisement, the owner may redeem his land by paying to the County Treasurer the amount lawfully chargeable, with interest, from the date of sale to the date of such payment. That the District shall be liable to repay to the purchaser the whole amount of his purchase money with interest as aforesaid. That the owner shall pay to the occupant of the land reasonable compensation for his improvements, to be ascertained by the same means as is provided in case of erroneous surveys by the Surveyors Act. That failing the redemption of the land within the time above specified, the original sale shall be confirmed, so far as relates to the amount of the tax and the authority of the District to sell.

Your Committee would recommend that a Bill be introduced, founded upon the foregoing recommendations, which they believe will provide for all the difficulties at present existing, and render substantial justice to all parties.

One of the petitions referred to your Committee, relates to By-laws establishing Roads in the County of York, which, on account of certain informalities have been declared illegal. Your Committee do not believe that this petition properly belongs to the general subject referred to them, and they are not of opinion, that any action of the Legislature is called for in relation to it, as the Municipalities have the power to re-establish the Road by observing all necessary formalities.

All which is, nevertheless, respectively submitted.

JOHN LANGTON,  
Chairman.



## APPENDIX.

## DOE DEM MCGILL vs. LANGTON.

By-law imposing tax on wild lands—sale of land for arrear of such taxes—4 and 5 Vic. cap. 10.

The Municipal Council of the District of Colborne passed a By-law imposing a tax per acre on unoccupied or wild lands, for the purpose of improving the roads and bridges, and liquidating the debt of the District. Held that the By-law was bad, inasmuch as the Council had no power to impose a tax for repairing the roads and bridges generally, nor to confine such tax to unoccupied lands only, nor to impose a tax of so much per acre, instead of an assessment of so much in the pound on the assessed value, and the land having been sold for arrears of such taxes, in addition to arrears which had accrued under the Statute: *Held*, that the sale was, nevertheless, void, and that the Sheriff's Deed was inoperative and conveyed no title.

Quere, whether the District Council could direct land to be sold for payment of taxes, imposed not by the Provincial Statute, but by their By-law?

Ejectment for Lot No. 10, in the 1st Concession, Township of Belmont, County of Peterborough.

Demise laid the 1st of January, 1851.

Plea and consent rule by present defendant.

Lease, entry and ouster confessed.

It was admitted that the Lot in question was sold for arrears of taxes, by the Sheriff of the County of Peterborough, (then the District of Colborne,) on 3rd Oct., 1849, and that the defendant became the purchaser at such sale, and is now possessed thereof as vendee of the Sheriff: that long before, and at that time the lessor of the plaintiff was seized of said Lot in fee, and if not barred by said sale, is still the lawful owner: that said Lot was always, up to and at the time of the sale unoccupied, and up to the time of sale there was no sufficient distress thereon; that said lessor resided out of the District; and that the Lot was a surveyed Lot, and returned as unoccupied by the Treasurer of the District; and on the 11th Nov., 1852, the Municipal Council of the district of Colborne, passed a By-law in the following words:—

A By-law to make provision for levying rates and assessments on lands and other rateable property throughout the District of Colborne. Passed 11th November, 1842.

Be it therefore enacted by the Municipal Council of the District of Colborne, in Council assembled:

1st. That for the purpose of raising a sufficient sum of money to meet the expenses of this District, the sum of one penny per acre be assessed and levied on lands within this said District, in lieu of the taxes heretofore impose by law.

2nd. That for the like purpose (in lieu of the present rate of assessment imposed by law) the sum of two pence in the pound be assessed and levied on all rateable property (except lands) in this District, according to the rates now established by law.

3rd. That the said rates be levied and collected by the Collectors of the Townships, and paid over to the Treasurer of the District, as is by law required.

4th. That for the purpose of improving the roads and bridges, and liquidating the debt of the District, there be raised and levied on all lands unoccupied, and not included in the assessment roll in lieu of the present wild land tax, the sum of one penny per acre, which said sum of one penny per acre, with any increased rate as is hereafter provided, shall be equally proportioned towards the erection, maintaining or keeping in repair any new or existing road or bridge, in the Township in which such sum has been raised, and the liquidation of said debt of the District.

5th. That when the rates and assessments upon any piece or parcel of land shall be suffered to remain in arrear and unpaid for the space of two years, the rate and assessment shall be increased to one penny half-penny per acre for each and every year the said rate and assessment shall remain unpaid.

6th. That the rates and assessments hereinbefore directed be levied in the manner now prescribed by law.

7th. That the sum to be raised in any one year during the continuance of this By-law shall be limited to £4,000; and that in case the said rates assessed within the District shall in any year exceed the sum of £4,000, then and in such case the said rates shall be apportioned and assessed equally upon all the said property, and reduced accordingly.

8. That this By-law shall commence and take effect on and from the first day of January, 1843.

(Signed,)

G. A. HILL,

Warden.

The Lot in question was sold for taxes claimed to be due from and after 1st July, 1840, to 1st July, 1848.

The taxes from 1st January, 1840, to 1st January, 1843, were imposed by the Quarter Sessions, under 59 Geo. III., cap. 7; after the rate of one-fifth of a penny per acre together with  $\frac{1}{2}$  of a penny per acre under 59 Geo. III., cap 8.

The above By-law professed to come into effect on and upon the 1st January, 1843.

Under this By-law one penny was imposed per acre for the years from 1st January, 1843, to the 1st July, 1848.

No more than one penny per acre had been levied since 1st January, 1843.

The amount of each year's taxes, including the increase for being in arrear, stood as follows, for 200 acres :—

|                                                              |   |   |   |   | l. | s. | d. |
|--------------------------------------------------------------|---|---|---|---|----|----|----|
| From 1st July, 1840, to 1st July, 1841,                      | - | - | - | - | 0  | 8  | 0  |
| “ “ 1841, “ 1842,                                            | - | - | - | - | 0  | 8  | 0  |
| “ “ 1842, “ 1843,                                            | - | - | - | - | 0  | 12 | 4  |
| (The first six months under Statute, the last under By-law.) |   |   |   |   |    |    |    |
| “ “ 1843, “ 1844,                                            | - | - | - | - | 0  | 16 | 8  |
| “ “ 1844, “ 1845,                                            | - | - | - | - | 0  | 16 | 8  |
| “ “ 1845, “ 1846,                                            | - | - | - | - | 0  | 16 | 8  |
| “ “ 1846, “ 1847,                                            | - | - | - | - | 0  | 16 | 8  |
| “ “ 1847, “ 1848,                                            | - | - | - | - | 0  | 16 | 8  |
| Arrears in all, .....                                        |   |   |   |   | £5 | 11 | 8  |

The said Lot was advertised for sale 1st of July, 1848, and sold 3rd October, 1849. No question arose on the mode of advertising, or of authority given to the Sheriff, or on the details of sale, &c.

The Lot was sold under the authority of the District Council, and for arrears of taxes as aforesaid, claimed under said By-law; and it is the validity of a sale for taxes under the rate of assessment imposed by that By-law, that is now in question.

Hagarty, Q. C., contended that the sale to the defendant was illegal, and no estate passed thereby; that the By-law was wholly inoperative and void, and an excess of authority on the part of the Council; that this By-law did not direct what part of the sum proposed to be raised should be borne by the land; nor in any way settle or show the amount necessary to be raised on an equal assessment of all assessable land; that the By-law did not distinctly state the purposes for which the same was passed, or such assessment required, nor the sum required to be raised.

thereunder; that the By-law, especially in the 4th Section, directed a levy of one penny per acre, for purposes wholly unfixed and vague as to the amount required; that there was no power given to enforce the rates imposed by the Council, by sale of the lands, nor did such By-law show how such rates were to be recovered; that the By-law was contrary to law in assessing land at so much per acre, and not imposing a rate on its assessed value; nor was any value stated, nor whether the sum per acre might not be more than two pence in the pound on assessed value.

D. B. Reid, for the defendant, contended that the By-law in question was legal, and the taxes thereby imposed such as the Council had power to direct should be raised and levied; that too much was directed to be raised and levied by the By-law, or the Sheriff directed to sell the land for the purpose of levying a greater amount of taxes than the Council had a right to impose, the sale of the land was legal, and the purchaser acquired a good title; if there was some amount of taxes in arrear, subjecting the land to be sold for non-payment thereof, though not the amount the Sheriff was directed to make; that the title of the purchaser was good—the By-law not having been quashed or rescinded, and the authority given to the Sheriff not having been moved against or set aside.

If the Court should be of opinion that under the facts the lessor of the plaintiff was entitled to recover in this action, it was agreed that there should be judgment as by confession entered for him, with one shilling damages.

If the Court should be of opinion that the defendant was entitled to judgment, then a non-suit should be entered.

Robinson, C. J., delivered the judgment of the Court.

As connected with the question raised by this special case, I have found it material to refer to the Statutes 59 Geo. III. cap., 7, secs. 2, 7, 14, and 15; 59 Geo. III. cap., 8, sec. 3; 6 Geo. IV., cap. 7, secs. 7 and 8; 4 and 5 Vic., cap. 10, secs. 39, 41, 42, 51 and 57; 12 Vic., cap. 81, secs. 41, (pt. 22) 155, 156, 13 and 14 Vic., cap. 67, secs. 6, 11, 12, 46; 14 and 15 Vic., cap. 109, schedule A, No. 21; 14 and 15 Vic. cap. 110, sec. 6; as well as the By-law itself, of which the validity is impeached.

Some of the statutory provisions which I have just referred to are no further material to the decision of any question now raised, than as they may serve to throw light upon the intention of the Legislature in their former provisions.

The case submitted to us has been fully and carefully stated.

On examining the By-law of the District of Colborne, of 11th November, 1842, it seems too clear to admit of doubt that it was one beyond the competence of the District Council to pass; and if so it cannot be held valid for the purpose of sustaining any proceedings which depends upon its legality. The fact that it has not been quashed nor complained of within any limited time would not make it binding, for even in regard to By-laws that may be passed and specially promulgated under the late Act 14 and 15 Vic., cap. 109, their not being moved against within a certain time and quashed, will only established the validity "so far as they shall ordain or direct any thing within the proper competence of the Corporation to ordain or direct." The Legislature has been careful to insert that qualification, which, if they had been silent in respect to it, we must still have implied, or the most monstrous confusion and injustice might have followed.

The District Council of Colborne, when they passed their By-law, were acting on the authority given them by the Statute 4th and 5th Vic., cap. 10, but they disregarded its provisions, and executed their delegated authority in a manner contrary to that law, as well as to the existing Assessment Laws of the Province.

It is not perhaps necessary for disposing of this case that we should absolutely determine the point, whether a By-law so general in its terms as this is with regard to the objects to be accomplished by it can be held legal; but I incline to think that the 4th and 5th Vic., cap. 10, sec. 39, required, that when the Councils resolve to raise money for making or repairing a road, they should in the same or some other By-law specify the particular road which they intended to make or repair, and the

sum of money which they intended to raise for the purpose; for otherwise there could be no basis for their calculation, and no means of making that apportionment which the law required. And I am quite clear that they had no power to pass a By-law levying a tax, not for making or repairing certain roads or bridges only, nor for making or repairing roads or bridges in any one year, but generally, "for improving roads and bridges," and confining the burthen of such tax to unoccupied lands only; nor could they legally throw upon unoccupied land alone a tax not only for the year, but perpetual, for liquidating the debt of the District.

*Nor could they legally impose, as they assumed to do, a tax of so much per acre, instead of an assessment of so much in the pound on the assessed value. I consider the intention and effect of the 4th and 5th Vic., cap. 10, sec. 39 and 41 to be, that the Council having determined to raise a certain sum for a certain purpose within the scope of their authority, were bound to raise the sum by assessment to be laid on equally by a rate proportionate to the value assigned to each description of taxable property by the existing law, and that their rate should either bear equally on all description of property assessed; or if they pleased they might make a special provision in regard to the land not to be unoccupied land merely, but all the land, to this effect—thet of the specified sums to be levied for the year, for the particular purposes described in their By-law, they might assign a specified portion that is a certain amount of pounds and shillings to be raised upon the land (i. e. all the land in the District) which sum must be raised by assessing it at so much per pound, as might be necessary on the estimated value of such land, as fixed by law for the purpose of taxation, taking care that all their rates on land for the year for all purposes should not exceed one penny half-penny per acre.*

Instead of following the direction plainly given by the Act, this By-law imposes on wild lands alone, not on all the lands of the County, a tax per acre, not a rate per pound, on the value of the acre, as fixed by law, which tax is raised not for any particular purpose so defined that it can be seen whether one hundred pounds is to be raised, or ten thousand, but for the purpose "of improving the roads and bridges, and liquidating the debts of the District;" the one object being indefinite in its nature, because it might absorb an expenditure of hundreds of thousands of pounds continued through generations; and the other, as to public debts, being equally undefined in the By-law, though necessarily in its nature capable of being ascertained as to amount. But the effect of this By-law is to throw upon the proprietors of unoccupied lands the whole burthen of improving the roads, and of paying the public debt, a provision as clearly unreasonable as it is illegal.

Then the By-law limits the sum to be raised in any one year to four thousand pounds. But if, without making any questionable distinctions between unoccupied lands and other lands, and without deviating from the law of the land, in taxing by the acre, instead of by a rate on the assessed value, not to exceed in the result so much per acre, the District Council had passed a By-law, laying a perpetual burthen on all the rateable property of the District of £4000 per annum, to meet the expenses of the District, and to make and repair roads and bridges, and to liquidate the public debt. I think such a law, though free from several exceptions to which this law is liable, would still have been inconsistent with the letter and spirit of the statute 4th and 5th Victoria, and of our assessment laws, and therefore void.

But then it is to be considered, that in this case the land has been sold, not entirely to make the tax imposed by this By-law, which we must hold to be illegal, but that 28s. out of £5 11s. 8d. was an arrear accrued under the Provincial statute; and Mr. Reid contended, that as part of the sum was thus rightfully levied, whatever the case may be as to the other, that will enable us to treat the sale as not wholly illegal, and thus uphold the title of the purchaser; but we think we cannot assent to that argument. The whole land was sold to make up the one sum; we cannot divide it, and hold that part of the land was legally sold, and part not.—we cannot distinguish; and the owner had no means of redemption but by paying all.

It has been made a question in this case, whether the District Council could legally direct lands to be sold for payment of taxes imposed, not by the Provincial statutes, but by their By-laws. That is a point certainly not clear upon the face of the District Council Act; I mean it is not clear what the Legislature intended, and not clear either, I think, what powers may be assumed in that respect under the language, very general in its nature, which is used in the statute. After frequently perusing the 39th, 41st, 42nd and 57th Clauses, I am not satisfied whether the Legislature intended that the District Councils might abrogate the rates imposed by 59 Geo. III., cap. 7 & 8, upon lands, and substitute others for them; the 42nd Clause seems to give them the authority, but on a careful consideration of it, the point is not clear. Admitting that they could not merely abrogate them, but substitute others of much larger amount, then the question would be—first, whether, independently of the 57th Clause of the Act, the District Councils could sell the lands for payment of such taxes as they might impose on lands; and if not, then, whether that Clause gives them the power, and whether they could legally, as they did by this By-law, not merely impose a rate, and provide for its collection, but add an accumulated tax, by way of penalty, in case of default, and direct the whole to be made by the sale of the land. I think at present they could not impose the accumulation by way of penalty, because I take it to be a strict principle, that a power delegated by the Legislature to impose taxes on the subject, cannot be extended by any latitude of construction. There must be clear and express authority for whatever is done in that way; and the statute gives them power only to impose rates for certain objects, and to collect those rates—not to raise half as much again as is wanted by way of penalty. As to the power of sale, it is not necessary, after the opinion we have given on the other points of this case, that we should also determine that: I only therefore state it to be my present impression, that without the 57th Clause the District Council could not have provided for the raising of their rates by sale of the lands. I take it, the principles of the Common Law, which regulate such matters, are against it, where the statute law of the land does not expressly give the authority which the recent assessment law does, but which none of the previous statutes had done.

Whether the 57th Clause, by a fair construction, does give that authority, seems to me a very doubtful point. I think it was not intended, or some provisions would have been inserted regarding sales of land; but it is difficult to say that the words are not such as to include the sale of lands where necessary.

For the reasons already given, I consider the By-law void as regards the rate imposed by it in the 4th section; that the sale was illegal, and that a verdict should be entered for the plaintiff.

*Per cur.*—Verdict to be entered for the Plaintiff.

In re McGill }  
 vs. }  
 Municipal Council of the } Robinson, C. J., delivered judgment last Term (Michaelmas,  
 County of Peterboro'. } 1851). Mr. Hagarty obtained a Rule Nisi to quash a By-law of  
 the District Council of the District of Colborne, passed 11th  
 November, 1842, for levying rates and assessments on land and other rateable prop-  
 erty in the District of Colborne.

This is the same By-law which this Court, in their judgment given this Term (Hilary, 1852) in the case of Doe dem McGill, vs. Langton, held to be illegal and invalid, and that a sale of land for arrears of rates imposed by it was void for reasons fully stated in the judgment.

It is shewn for cause against this Rule for quashing the By-law that, on 8th February, 1843, the By-law which is now moved against was repealed by a By-law of the Municipal Council of Peterboro, and that such repeal is absolute and without reservation.

We are on that ground asked to discharge this Rule and with costs.

The Statute 12 Vic. cap. 81, sec. 156, only gives the Courts power to quash such By-laws passed by the District Councils as were unrepealed when that Act was passed. This By-law, having been repealed in 1848, was not unrepealed when the Statute was passed. And it would be strange, indeed, if the Legislature had left matters in that state that we must quash a By-law and make the Council pay the expense of its being quashed when it has been long ago repealed by the Council itself, and has now no existence for any purpose.

Rule discharged with costs.

J. LUKIN ROBINSON,  
Reporter Q. B.

In re Tylee }  
and } Robinson, C. J., delivered the judgment.  
Municipal Council of the } Mr. Cameron, Q. C., moves to quash a By-law passed by the  
County of Waterloo. } District Council of the District of Wellington, on 9th October,  
1849, entitled, "By-law to raise a sum of money in several Townships in this District, for the improvements therein."

It enacts under authority of 4 and 5 Vic. cap. 10, and 9 Vic. cap. 40, that the Townships of Waterloo, Eramosa, Nichol, Arthur, Normanby, Egremont, Bentwick, Glenelg, Sullivan, Holland, Derby, Sydenham, Puslinch, Wilmot, Wellesley, and Mornington, be assessed the sum of one farthing in the pound.

And that the Township of Woolwich, and the United Townships of Peel and Maryborough be assessed the sum of one halfpenny in the pound, and that out of the money arising from the said assessment, £50 be appropriated towards the erection of the Grammar School in Guelph.

And that the moneys arising from the said assessment be at the disposal of the Committees for the several Townships in which such moneys are raised, for the purpose of paying for improvements contracted for, and not finished or completed and not paid for, and that the balance shall be at the disposal of the future Township Councils, and subject to their order.

And that out of the proceeds of the assessments, the Townships of Arthur, Normanby, Bentwick, Glenelg, Holland, Sullivan, Egremont, Derby and Sydenham shall pay the sum of £40 towards the erection of the Maitland bridge, and the said £40 shall be paid by those Townships in proportion to the amount of their assessments.

In re Tylee }  
and } Mr. Cameron, Q. C. moves to quash a By-law of the Municipal  
Municipal Council of } Council of the County of Waterloo, passed 14th June, 1851,  
Waterloo. } intitled, "By-law to impose a tax on the rateable property of the  
County of Waterloo, to meet the current expenses of the County for the year ending  
31st December, 1851."

This enacts (under authority of 12 Vic. cap. 81,) that the following sums shall be levied and collected in the under mentioned Townships and incorporated Villages, viz:—

|                                   |      |
|-----------------------------------|------|
| In the Township of Arthur,.....   | £34. |
| "    Bentwick,.....               | 22.  |
| Incorporated Town of Guelph,..... | 153, |

and so on enumerating twenty four different localities, and assigning to each a certain sum, ranging from £5 for the Township of Melancthon to £521 for the Township of Waterloo.

And that these sums respectively shall be levied and collected in the different Municipalities in accordance with the Act 13 and 14 Vic. cap. 67.

In the matter of Edward Tylee } Mr. Cameron, Q. C., moves to quash a By-law passed  
and  
Municipal Council of the } by the District Council of the District of Wellington, on  
County of Waterloo. } 12th August, 1842, intituled "A By-law to equalize the tax  
on all lands."

It recites the Assessment Act, 59 Geo. III., cap. 7, rating cultivated land at 20s. per acre, and uncultivated land at 4s. per acre, being equal to 1d. per acre on the first and one-fifth of a penny on the second, and enacts "that there be raised for the current expenses of the District, a sum of money equal to four-fifths of a penny per acre per annum, on all uncultivated land within the District not exempted by Statute, in addition to the tax at present in force on said lands, and that such four-fifths of a penny per acre shall be raised, &c., in the same manner as rates and assessments had theretofore been raised, collected and levied."

In re Tylee } Mr. Cameron, Q. C., moves to quash a By-law passed by the  
and  
Municipal Council of the } District Council of the District of Wellington, on 12th August,  
County of Waterloo. } 1846, intituled, "A By-law to assess the District of Wellington,  
one half-penny in the pound so to pay off two debentures held by William Allan, for erecting the Court House in said District. This By-law recites that these debentures were due and it was necessary they should be paid off. And it enacts, "that the District of Wellington be assessed one half penny in the pound to be appropriated towards the liquidation of these debentures, the one being for £850, and the other for £242 1s. 3d.; and that the above half penny in the pound be assessed on all rateable property in the District, and in the same manner as other rates are levied and collected."

In re Tylee } Mr. Cameron, Q. C., moves to quash a By-law passed by the  
and  
Municipal Council of the } District Council of the District of Wellington, 9th October, 1849,  
County of Waterloo. } intituled, "By-law to assess the several Townships in the  
Wellington District, the sum of one penny in the pound on all rateable property in the said District, for the purpose of liquidating the sum of £1500, due to the Gore Bank, and £500 due by the District, to Alexander Drysdale, Esq." This By-law enacts, under the authority of 4 and 5 Vic., cap. 10, and 9 Vic., cap. 40, that one penny in the pound be levied on all rateable property in the District, for the purposes aforesaid, to be levied as other rates."

In re Tylee } Mr. Cameron, Q. C., moves to quash a By-law passed on 31st  
and  
Municipal Council of the } January, 1850, by the Municipal Council of the County of  
County of Waterloo. } Waterloo, intituled, "By-law to impose a tax on the rateable  
property of the County, to meet the current expenses of the County for the year ending 31st December, 1850." This enacts that 1d. in the pound shall be levied on the whole rateable property of the County, liable to assessment according to any law in force.

2nd. Clause provides for method of taking assessment, (not objected to).

3rd. Provides for taking census of population.

4th. Fixes Assessors' fees.

5th. Prescribes duty of Collector and for his giving security.

6th. Fees and duties of Collectors.

7th. Further provisions as to Collectors' duties.

8th. Provides for enforcing payment of rates.

9th. Constables fees.

10th. Fees of distress.

11th. Remedy against Collectors not paying over.

12th. Penalty for not giving in a true list of property.

The By-law of 12th August, 1842, is repugnant to the Statute 4 and 5 Vic., cap. 10, under the authority of which it was passed, for it specifies no sum to be raised by a rate, but begins by imposing a rate on all lands in addition to the existing rate, not for the purpose of making up any sum appropriated to any purpose nor limited to any time, and it selects wild lands alone as the object of taxation, whereas where any tax could be imposed under that Statute upon lands specifically, it was required to be imposed on *all lands within the District*.

We are of opinion that the rule for quashing this By-law must be made absolute.

The other By-law passed on 9th October, 1849, is in my opinion, clearly illegal and void, as being repugnant to the Statute 4 and 5 Vic., cap. 10, in limiting no sum in the By-law to be raised, and then fixing a rate for paying it, but in simply imposing a rate without specifying what amount it is intended to cover. It is bad also, I think, for other reasons stated by the applicant. The 48th Section of 4 and 5 Vic., cap. 10 authorized no such legislation. It only allowed the Councils first to direct some public work to be performed at the expense of a Township, next to estimate its cost and direct the amount to be raised, then to impose a rate for raising. This By-law authorizes a rate per pound, without limiting any sum to be raised, and groups the Townships together in such a manner as to shew clearly that they could not have been passing the By-law for any such specific purpose arising within any one Township, as was contemplated in the 48th clause, but the creation of a revenue to be applied to purposes which are not specified as having been authorized by the District Council, but which would seem rather to have been authorized in some other manner by the singular provision not consistent with the law which places the money at the disposal of the individual Councillors serving for the respective Townships.

I am of opinion the rule must be made absolute for quashing this By-law.

As to the By-law of 31st January, 1850, we are of opinion that it is void, when examined in connection with the Statute 12 Vic. cap. 81, under which it was passed as it most undoubtedly would have been under the former Act, for in its enacting part it gives no information whatever of the purpose for which the money is required, nor the sum required, nor does it make any appropriation of the money to be raised. It is not a sufficient remedy for all these capital defects, that in the title to the By-law it is stated that the tax is to be imposed for meeting the current expenses of the year 1850. It merely imposes a tax and then leaves the matter.

It appears to me that it is still necessary (though the present Act does not in express terms require it, as the 4 and 5 Vic. did) that a certain sum to be raised should be specified in the By-law, and then the rate authorized for raising it, but it is not necessary to determine that, for this By-law is otherwise bad.

I am inclined, however, to think that this is the sound construction of the 22 head of 41 clause of 12 Vic., cap 81.

The rule must be made absolute for quashing so much of the By-law as imposes the rate and all that relates to it. The last of these By-laws moved against, is that of 14th June, 1851, which is clearly illegal, for by it the County Council assumes to rate certain Townships for certain sums, without specifying in the body of the By-law for what purpose the money is required, or authorizing its appropriation to any purpose. Such a mode of taxing is clearly unauthorized by law for any general purpose of the County, all the rateable property in the County must be assessed rateably, whether in one Township or another. If the Council had a discretion to tax in this manner, they might make one Township contribute £5, and another £500 to the same County objects, even where there was no inequality in the population and wealth of the Townships.

It imposes no rate per head, nor directs an equal rate to be assessed.

The rule must be made absolute for quashing this By-law.

We retain under consideration till next Term the By-law passed 12 August, 1846, and that of 9th October, 1849, for paying two debts of £1500 and £500.

A copy of judgment.



In the matter of Edward Tylee and The Municipal Council of the County of Waterloo. } Robinson, C. J., delivered the Judgment. In this case several By-laws were moved against last Term, at the instance of this complainant, and we disposed of the application so far as regarded four of the By-laws, reserving two for further consideration.

The first of these is a By-law passed by the District Council of the District of Wellington, under the Statute 4 and 5 Vic., cap. 10. It was passed on 12th August, 1846, and is intituled, "A By-law to assess the District of Wellington, one half penny in the pound to pay off two Debentures held by William Allan, for erecting the Court House in said District."

It recites that these debentures were due, and that it was necessary they should be paid off, and it enacts, "that the District of Wellington be assessed one half penny in the pound, to be appropriated towards the liquidation of these debentures, the one being for £350 and the other for £242 1s. 3d., and that the rate of one half penny in the pound shall be assessed on all rateable property in the District, in the same manner as other rates are levied and collected. It is objected to this By-law, that the particulars of the debts for which the debentures were issued, should have been stated in order that it might be seen for what public charges or services the debt was contracted.

2nd. That it should have been appointed in the law, what portion of the money should be charged on the lands in the County, and that a certain rate per acre should have been imposed on the lands in order to make up such proportion.

The other By-law was passed also by the District Council on 9th October, 1849, under the former Statute, 4 and 5, Vic., cap. 10, it is intituled, "By-law to assess the several Townships in the Wellington District, the sum of one penny in the pound on all rateable property in the said District, for the purpose of liquidating the sum of £1,500 due to the Gore Bank, and £500 due by the District to Alexander Drysdale, Esquire."

And it enacts, that "one penny in the pound shall be raised on all rateable property in the District, for the purpose aforesaid, to be levied as other rates."

The objections urged against this By-law are, that it does not state for what services the debts were incurred for which the Debentures were given, nor even state that they were for sums due by the District. And that the lands should have been charged with a certain part of the sums to be levied, and should have been rated in a sum per acre to pay such amount, and not made indiscriminately, subject with other property to a rate in the pound.

In regard to the By-law of 12th August, 1846, the nature of the service for which the debentures were intended to provide is stated, namely, to meet the charge for erecting the Court House. That objection therefore fails. And as to the similar objection taken to the By-law of 9th October, 1849, the By-law is so far specific, that it states the debts and their respective amounts, so that they can without difficulty be traced. It is true that it does not shew for what public service the debts were incurred. It would be more regular and satisfactory to make that appear on the face of the By-law; but we are of opinion that we cannot properly hold the By-law to be illegal, because it does not give that information; we should support it by every reasonable intendment. One of the debentures is stated to be for a debt due by the District to the person named, and though the other debenture is stated to be for £1,500 due to the Gore Bank, without expressly adding by whom it was due, but we must intend it to be by the District which gave the debenture, when nothing to the contrary appears. And this By-law we think sufficiently complies with the requisites of the Statute, for it states the amount to be raised, and shews that it is to pay debts due by the District on debentures. We will intend that the debts were legally contracted, and for a legal purpose, for it is a clear principle of law that a By-law need not shew on the face of it all the facts that are necessary to prove it to be valid. We are not to scrutinize them as if they were special pleas. Where we can see on

the face of them, that they are illegal, as being repugnant to a Statute, or otherwise contrary to law, we must notice the objection and give effect to it; but it is not indispensable that everything should appear on the face of them which is necessary to make them legal.

Then as to the remaining objection which is common to both these By-laws, I do not consider that a By-law passed under the authority of the Statute 4th and 5th Vic., cap. 10, must necessarily charge upon land separately, a distinct proportion of the sum which it authorises to be levied. That is not required by the 41st clause of that Statute, but is only permitted, if the Council shall think it desirable in any case to do so. There is nothing mandatory in the Council to tax lands in a greater or less degree than other rateable property. They may if they please allow, as they have done in this case, all description of rateable property to contribute in equal proportion according to its assessed value. And I also think that there was nothing in the Statute 4th and 5th Vic., cap. 10, or in any other Statute which prevented lands being rated as they had been before and as all other property was rated when this By-law was passed, that is, according to a certain sum in the pound on the assessed value. There is nothing to make this illegal, and to require that land when rated, either separately or with other property, shall be rated by the acre and not by the pound. The Council were only required to take care that all the rates which they charged upon it during the year, should never exceed in the whole a penny half penny, Currency, per acre.

*It was urged in the argument that it must follow as a consequence of the 41st clause of the Act, that the land must thenceforward be rated by the acre, and not by the pound, for that otherwise the effect of the rating would operate unequally and absurdly on account of the different valuations placed by the then existing law on cultivated and uncultivated land.*

*If the passing of the 41st Clause had made a modification of that kind necessary in the manner of rating, it was for the Legislature to alter the law. We could hardly take that liberty in a matter of so delicate a nature as taxation. But I do not see the ground for assuming the former method of rating to be wholly irreconcilable with any thing contained in the Statute 4 & 5 Vic. There is nothing impracticable in the case—whether the operation would be reasonable or not, is not for us to consider. If the Legislature had charged in this By-law £500 of the sum upon the land, as they might have done, they must I think have imposed a rate in the pound for producing it; for instance, a penny in the pound, and in that case the effect would have been to tax the cleared land one penny per acre, and the uncleared one-fifth of a penny. If when all the charges upon lands for the year came to be added up, it were found that cleared lands had been already rated to such an extent as to amount to one penny half-penny per acre, then the power to impose further taxes on cleared lands would cease, while the uncleared lands might still be taxed for further amounts, until they had been made to contribute as much as the cleared lands, that is, one penny half penny per acre.*

*But I can not say that the Legislature did not mean that. They might possibly mean that the man who had been at the expense of clearing his land, which is a public benefit, should not on that account be taxed more on it by the acre, than others might be made to pay in respect to their wild land, on which they had expended nothing. Up to the 1½d per acre they might be made to contribute in the unequal proportions fixed by law—but each would be liable to pay taxes in all that would amount to 1½ per acre, and nothing more.*

We see no sufficient ground for quashing either of these two By-laws, and therefore discharge the rules with costs.

This last question cannot be raised in regard to any By-laws passed since the new Assessment Act came into force—nor indeed since the repeal of the 4 & 5 Vic. cap. 10.

(Copy of judgment.)

J. LUKIN ROBINSON,  
Reporter Q. B.

The Canada Company  
vs.  
The Municipal Council of the  
County of Oxford. } Robinson C. J., delivered the judgment.  
} Motion to quash certain By-laws, on the ground that no  
} specific sum is limited to be raised by such By-laws. That  
they lay a rate to be levied *annually* and not for any one year only.

That the purposes for which the money is to be raised are undefined.

And that the District Councils had no power to impose a rate for the general purposes of the District.

On 12th February, 1842, the District Council of the District of Brock passed a By-law "for imposing a *tax of one penny farthing per acre* annually on all lands "within the District of Brock, for the general purposes of the District, and for other "purposes therein named."

This By-law was passed under the authority of the Statute 4th and 5th Vic., chap 10.

It enacted that there shall be raised and levied annually for the general purposes of the District, a sum equal in amount to one penny farthing an acre on all lands within the District of Brock liable to assessment, and that all lands within the said District so liable to be assessed, shall be assessed at one penny farthing an acre annually for the general purposes of the District, and that the same shall be raised, collected and levied in the same manner as rates and assessments had theretofore been raised, levied and collected. Provided that this tax of 1 $\frac{1}{4}$ d an acre shall not be construed to include the tax of 1d in the pound theretofore levied by the Justices of the Peace on other assessable property exclusive of lands, which shall continue to be levied and collected on all assessable property except lands. Provided also, that this By-law shall not affect the levying of the taxes theretofore levied by the Justices of the Peace for the erection of the Goal and Court House in the District of Brock, and for the Lunatic Asylum.

On the 12th February, 1846, a By-law was passed simply repealing the above law.

And on 12th August, 1846, the District Council of the District of Brock passed a By-law "to revive in part a By-law repealed by the first By-law passed in the year 1846, (which means the By-law last above mentioned.)

This By-law of 12th August, 1846, recites, that it is necessary and expedient to revive in part a By-law by the repealing of a By-law hereinafter mentioned, and in which no provision is made for collecting arrearages due by absentee landholders, thereby committing injustice to resident rate-payers and to those who have paid their taxes regularly, and thus holding out an inducement to non-residents to evade the tax.

And it enacts that the above By-law, passed 12th February, 1846, repealing the first By-law of 12th February, 1842, "shall be and the same is thereby repealed."

Provided, nevertheless, that the By-law repealed by the said By-law shall remain repealed so far, as the imposition of taxes is concerned, and shall not be construed to revive any portions of the said By-law other than that enabling the Treasurer to collect the arrearages due by the said imposition.

2nd. That the Treasurer is thereby authorized to collect all arrearages of taxes due under the authority of the said By-law, in the same manner as if the same had never been repealed. The District Council, in answer to this application, fyle an affidavit that no such By-law as that first set out was passed by the District Council in *February*, 1842. It seems that by mistake the County Clerk of Oxford, in certifying the copy of the By-law referred to, for the purpose of his application, describes it as having been passed 12th *February*, 1842, when it should have described as passed 12th August, 1842.

They fyle another affidavit of the Treasurer of the County of Oxford—that he was Treasurer of the District Council in 1842, and continued to be such Treasurer up to and in 1849, and from thence hitherto.

That on 10th January, 1849, the agent of the Canada Company paid to him as

Treasurer, £102 2s. 0½d., being the Municipal tax of 1½d. per acre, raised under and by virtue of a By-law passed 12th August, 1842, on lands belonging to the Canada Company, after deducting thereout the 1d. in the pound, levied under the Statute of Upper Canada, 59 Geo. III cap. 7; and that, when such payment was made, the Canada Company was fully aware of the existence of the said By-law passed 12th August, 1842.

There is no doubt that the By-law of 1842 was illegal, because it limited no amount to be raised, and so was directly repugnant to the 41st clause of 4 and 5 Vic. cap. 10, and was therefore void and of no effect—according to the express enactment in the 47th clause of the same Statute, and on other grounds that By-law was illegal. Then the District Council repealed it in 1846, but soon afterwards reflecting that though the imposition of further rates under it had ceased with its repeal, yet the Council had thereby lost the means of enforcing payment of rates accrued under it while it was in force, and so those who had paid, in obedience to it, and those who had refused or neglected to do so, were on unequal terms, they restored it to force so far as was necessary for collecting arrears, by their By-law of 12th August, 1846. This By-law is moved against, and we think we have no discretion to decline quashing it, for it is passed to enforce an illegal By-law, and cannot therefore be in itself legal.

As to the answer that the Canada Company has submitted to the By-law, and so has no motive for now applying against it, the affidavit does not go so far as to shew that all the taxes have been paid by them, that they would be liable to under it, but says that they have paid £101 for rates on several thousand acres. This may yet leave further payments to be claimed.

A copy of Judgment.

J. LUKIN ROBINSON,  
Reporter Q. B.

Canada Company  
and  
Municipal Council of the  
County of Middlesex. } Robinson, C. J., delivered the judgment.  
In Michaelmas Term last, Mr. Cameron, Q. C., obtained a Rule to shew cause why the By-law passed by the District Council of the London District, on 15th May, 1845, intituled, "By-law to repeal certain By-laws passed by the London District Council, and to raise a sum of money for the purposes therein mentioned," and also a By-law passed by the same Council on 12th February, 1846, and intituled, "By-law to continue in force the By-law passed 15th May, 1845, and intituled, &c., (as above) should not be quashed with costs, on the grounds that the rate to be levied thereunder is fixed for no specified time."

That no specific sum is directed to be levied for any distinct purpose.

That the Council had no power to levy a general rate for several combined purposes, but ought to have specified the separate sum to be raised for each purpose. And that the manner in which the rate are to be levied is not stated.

He obtained also at the same time a rule to shew cause why a By-law passed by the Municipal Council of the County of Middlesex on the 1st February, 1850, intituled, "By-law to provide for the current general expenses of, and the liquidation of the debt due by the County of Middlesex," should not be quashed with costs, on the grounds that there was no power to levy a rate for the current general expenses of the County without some particular specification.

That the amount due for the debt of the County should have been distinctly stated.

That the rate in the pound or per acre should be specified in the By-law.

That the rate could not be levied on land by a rate in the pound.

And that a special rate should have been fixed in the By-law, over and above all other rates for the payment of the sum limited in the said By-law.

And that the said By-law is otherwise illegal and void in law.

At the same time a rule was also obtained to shew cause why the By-law passed by the District Council of the District of London, on 11th February, 1842, and intituled, "By-law imposing a tax of 1d. per acre annually on all lands in the District of London, for the general purposes of the District should not be quashed with costs on the grounds, that there is no sum limited to be raised by the said By-law.

That there was no power in the District Council to assess a sum annually by a general By-law, nor for the general purposes of the District, without specifying such purposes; that the rate in the said By-law is not imposed on all lands equally, the time of its going into effect as to unoccupied lands being postponed.

And that the said By-law is otherwise illegal and void in law.

The By-law of 11th February, 1842, enacts; That there be raised and levied annually, for the general purposes of the District, a sum of money equal in amount to one penny per acre on all lands within the District of London liable to assessment, and that all lands within the said District so liable to be assessed, shall be thereby assessed at one penny per acre annually, for the general purposes of the District; that the said rate shall be raised and collected in the same manner as rates had been theretofore collected: Provided that this By-law shall not be taken to alter or annul the tax of  $\frac{1}{2}$  of a penny per acre annually towards amending and keeping in repair the public roads of each Township imposed on unoccupied lands not included in the assessment rolls.

Provided also, that this By-law, so far as it respects unoccupied lands not included in the assessment rolls, shall not become or be in force until and after the 1st July then next ensuing.

The By-law of 15th May, 1845, recites that it is expedient to consolidate the taxes levied by the Council for the general purposes of the District, and to raise £4750 for defraying the expenses of the administration of justice, for the improvement of roads and bridges, and for other general purposes of the District.

And it enacts that the By-law intituled, &c., (that passed 11th February, 1842,) also so much of a By-law passed 11th May, 1843, as imposes a tax of one penny in the pound on the assessed value of all rateable property within the District of London, also the By-law to impose an additional assessment for finishing the new Gaol, shall be repealed.

2nd. That the £4750 shall be raised, &c., in the same manner as other rates had been hitherto raised, &c.

That £1000 of the £4750 shall be raised by an assessment of one penny in the pound upon all rateable property, *except land* within the District.

That the remaining £3750 shall be raised in the manner provided by law by an assessment of one penny per acre, to be rated upon all lands within the District liable to assessment.

The By-law of 12th February, 1846, recites that it is expedient to continue the above By-law of 15th May, 1845, and enacts that the same shall be continued in force for that present year (1846).

The By-law of 1st February, 1850, recites that it was expedient to provide for the payment of the current general expenses of, and the liquidation of the debt due by the County of Middlesex, and enacts that £1500 shall be raised and levied on all the rateable property in the County for the above mentioned purposes for that year, (1850).

That the said sum shall be apportioned by the County Clerk, and that the rates so assessed shall be collected, recovered and paid over to the County Treasurer by the Township Collectors, in the same manner and under the same provisions as rates had hitherto been collected, &c.

It will be most convenient to take these up in their order of time.

The By-law of 11th February, 1842, was passed under the authority given to the District Councils by 4 and 5 Vic., cap. 10.

The second section of that Act confines these Corporations to the exercise of such powers as are given by the Act, or as shall be expressly conferred by the Legislature, or as shall be necessary for the due execution of the powers granted by that Act.

The 39 Sec. gives them power to provide means for defraying such expenses connected with the administration of justice as may be directed by law, to be defrayed out of the District Funds to provide an allowance for the support of Schools and other defined objects.

And to raise, assess, levy, and appropriate such moneys as may be required for carrying into effect all or any of the objects for which they are by that Act empowered to make by laws, which moneys they are authorized to raise by means of rates or assessments to be assessed and levied on real or personal property or both, within the limits of the District; or in respect of such property, upon the owners and occupiers thereof.

The 41st Sec. enacts, "that in assessing any rate or tax which shall be levied under the authority of that Act, such property only shall be assessed as was at that time liable to be assessed for rates in any District.

"And that in making such assessment all such property shall be valued at the rates at which it is by law directed to be valued in making assessments. Provided always, that such assessment shall not in any case exceed two pence in the pound upon the assessed value; provided also, that the sum to be raised by any By-law shall be limited by such By-law, and shall afterwards be apportioned and assessed equally upon all property, except land liable to assessment within the locality in which such sum is to be raised according to its assessed value by law. But it shall be lawful by any such By-law to direct that all the land within the District shall be rated and assessed for such parts of the sum to be raised under such By-law, as to the Council shall seem expedient, Provided the total amount of rates or taxes levied for District purposes in any one year on the land in any District shall not exceed one penny half-penny, currency, per acre."

The 47th Clause enacts, "that any By-law repugnant to the law of the land, or to any of the provisions of that fact (4 and 5 Vic., cap. 10,) shall be void and of no effect."

Then the 12 Vic., cap. 81, Sec. 155, enables any person residing in any County, Township, City, Village, &c., in Upper Canada, in which By-laws may be passed by any Municipal body created by that Act, or any person having an interest in any such By-law, to bring a properly authenticated copy of it before this Court, and move to have it quashed, and if it shall appear to the Court that such By-law is in the whole or in part illegal, the Statute makes it our duty to quash such illegal By-law or part of a By-law.

This applies only to By-laws to be passed under the Statute 12th Vic., chap. 81, but the 156th Clause of the same Statute provides that all unrepealed By-laws of former Corporations, (that is of the District Councils acting under the 4th and 5th Vic., chap 10,) may be brought before this Court in the same manner, and their legality or illegality determined.

The Statute 14th and 15th Vic., chap 109, Schedule A. No. 21, applies only to this part of our jurisdiction over By-laws, but contains nothing on any question before us on this application.

The By-law passed on 11th February, 1842, was certainly illegal and void, because it did not limit the sum to be raised by the By-law, as the 41st Sec. of 4th and 5th Vic., chap. 10, expressly required it should. I understand the Statute to mean that the amount to be raised shall be expressed in the By-law in pounds, and that sum so expressed shall *afterwards* be apportioned and assessed upon the property liable to taxation, whereas this By-law limited no sum, which it afterwards apportioned, or which is directed to be afterwards apportioned, but it began and ended with imposing a permanent rate not on all property subject to rates, nor upon land

specially as to any particular proportion of the amount to be raised, (which indeed it could not do where it had named no sum to be raised.) This By-law therefore not imposing any limited sum to be raised, but imposing a rate per acre on lands allowed, which rate for anything that we can see, may produce £500 a year or £5,000, and may produce a sum increasing out of all proportion with the requirements for the *general purposes* of the District, whatever these may mean, was directly repugnant to the 4th and 5th Vic., chap. 10, Sec. 47, and being so repugnant was by the Section of the same Act made void *and of no effect*.

I say, *was of no effect*—for it is really not now an existing By-law—and cannot be moved against being repealed by a By-law of 15th May, 1845, and I have only been led to examine it, in order to obtain, by comparing it with the Statute, a view of what is requisite for making such By-law legal, as these questions are rapidly multiplying upon us.

We must discharge the rule as regards the setting aside the By-law of 11th February, 1842, because it is not an existing By-law, and we discharge it with costs.

Then, as to the By-law of 15th May, 1845, that is also a non-existing By-law, and though not repealed, we have no power to make any order respecting it; it was continued for a year only by the By-law of 12th February, 1846.

Then the By-law of 12th February, 1846, is also moved against; but that By-law, although not repealed, is spent and inoperative, for its whole object and effect was to continue the By-law of 15th May, 1845, for one year, at the end of which they both ceased together.

We do not see why any of these three By-laws should have been moved against, for independently of our having (as I conceive no power to be exercised in respect to By-laws no longer existing) the exceptions taken against them are such, as if they could be successfully urged to us, must equally be successful for the purpose of establishing that the By-laws were void *ab-initio* under the very words of the Statute 4 and 5 Vic., cap. 10, sec. 47.

In respect to the By-law of 1st February, 1850, there are some points to be determined which we feel it necessary to reserve for further consideration.

(A copy of Judgment.)

J. LUKIN ROBINSON,  
Reporter Q. B.

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QUEBEC:

PRINTED BY JOHN LOVELL, AT HIS STEAM PRINTING ESTABLISHMENT.  
MOUNTAIN STREET.

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# RETURN

To an Address from the Legislative Assembly to the Governor General, dated 11th instant, for Copies of all the Transactions, Sales or Contracts, which may have taken place between the Executive Government and private Individuals, or Companies, connected with the alienation of the St. Maurice Forges, and of the Fiefs of St. Maurice and St. Etienne; as also, of all Claims, propositions, or representations, made to Government since the alienation, by the present Owners of the said Properties, or by other Parties; of the decision of the Government thereupon, and of all Returns and Reports made to Government respecting those properties, or the Claims above mentioned.

By Command,

(Signed,)

A. N. MORIN,

Secretary.

SECRETARY'S OFFICE,

Quebec, 21st October, 1852.

CROWN LANDS DEPARTMENT,

Quebec, 20th October, 1852.

Sir,—Herewith, I have the honor to transmit you copy of certain documents (a list whereof accompanies this letter) respecting the St. Maurice Forges, and the Fiefs St. Etienne and St. Maurice, called for, by an Address to His Excellency the Governor General, by the House of Assembly, on the 11th instant, and beg to remark that no action was taken by this Department upon Mr. Parent's Report, owing to Mr. Dumoulin, the Member for the County of Yamaska, having intimated his intention of furnishing certain observations thereon. Mr. Dumoulin's memorandum was only received on the 6th instant, too short a time previous to the receipt of the above Address to allow of the gentleman in charge of that branch of this Department to take up the matter.

I have the honor to be, Sir,

Your obedient Servant,

JOHN ROLPH,

Commissioner of Crown Lands.

The Honorable AUG. NORBERT MORIN,

Provincial Secretary, &c., &c., &c.

LIST OF DOCUMENTS accompanying letter to Provincial Secretary of 20th October, 1852 :—

- Copy of Notice of Sale of St. Maurice Forges, 19th December, 1845.  
do *Procès Verbal* of Sale of said Forges, 4th August, 1846.  
do Notice of Sale of Fiefs St. Etienne and St. Maurice, 26th September, 1846, with conditions accepted by H. Stuart.  
do *Procès Verbal* of Sale of said Fief, 3rd November, 1846.  
do Letter of Stuart & Porter, 19th February, 1852.  
do do A. Stuart, 2nd March, do.  
do do F. Fortier, 13th do do.  
do Statement accompanying last mentioned letter.  
do Letter of Stuart & Porter, 15th March, 1852.  
do do do 23rd June, do.  
do Memorial accompanying last letter, 23rd June, 1852.  
do Letter of Stuart & Porter, 16th July, 1852, and Table accompanying same.  
do do F. Fortier, 27th do do.  
do do Stuart & Porter, 30th do do.  
do do F. Fortier, 17th August, do.  
do do Stuart & Porter, 19th do do.  
do do C. Parent, 20th September, do.  
do Five Letters accompanying last letter.  
do Letter of Stuart & Porter, 25th September, 1852.  
do Memorandum of P. B. Dumoulin, 5th October, 1852, approved in by Messrs. Polette & McDougall.

(Copy.)

OFFICE OF CROWN LANDS,  
Montreal, 19th December, 1845.

Notice.—To be sold by Public Auction, at the Court House, Three Rivers, on Tuesday, the fourth day of August, One thousand eight hundred and forty-six, at the hour of eleven in the forenoon.

That Real Estate, known as the Saint Maurice Forges, situated on the River Saint Maurice, District of Three Rivers, Lower Canada; comprising the whole of the Iron Works, Mills, Furnaces, Dwelling Houses, Store Houses, Out Houses, &c., and containing about fifty-five acres, more or less. The purchaser to have the privilege of buying any additional quantity of the adjoining land, (not exceeding three hundred and fifty acres,) which he may have at the rate of seven shillings and six pence per acre.

The purchaser will also have the right of taking Iron Ore, during a period of five years, on the ungranted Crown Lands of the Fiefs St. Etienne and St. Maurice, known as the lands of the Forges, which right shall cease on any portion of the same from the moment the said portion is sold, granted or otherwise disposed of by the Government, who however, shall be liable to no indemnity towards the purchaser for such a cessation of privilege. Also, the right (not exclusive) of purchasing ore from grantees of the Crown or others, in whose property, mines may have been reserved for the Crown.

Fifteen days to be allowed the present Lessee to remove his chattels and private property.

Possession to be given on the second day of October, One thousand eight hundred and forty-six.

One-fourth of the purchase money will be required down at the time of sale, the remainder to be paid in three equal annual instalments, with interest. Letters Patent to issue when payment is completed.

Plans of the property may be seen at this Office.

7th February, 1846.

N. B. No part of the purchase money for the Forges will be received in Scrip.  
(Signed,) D. B. PAPINEAU, C.C.L.

THREE RIVERS, 4th August, 1846.

SALE OF THE FORGES ST. MAURICE, in the District of Three Rivers,  
Canada East.

| Names of Bidders.    | £    | s. | d. | Names of Bidders.             | £          | s.   | d. |
|----------------------|------|----|----|-------------------------------|------------|------|----|
| Mr. Boutillier ..... | 3000 | 0  | 0  | Mr. Bell.....                 | 4700       | 0    | 0  |
| " J. Hart .....      | 3100 | 0  | 0  | " Hart .....                  | 4750       | 0    | 0  |
| " H. Stuart .....    | 3200 | 0  | 0  | " Bell.....                   | 4800       | 0    | 0  |
| " J. Hart .....      | 3300 | 0  | 0  | " Hart .....                  | 4850       | 0    | 0  |
| " Hy. Stuart.....    | 3400 | 0  | 0  | " Stuart.....                 | 5000       | 0    | 0  |
| " J. Hart .....      | 3500 | 0  | 0  | " Bell.....                   | 5050       | 0    | 0  |
| " Stuart.....        | 3600 | 0  | 0  | " Hart .....                  | 5100       | 0    | 0  |
| " Hart .....         | 3700 | 0  | 0  | " Bell.....                   | 5150       | 0    | 0  |
| " Bell .....         | 3800 | 0  | 0  | " Hart .....                  | 5200       | 0    | 0  |
| " Hart .....         | 4200 | 0  | 0  | " Bell .....                  | 5250       | 0    | 0  |
| " Hart .....         | 4350 | 0  | 0  | " Judah.....                  | 5300       | 0    | 0  |
| " Stuart .....       | 4400 | 0  | 0  | " Hart .....                  | 5400       | 0    | 0  |
| " Bell .....         | 4500 | 0  | 0  | " Bell.....                   | 5450       | 0    | 0  |
| " Hart .....         | 4550 | 0  | 0  | " Hart, .....                 | £5,500 and | 5550 | 0  |
| " Hart .....         | 4650 | 0  | 0  | " Stuart, the last bidder ... | 5575       | 0    | 0  |

I certify that the within mentioned property was adjudged to Henry Stuart, Esquire, for the sum of Five thousand five hundred and seventy-five pounds, as the highest and last bidder.

(Signed,) P. BURN.

Three Rivers, 4th August, 1846.

CROWN LANDS DEPARTMENT,

Montreal, 26th September, 1846.

Public Notice is hereby given, that the remainder of the Lands known as the Fief St. Maurice and St. Etienne, in the County of St. Maurice, District of Three Rivers, containing about 38,044 acres (exclusive of the Forges Block, purchased by Henry Stuart, Esquire, on the 4th August last,) will be put up to Public Sale in one lot, at the Office of P. B. Dumoulin, Esquire, Three Rivers, on Tuesday, the third day of November next, at 10 o'clock A.M.

1.—One-tenth of the purchase money will be required down, the remainder in nine annual instalments of one-tenth each, with interest, for the regular payment of which sufficient security will be required.

2.—The premises will be sold, subject to the privilege acquired by Mr. Stuart, to take Iron ore during a period of five years on any ungranted part of the said Fiefs.

3.—No obstruction will be permitted to the course of the River or Creek, driving the Mills and Works of the Forges recently sold.

4.—It is to be an express condition of this Sale, that the purchaser shall re-sell or concede the Land (*en franc aleu roturier*) in lots of 100 acres each, according to the subdivision of it lately made by Mr. Bureau, in the following terms:—

5.—The price of the Land will not exceed six shillings per acre, which, however, the purchaser or grantee will have the liberty of retaining in his hands on paying interest for the same annually at the rate of six per cent. per annum.

6.—The Capital will be redeemable at the pleasure of the purchaser, by instalments of one-tenth, and on all such payments a remission of 20 per cent. will be made, provided all interest due be previously paid.

7.—None but actual settlers to be entitled to the above mentioned terms of payments and to the extent of 100 acres each only, except fathers of families having sons aged 17 years and upwards, living with them, who, in addition to a lot for themselves, will have the privilege of taking one for each of such sons.

8.—Due notice to be given by the purchaser of the Fiefs of the time when he will be prepared to concede, which will not be later than the 21st November next. Lots applied for by more than one person on the first day sale, to be put up at once to public competition, and adjudged to the highest bidder. After the first day of sale, Lots to be assigned at once to the first applicants.

9.—No Scrip will be received in payment of these Lands.

10.—Letters Patent to the Government purchaser will be issued when the payments are completed.

11.—The purchaser will have the right of reserving to himself, or for future disposal, one-twentieth part of the ground, provided that, within a twelve month from the date of his purchase, he inform the Crown Lands Department of the portion by him so reserved.

12.—Should there be found several Mill sites on the two Fiefs, this reserve of one-twentieth, shall not include more than one such site, and the purchaser will not be allowed to sell more than one site to the same individual, without a special permission from the Government.

13.—The purchaser of the Fiefs will not, as such, acquire any right to the Iron Ore, but may, with the consent of the Government, take some off the unconceded lands, or purchase some from the permanently settled sub-purchasers.

14.—The Government reserves to itself the right of resuming at any time, and of disposing of, as it may see fit, any unconceded and unimproved Lot, at the retail price and conditions.

15.—The Land Department will decide on the nature of the security which the purchaser will be required to give.

16.—The Government reserves to itself the right of restricting or prohibiting the cutting of timber on the unconceded Lands, until the whole of the purchase money is paid.

17.—Mr. Stuart, in addition to the rights acquired by his purchase of the Forges, is to have the privilege of purchasing one thousand acres of Land at the retail price, of which he is to have the selection, but to include no Mill site nor extend to the first range, with the exception of Lots Nos. 6 & 7, which adjoin to the Forges.

18.—The Government reserves also, and on the same conditions, 1,000 acres more, with the right to dispose of the same as it shall think fit; and to make up 2,000 acres, including the 1,000 acres of Mr. Stuart, the following Lots will be retained, viz: Lots Nos. 41 to 52, inclusively in the 2nd range of the Fief St. Etienne; Nos. 31 to 33, also inclusively in the 4th range; and the Lots Nos. 6, 7, 33 & 34, in the 1st range; the produce of these Lots to be for the purchaser.

This sale made to Henry Stuart, Esquire, on the above conditions, for the sum of Five thousand nine hundred pounds, currency.

(Signed,)

H. STUART,

P. BURN,

P. B. DUMOULIN, Agent.

This 3rd of November, 1846.

THREE RIVERS, 3rd November, 1846.  
SALE OF THE FIEFS ST. MAURICE AND ST. ETIENNE.

| Names of Bidders.   | £    | s. | d. | Names of Bidders.  | £    | s. | d. |
|---------------------|------|----|----|--------------------|------|----|----|
| Upset Bid .....     | 4500 | 0  | 0  | George Pacaud..... | 5325 | 0  | 0  |
| George Pacaud ..... | 4600 | 0  | 0  | Henry Stuart ..... | 5350 | 0  | 0  |
| Hugh Cameron.....   | 4750 | 0  | 0  | George Pacaud..... | 5375 | 0  | 0  |
| George Pacaud.....  | 4800 | 0  | 0  | Henry Stuart ..... | 5500 | 0  | 0  |
| Hugh Cameron.....   | 4825 | 0  | 0  | George Pacaud..... | 5525 | 0  | 0  |
| George Pacaud.....  | 4850 | 0  | 0  | Henry Stuart.....  | 5550 | 0  | 0  |
| Henry Stuart.....   | 4875 | 0  | 0  | George Pacaud..... | 5575 | 0  | 0  |
| George Pacaud.....  | 4900 | 0  | 0  | Henry Stuart.....  | 5600 | 0  | 0  |
| Henry Stuart.....   | 5000 | 0  | 0  | George Pacaud..... | 5625 | 0  | 0  |
| George Pacaud.....  | 5025 | 0  | 0  | Henry Stuart.....  | 5650 | 0  | 0  |
| Henry Stuart.....   | 5050 | 0  | 0  | George Pacaud..... | 5675 | 0  | 0  |
| George Pacaud.....  | 5075 | 0  | 0  | Henry Stuart.....  | 5700 | 0  | 0  |
| Henry Stuart.....   | 5100 | 0  | 0  | George Pacaud..... | 5725 | 0  | 0  |
| George Pacaud.....  | 5125 | 0  | 0  | Henry Stuart.....  | 5750 | 0  | 0  |
| Henry Stuart.....   | 5150 | 0  | 0  | George Pacaud..... | 5775 | 0  | 0  |
| George Pacaud.....  | 5175 | 0  | 0  | Henry Stuart.....  | 5800 | 0  | 0  |
| Henry Stuart.....   | 5200 | 0  | 0  | George Pacaud..... | 5825 | 0  | 0  |
| George Pacaud.....  | 5225 | 0  | 0  | Henry Stuart.....  | 5850 | 0  | 0  |
| Henry Stuart.....   | 5250 | 0  | 0  | George Pacaud..... | 5875 | 0  | 0  |
| George Pacaud.....  | 5275 | 0  | 0  | Henry Stuart.....  | 5900 | 0  | 0  |
| Henry Stuart.....   | 5300 | 0  | 0  |                    |      |    |    |

Certified to be correct.

P. BURN.

3rd October, 1846.

QUEBEC, 19th February, 1852.

Sir,—We have the honor to request the attention of His Excellency, the Governor General, to one of the conditions upon which the Lands known as the Fiefs St. Etienne and St. Maurice, County of St. Maurice, in the District of Three Rivers, were adjudged to Henry Stuart, Esquire, and under which the same are now held by us as his representatives. This condition is in the following words:—

“Due notice to be given by the purchaser of the Fief, of the time when he will be prepared to concede, which will not be later than the 21st November next. Lots applied for by more than one person, on the first day of sale, to be put up at once to public competition and adjudged to the highest bidder. After the first day of sale, Lots to be assigned at once to first applicants.”

In compliance with this condition an early day was named, by Mr. Stewart, for the sale of lots, on which occasion about one-fourth of the Lands in question was sold, principally at public competition.

Upon obtaining from Mr. Stuart, in the month of November last, a transfer of this property, the first duty we assigned to ourselves was the passing of titles to all such persons as had so become purchasers of lots within this tract, and who had not already obtained them; and we have been at all times prepared to execute titles to any other person who might wish to obtain lots within the same tract.

We are now desirous of calling the attention of the inhabitants of the adjoining Parishes towards the acquisition of the remaining lots, and we conceive that this object cannot be more effectually or more justly attained than by offering them for sale, by public competition, after previous notice. We are the more anxious to adopt this course, as we feel confident that it will bring forward a number of persons who might not otherwise be disposed to buy.

Entertaining these views, we humbly request permission to put up the remaining lots to public competition, as the fairest mode by which parties may acquire these lands; and by which the desire of the Government to effect an actual settlement in that quarter will be best promoted.

We have the honor to be, Sir,

Your most obedient humble Servants,

(Signed),

A. STEWART,  
J. PORTER.

The Honble. A. N. MORIN,  
Provincial Secretary, &c., &c.

QUEBEC, 2nd March, 1852.

Sir,—In answer to your letter of yesterday, inquiring the nature of the claim of the heirs of the late William Conolly against Mr. H. Stuart, whether any mortgage has been granted to secure the same, I beg to say that a sum of £1,500 was lent by William Conolly to Mr. H. Stuart, and I am not aware that it is secured by mortgage.

Whilst the Government have under review the conditions of sale, I may perhaps be permitted to suggest, that it would be desirable to make the price of the Land payable at a long date, rather than at *constitut*, the purchaser paying the interest annually.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed),

A. STUART.

F. FORTIER, Esquire, &c., &c., &c.  
Quebec.

(Copy.)

CROWN LANDS DEPARTMENT,

QUEBEC, 13th March, 1852.

Gentlemen,—I have the honor to inform you, that your application of the 19th ultimo, requesting permission to put up to public competition the Lands remaining undisposed of in the Fiefs St. Etienne and St. Maurice, and that the purchase price be made payable at a long date, instead of remaining *à constitut*, has been brought under the consideration of His Excellency the Governor General, in Council, and that your prayer has been acceded to on the following terms viz: 1st. That you do bind yourselves towards the Crown for the payment of the full price you have agreed to pay for the Forges and the Fiefs, to wit, £8,959, and that the £1,500 stated to be due to the Heirs Conolly, be made payable out of the price of the utensils and moveable effects of the Forges, with the express reservation, in favor of the Crown, of its full rights over the said Forges and Fiefs for whatever balance may remain due after the payment of the £8,959 above mentioned, to wit, £1,103 7s. 11d. besides the interest accrued and to accrue on the full balance due to the Crown by Mr. Henry Stuart, to wit, £10,062 7s. 11d. as per statement annexed. 2nd. That you do transfer to the Crown, as collateral security, the several sums which are still due for the purchase price of the Lands already sold in the said Fiefs, and also all such other sums arising hereafter from the sale of any other Lands yet undisposed of.

You are also allowed to alter that portion of the original conditions of the sale of the Lands in the Fiefs St. Etienne and St. Maurice, which allows the purchaser to keep the purchase price of his Land *à constitut*, by making the purchase price redeemable within twenty years, the other conditions remaining as before.

On your acceptance of these conditions, instructions will be given to the proper quarter for the preparing of the Documents required to carry out into effect the proposed arrangement.

I have the honor to be, Sir,  
Your Obedient Servant,

(Signed,) **FELIX FORTIER,**  
For the Commissioner of Crown Lands.

Messieurs **ANDREW STUART** and  
**JOHN PORTER, &c., &c., &c.,**  
Quebec.

(Copy.)

STATEMENT.

| FIEFS ST. ETIENNE AND ST. MAURICE.                          |            | £    | s. | d. | £    | s.    | d.   |
|-------------------------------------------------------------|------------|------|----|----|------|-------|------|
| Amount of Sale .....                                        |            | 5900 | 0  | 0  |      |       |      |
| Less—Deficit of 1835 acres .....                            | £ 284 11 8 |      |    |    |      |       |      |
| do —Dumoulin's Sale, 7398 acres.....                        | 1148 4 7   |      |    |    |      |       |      |
|                                                             |            | 1432 | 16 | 3  |      |       |      |
|                                                             | £          | 4467 | 3  | 9  |      |       |      |
| Deduct, Cash paid down .....                                | £595 18 0  |      |    |    |      |       |      |
| Less—Credited Dumoulin's Sale .....                         | 150 0 0    |      |    |    |      |       |      |
|                                                             |            | 445  | 18 | 0  |      |       |      |
|                                                             | £          | 4021 | 5  | 9  |      |       |      |
| Interest from 3rd November, 1846, to 3rd November, 1851.... |            | 1206 | 7  | 6  |      |       |      |
|                                                             |            |      |    |    | 5227 | 13    | 3    |
| FORGES ST. MAURICE.                                         |            |      |    |    |      |       |      |
| Amount of Sale .....                                        |            | 5575 | 0  | 0  |      |       |      |
| Off—First Payment .....                                     |            | 1404 | 13 | 2  |      |       |      |
|                                                             | £          | 4170 | 6  | 10 |      |       |      |
| Interest from 4th August, 1846, to 4th November, 1851.....  |            | 1313 | 12 | 7  |      |       |      |
|                                                             | £          | 5483 | 19 | 5  |      |       |      |
| Less—Second Payment .....                                   | £515 0 0   |      |    |    |      |       |      |
| Interest on ditto, to 4th November, 1831.....               | 134 4 9    |      |    |    |      |       |      |
|                                                             |            | 649  | 4  | 9  |      |       |      |
|                                                             |            |      |    |    | 4834 | 14    | 3    |
|                                                             |            |      |    |    | £    | 10062 | 7 11 |

(Copy.)

QUEBEC, 13th March, 1852.

Sir,—We have the honor to acknowledge the receipt of your letter of the 13th instant, conveying to us the decision of His Excellency, the Governor General, in Council, to grant our application, requesting permission to put up to public competition the lands remaining undisposed of in the Fiefs St. Etienne and St. Maurice, and that the purchase money be made payable at a long day, instead of remaining *à constitut*, upon the conditions you enumerate.

We beg to accept the conditions affixed by his Excellency to the granting of our request, and we will hold ourselves at all times in readiness to enter into the undertaking in any more formal form that may be required of us.

In the meantime, we presume that there can be no impropriety in our advertising the sale for the 4th May next, as we desire as much publicity to be given as

possible, consistent with a speedy sale. We have consulted with some persons living in that quarter, and they have suggested that period as the most advisable.

(Signed,)

A. STUART & J. PORTER.

To FELIX FORTIER, Esq.,  
Crown Lands Office.

(Copy.)

QUEBEC, 23d June, 1852.

Sir,—We have the honor to transmit, herewith, a Memorial to His Excellency the Governor General, which we will be obliged to you to bring under his notice at your earliest convenience.

(Signed,)

A. STUART & J. PORTER.

To Hon. A. N. MORIN,  
Provincial Secretary, &c., &c.

(Copy.)

To His Excellency the Right Honorable JAMES BRUCE, Earl of ELGIN and KINCARDINE, Knight of the Most Ancient and Most Noble Order of the Thistle, Governor General of British North America, &c., &c., &c.

The Memorial of John Porter and Andrew Stuart, both of Quebec, Esquires.  
Humbly sheweth,

That your Memorialists in November last, acquired by purchase the Forges of St. Maurice and the Fief St. Etienne, situate in the District of Three Rivers. These Forges have been worked without intermission, that your Memorialists know of, from 1740, and are the largest and most important Manufacture of their description in Lower Canada. At the time of their original concession, the Fief St. Etienne, of three leagues deep and two leagues broad, was granted to the Company of the Forges, under the conviction, no doubt, that a large extent of Forest Lands was necessary to the efficient carrying on of the Forges. After this property vested in the Crown of Great Britain, it was let for a great many years to Messrs. Munro and Bell, and afterwards to the Honorable Mr. Bell, and again was the Fief St. Etienne and other unconceded Lands deemed a necessary appendage.

In the year 1846, the Government of this Province entertaining the opinion that the Lands about the Forges should be conceded, sold the Forges and Fief St. Etienne to Mr. Henry Stuart, upon the express condition that the Lands should be conceded by him; not long afterwards the Forges and Land passed into the hands of the Honorable Mr. Ferrier, who managed them until your Memorialists became purchasers.

Your Memorialist have reason to know that Mr. Ferrier entertained the opinion that if the Fief St. Etienne Lands were sold, the value of the Forges would be very diminished, if the business at the Forges was not altogether put a stop to.

Your Memorialist immediately upon their acquisition, proceeded to concede, and grant titles to the persons who applied for the same.

Your Memorialists are more convinced that the views entertained by Mr. Ferrier, which seem likewise to have been the views of the French Government at the time of making the original Grant of the Seigniorship of St. Etienne, and of the Provincial Government at the time of leasing the Forges to Mr. Bell, are correct, and that the value of the Forges is very materially diminished by the Concessions of Land around them.

To conduct the business of the Forges requires about twelve thousand cords of



wood a year, the cutting of which gives employment to a great many persons during the winter; this wood has to be charred in the Spring, and is then brought to the Forges for use. There always existed some risk to the wood so cut from fire, even when there were no settlers for miles distant, and Your Memorialists are informed, that as well Mr. Bell, as Mr. Ferrier, have suffered losses in wood by accidental Fires; but now that persons are located in all parts of the Seigniorie, the risk has become such as no longer to admit of being incurred, and a totally different system must be adopted in relation to the wood necessary to the Forges, and none can be devised that will not increase very much the cost of it to the proprietors. During the present spring, Your Memorialists have lost by fire nearly two thousand cords of wood, and for some time past hardly a week has elapsed in which one or more alarms of fire in the woods have not necessitated the presence of every man at the Forges, to the number of two or three hundred, at the spot to arrest its progress; independently of the loss which is very great, the business of the year receives a check which is still more serious.

Your Memorialists require large quantities of mine or iron ore, and the collection of this likewise gives employment to a great many men; heretofore, it was procured from the property attached to the Forges and was taken when and where the Managers of the Forges thought proper, now the control over the mine has passed into the hands of the proprietors of the Lots, upon which it is to be found. Difficulties of a very formidable character have already made themselves apparent, and whether time will shew these difficulties to be too grave to be overcome, or otherwise, must for the present remain matter of anxious doubt with Your Memorialists.

With these difficulties recently revealed to them, and the value of the Forges thus permanently diminished, by the settlements made in obedience to the desire of the Government, your Memorialists are called upon seriously to consider if the business of the Forges can be carried on for the future with any hope of profit.

Your Memorialists find the Furnaces, Forges, Casting-houses, Work-shops, Dwelling-houses, and other buildings, in a complete state of ruin; and, further, that no modern improvements in iron Manufactures have been introduced at the Forges of St. Maurice.

Your Memorialists find a population, almost all born at the Forges, of nearly fifteen hundred souls, who look to the continuation of the business there for employment, and your Memorialists having associated themselves with Merchants of this City, of credit and intelligence, intended reconstructing the Furnaces—introducing all modern improvements—and establishing a Manufacture of all possible working tools, and probably a Manufacture of Steel; and, with the above view, are daily expecting, from Scotland, an Engineer; fully competent to make the necessary improvements and conduct such a Manufacture.

But, with the difficulties already adverted to, your Memorialists must pause, and respectfully submit modifications in the terms upon which they have acquired this property, before doing anything in the matter.

The whole purchase-money agreed to be paid to the Government, by Mr. Henry Stuart, for the property they now hold, was ten thousand and forty-two pounds, three shillings and nine pence, of which he has paid two thousand five hundred and fifteen pounds, eleven shillings and two pence—leaving a balance of seven thousand five hundred and fifteen pounds, eleven shillings and two pence, still due, irrespective of any interest.

Your Memorialists beg leave, respectfully to pray, that the Government would now accept from your Memorialists, in full of purchase, an assignment of three thousand seven hundred and sixty-three pounds, six shillings and four pence, of sums due to your Memorialists, by persons who have purchased lands from them, and which sum is secured by privilege upon the lands sold, and a sum of three thousand seven

hundred and sixty-three pounds, six shillings and four pence, from your Memorialists, payable in two years, namely: One thousand seven hundred and sixty-three pounds, six shillings and four pence, in one year from this date; and, two thousand pounds, in two years from this date, with interest; in this manner granting to your Memorialists a rebate of the arrears of interest—and, thereupon, that a Patent forthwith issue in favour of your Memorialists, granting them the property in question.

Your Memorialists think they see, in the condition of selling for actual settlement imposed upon the purchasers of the property in question, a desire in the Government to serve the inhabitants of that District without intending to injure the Forges: but experience demonstrates that the business of the Forges is seriously prejudiced by the settlements so made: and as a sum of money, much exceeding the value of all the lands of St. Etienne, is spent yearly among this population in labour and the purchase of agricultural produce, it is the interest of that District that so large an annual expenditure should not be withdrawn from them, nor so large a population thrown out of employment. The Forges are, moreover, one of the few Manufactures of Lower Canada, and motives of general policy may perhaps be considered as coming in aid of any measure of encouragement which may be afforded to them.

Should Your Excellency deem it expedient to foster and encourage the only Manufacture of Lower Canada, of any magnitude, and to grant the prayer of your Memorialists; steps will at once be taken to carry on the business of the Forges and to promote the interest of that Section of Country to the utmost of the power of your Memorialists.

And, as in duty bound, your Memorialists will ever pray.

A. STUART & J. PORTER.

Quebec, 23rd June, 1852.

(Copy.)

QUEBEC, 16th July, 1852.

Sir,—We herewith transmit a Table, shewing the Lots of Land and the quantity of acres disposed of by us in the Fief St. Etienne, with the date of the Deed of Sale as required by your letter of yesterday's date.

At the time we had the honor of addressing our Memorial to the Government, we were expecting an Engineer, he has since come out and is now at the Forges. Our fears are realized and the necessity of expending a very large sum of money in reconstructing and ameliorating the Forges, is now indubitable, or they must be stopped. With this embarrassing alternation before us, we hope you will not consider us importunate if we urge a speedy and favorable consideration of our application.

A. STUART & J. PORTER.

To FELIX FORTIER, Esquire, &c., &c., &c.

TABLE of Lots conceded in the Fief St. Etienne, by Deeds passed before J. A. R. Bellefeuille, of Yamachiche, N.P.

| Range. | Lot. | Acres. | Price.   | Names of Purchasers.             | Credit.      | Date of Title.    | Amount. |
|--------|------|--------|----------|----------------------------------|--------------|-------------------|---------|
| 1      | 14   | 146    | 8s. 6d.  | Louis Charrette, père            | Twenty years | March 12, 1852    | £ 62    |
| do     | 15   | 156.25 | 10s. 6d. | Henry Marchand                   | Constitut.   | December 22, 1851 | 82      |
| do     | 16   | 156    | 7s. 3d.  | Antoine Gignac                   | Twenty years | March 12, 1852    | 56      |
| do     | 65   | 100    | 6s.      | Jean Beaulieu                    | do           | 4, do             | 30      |
| do     | 12   | 100    | do       | Etienne Boucher                  | do           | 5, do             | 0       |
| do     | 16   | 100    | do       | Jos. Boslaracche and Jean Hébert | do           | do                | 0       |
| do     | 17   | 100    | do       | Henry Bostaracche                | do           | do                | 0       |
| do     | 18   | 100    | do       | N. Bellemare and C. Picard       | do           | do                | 0       |
| do     | 20   | 100    | 7s.      | J. B. Felerin                    | Constitut    | March 11, do      | 0       |
| do     | 21   | 100    | 8s. 6d.  | F. M. Bellemare                  | do           | December 22, 1851 | 35      |
| do     | 23   | 100    | 12s.     | Léon Lussseau                    | do           | do                | 42      |
| do     | 25   | 100    | 6s.      | Pierre Roi                       | do           | do                | 62      |
| do     | 26   | 100    | do       | C. B. Gelin                      | Twenty years | May 5, 1852       | 10      |
| do     | 27   | 100    | do       | Charles Gelin                    | do           | do                | 0       |
| do     | 28   | 100    | do       | Charles Gelin                    | do           | do                | 0       |
| do     | 29   | 100    | do       | Augustin Bellemare               | do           | do                | 0       |
| do     | 31   | 100    | do       | Réje Bellemare                   | do           | do                | 0       |
| do     | 32   | 100    | do       | M. Bellemare and R. Pellerin     | do           | do                | 0       |
| do     | 33   | 100    | do       | F. M. Bellemare                  | do           | do                | 0       |
| do     | 34   | 100    | do       | Joseph Grenier and A. Loranger   | do           | do                | 0       |
| do     | 35   | 100    | do       | M. Maheu and Joseph Isabelle     | do           | do                | 0       |
| do     | 36   | 100    | 6s.      | B. Boucher and W. Garceau        | do           | do                | 0       |
| do     | 43   | 100    | 6s.      | J. B. Malloux                    | do           | do                | 32      |
| do     | 44   | 100    | do       | Léandre Picard                   | do           | do                | 10      |
| do     | 45   | 100    | do       | D. Betty and L. Picard           | do           | do                | 0       |
| do     | 46   | 100    | do       | L. Milite, père                  | do           | do                | 0       |
| do     | 47   | 100    | do       | L. Milite, fils                  | do           | do                | 0       |
| do     | 48   | 100    | 6s.      | A. Michelin, fils de Joseph      | Constitut    | March 11, do      | 0       |
| do     | 49   | 91.25  | 6s.      | Joseph Bourruvalle               | do           | December 22, 1851 | 32      |
| do     | 50   | 93.75  | do       | do                               | do           | do                | 10      |
| do     | 56   | 117    | do       | J. Boisvert                      | do           | do                | 27      |
| do     | 57   | 122    | do       | C. Bellemare and L. Blais        | Twenty years | May 5, 1852       | 7       |
| do     | 58   | 123    | do       | Joseph Paquette                  | do           | do                | 2       |
| do     |      |        |          |                                  | do           | do                | 35      |
| do     |      |        |          |                                  | do           | do                | 86      |
| do     |      |        |          |                                  | do           | do                | 12      |
| do     |      |        |          |                                  | do           | do                | 0       |
| do     |      |        |          |                                  | do           | do                | 0       |
| do     |      |        |          |                                  | do           | do                | 18      |

TABLE of Lots conceded in the Fief St. Etienne, &c.—(Continued.)

| Range. | Lot. | Acres. | Price.   | Names of Purchasers.                 | Credit.      | Date of Title.    | Amount.  |
|--------|------|--------|----------|--------------------------------------|--------------|-------------------|----------|
|        |      |        |          |                                      |              |                   | £. s. d. |
| 2      | 59   | 123    | 6s.      | Toussaint Boisvert                   | Twenty years | May 5, 1852       | 36 0 0   |
| 3      | 1    | 100    | do       | J. Dufresne                          | do           | do                | 30 0 0   |
| do     | 2    | 100    | do       | Dumas Charette                       | do           | do                | 30 0 0   |
| do     | 10   | 100    | do       | S. Grant                             | do           | do                | 30 0 0   |
| do     | 12   | 100    | do       | A. Bellefève                         | Constitut.   | March 11, do      | 30 0 0   |
| do     | 13   | 100    | do       | H. & Joseph St. Pierre               | Twenty years | May 4, do         | 30 0 0   |
| do     | 14   | 100    | do       | F. Bostarache                        | do           | do                | 30 0 0   |
| do     | 15   | 100    | do       | Dominique Bostarache                 | do           | do                | 30 0 0   |
| do     | 16   | 100    | do       | J. B. Ricard                         | Constitut.   | December 23, 1851 | 30 0 0   |
| do     | 17   | 100    | 7s.      | J. Elie                              | do           | do                | 35 0 0   |
| do     | 18   | 100    | 9s.      | G. Lefebvre and Paul Boisvert        | do           | do                | 45 0 0   |
| do     | 19   | 100    | 8s.      | F. Lefebvre and J. M. Bellemare      | do           | do                | 40 0 0   |
| do     | 20   | 100    | 10s.     | T. L. Mevaneon                       | do           | do                | 50 0 0   |
| do     | 21   | 100    | 8s. 6d.  | Michel Boisvert                      | do           | do                | 42 10 0  |
| do     | 22   | 100    | 6s.      | J. B. Maillette and M. Marcotte      | Twenty years | May 4, 1852       | 30 0 0   |
| do     | 23   | 100    | 10s. 5d. | Paul Rivard                          | do           | do                | 52 0 0   |
| do     | 24   | 100    | 6s.      | J. B. Maillette and P. Rivard        | Constitut.   | December 22, 1851 | 35 0 0   |
| do     | 25   | 100    | 7s.      | Louis Girardin                       | do           | do                | 30 0 0   |
| do     | 26   | 100    | 6s.      | Charles Charette                     | Twenty years | March 4, do       | 30 0 0   |
| do     | 27   | 100    | do       | L. Pellerin                          | do           | do                | 30 0 0   |
| do     | 28   | 100    | do       | J. Gelinas                           | do           | do                | 30 0 0   |
| do     | 30   | 100    | do       | Laurent Lesieur                      | do           | do                | 30 0 0   |
| do     | 31   | 100    | do       | T. M. Bellemare and Alexis Desanvier | do           | do                | 30 0 0   |
| do     | 32   | 100    | do       | T. M. Bellemare and J. B. Ricard     | do           | do                | 30 0 0   |
| do     | 33   | 100    | do       | B. Monier                            | do           | do                | 30 0 0   |
| do     | 34   | 100    | do       | Paul Rivard                          | do           | do                | 30 0 0   |
| do     | 36   | 100    | do       | Michel Marcotte                      | do           | do                | 30 0 0   |
| do     | 37   | 100    | do       | Joseph Paquin                        | do           | do                | 30 0 0   |
| do     | 41   | 100    | do       | Henry Bourassa                       | do           | do                | 30 0 0   |
| do     | 43   | 98     | do       | Michel Gelinas                       | do           | do                | 29 8 0   |
| do     | 44   | 78     | do       | Joseph Gelinas                       | do           | do                | 23 8 0   |
| do     | 45   | 81     | do       | Luke Gelinas                         | do           | do                | 24 6 0   |
| do     | 46   | 68     | do       | François Garceau                     | do           | do                | 20 8 0   |

|    |    |        |         |                                    |              |                   |         |
|----|----|--------|---------|------------------------------------|--------------|-------------------|---------|
| 3  | 47 | 91     | do      | Pierre Lafrance                    | do           | do                | 27 0 0  |
| do | 59 | 100    | do      | Louis Dugré                        | do           | do                | 30 0 0  |
| do | 60 | 100    | do      | Charles Dugré                      | do           | do                | 30 0 0  |
| 4  | 2  | 42     | do      | Antoine Morin                      | do           | do                | 12 15 0 |
| do | 3  | 62     | do      | do                                 | do           | do                | 18 12 0 |
| do | 6  | 100    | do      | Olivier Dupont                     | Constitut.   | December 22, 1851 | 30 0 0  |
| do | 7  | 100    | do      | Ed. Dupont                         | do           | do                | 30 0 0  |
| do | 8  | 100    | do      | Pierre Héreux                      | do           | do                | 30 0 0  |
| do | 9  | 100    | do      | Etienne Renette                    | do           | do                | 30 0 0  |
| do | 10 | 100    | do      | Ed. Milot                          | do           | do                | 30 0 0  |
| do | 12 | 100    | do      | Jean Gagnon                        | Twenty years | May 4, 1852       | 30 0 0  |
| do | 13 | 100    | do      | do                                 | do           | do                | 30 0 0  |
| do | 14 | 100    | do      | Michel Gagnon                      | do           | do                | 30 0 0  |
| do | 15 | 100    | 6s. 6d. | G. Milot                           | do           | do                | 30 10 0 |
| do | 16 | 100    | 6s.     | do                                 | do           | do                | 30 0 0  |
| do | 17 | 100    | do      | François Milot                     | do           | do                | 30 0 0  |
| do | 18 | 100    | do      | Antoine Roy and Joseph Hébert      | Constitut.   | December 22, 1851 | 30 0 0  |
| do | 19 | 100    | 6s. 6d. | Joseph Michelin and C. F. Garceau  | Twenty years | May 11, 1852      | 32 10 0 |
| do | 20 | 100    | 7s. 6d. | Adolphe Héreux                     | Constitut.   | December 22, 1851 | 37 10 0 |
| do | 21 | 100    | 6s. 9d. | François Lafrance                  | do           | do                | 33 15 0 |
| do | 22 | 100    | do      | Ed. Labonté                        | do           | do                | 33 15 0 |
| do | 23 | 100    | do      | Antoine Gelinas                    | do           | do                | 33 15 0 |
| do | 25 | 100    | 6s.     | Louis Gelinas                      | Twenty years | May 4, do         | 30 0 0  |
| do | 29 | 100    | do      | L. G. Lajoie                       | do           | do                | 30 0 0  |
| do | 30 | 100    | 9s.     | J. M. Bellemare                    | Constitut.   | December 22, do   | 45 0 0  |
| do | 31 | 100    | 6s.     | Antoine Michelin                   | Twenty years | May 4, do         | 30 0 0  |
| do | 32 | 100    | 7s. 6d. | Joseph Feltier                     | Constitut.   | December 22, do   | 37 10 0 |
| do | 34 | 100    | do      | Antoine Désanvier                  | do           | do                | 37 10 0 |
| do | 35 | 100    | do      | Israël Bourassa                    | do           | do                | 37 10 0 |
| do | 36 | 100    | 6s. 9d. | R. Bourassa                        | do           | do                | 33 15 0 |
| do | 37 | 100    | 6s.     | Joseph Giguère                     | do           | do                | 30 0 0  |
| do | 38 | 100    | do      | do                                 | do           | do                | 30 0 0  |
| do | 42 | 100    | do      | J. B. Gauthier                     | do           | do                | 30 0 0  |
| do | 43 | 107    | 6s. 6d. | do                                 | do           | do                | 34 18 9 |
| do | 44 | 106    | 6s.     | J. B. Bourassa                     | Twenty years | May 4, 1852       | 31 16 0 |
| do | 45 | 125    | do      | C. Bourassa and François Corriveau | do           | do                | 37 10 0 |
| do | 46 | 122    | do      | Michel Bourassa                    | do           | do                | 36 12 0 |
| 5  | 14 | 126    | do      | François Isabelle                  | do           | do                | 37 17 0 |
| do | 15 | 125    | 12s.    | Augustin Garceau                   | Constitut.   | December 23, 1851 | 75 4 2  |
| do | 16 | 124.15 | 6s.     | François Grenier                   | do           | do                | 37 5 0  |

TABLE of Lots conceded in the Fief St. Etienne, &c.—(Continued.)

| Range. | Lot. | Acres. | Price.  | Names of Purchasers.               | Credit.           | Date of Title.    | Amount. |    |
|--------|------|--------|---------|------------------------------------|-------------------|-------------------|---------|----|
| 5      | 17   | 122.95 | 8s. 3d. | Joseph Paille.....                 | Constitut.....    | December 22, 1851 | £ 50    |    |
| do     | 18   | 121.75 | 6s.     | Joseph Godin .....                 | do .....          | do do             | 14      |    |
| do     | 19   | 120.55 | 6s. 6d. | do .....                           | do .....          | do do             | 4       |    |
| do     | 20   | 119.35 | 6s.     | François Grenier .....             | do .....          | do do             | 6       |    |
| do     | 21   | 118    | 6s.     | George Ricard .....                | do .....          | do do             | 7       |    |
| do     | 22   | 116.95 | do      | Alexis Boisvert .....              | do .....          | March 23, 1852    | 3       |    |
| do     | 23   | 115.75 | 6s.     | Augustin Boisvert.....             | do .....          | December 22, 1851 | 11      |    |
| do     | 26   | 112.15 | 6s.     | Michel Boisvert.....               | do .....          | do do             | 9       |    |
| do     | 27   | 110.95 | do      | J. B. Isabella .....               | do .....          | do do             | 4½      |    |
| do     | 28   | 109    | do      | B. Demers .....                    | do .....          | do do             | 11      |    |
| do     | 32   | 104    | do      | Michel Boisvert.....               | Twenty years..... | May 4, 1852       | 9       |    |
| do     | 33   | 103    | do      | J. A. Boisvert.....                | do .....          | do do             | 0       |    |
| do     | 36   | 127    | do      | Antoine Grenier .....              | do .....          | do do             | 0       |    |
| do     | 41   | 86.25  | 10s.    | Joseph Bournivalle .....           | do .....          | do do             | 0       |    |
| 2      | 39   | 100    | 6s.     | O. Lalberté .....                  | Constitut.....    | December 22, 1851 | 43      |    |
| 3      | 35   | 100    | do      | P. Rivard and R. Bourassa .....    | Twenty years..... | May 4, 1852       | 2       |    |
| 4      | 33   | 100    | do      | François (Guedette) Micholin ..... | do .....          | do do             | 6       |    |
| 3      | 3    | 100    | do      | A. G. Précourt .....               | do .....          | do do             | 0       |    |
| do     | 51   | 105    | do      | A. Lacombe .....                   | do .....          | July 14, do       | 0       |    |
| do     | 52   | 96     | do      | Pierre Blais .....                 | do .....          | do do             | 0       |    |
| 5      | 7    | 131    | do      | E. Lacomte Ecréven .....           | do .....          | do do             | 0       |    |
| do     | 8    | 133    | do      | Ed. Milot .....                    | do .....          | do do             | 0       |    |
| do     | 9    | 132    | do      | Moise Hubert .....                 | do .....          | do do             | 0       |    |
| do     | 10   | 131    | do      | do .....                           | do .....          | do do             | 0       |    |
|        |      |        |         |                                    |                   |                   | £ 4400  | 7  |
|        |      |        |         |                                    |                   |                   |         | 4½ |

(Copy.)

CROWN LANDS OFFICE,  
QUEBEC, 27th July, 1852.

Gentlemen,—In answer to your letter of the 23d June last, requesting to bring under the notice of His Excellency, the Governor General, your Memorial of same date, praying a remission of the interest due to the Crown on the purchase price of the Forges of St. Maurice and of the Fiefs St. Etienne and St. Maurice, and offering to pay the capital, half by a transfer of sums due you by the purchasers of Farm Lots in the Fiefs, and the remainder half in two instalments, within two years; I have the honor to state, that the Memorial in question has been recently taken into consideration, by His Excellency, in Council, and regret to have to add, that it has not been favourably entertained; the Order in Council of the 10th March last, will, therefore, have to be carried into execution by the completion of the requisite deed.

FELIX FORTIER,  
For the Clerk of Crown Lands.ANDREW STUART & JOHN PORTER, Esqrs.,  
Quebec.

(Copy.)

QUEBEC, 30th July, 1852.

Sir,—We have heard, from a source to be relied upon, though not official, that our Memorial, in relation to the St. Maurice Forges, has come under the notice of the Government, and that a decision is about to be come to upon it, without enquiry into the truth of its contents. At the time we determined upon laying our case before the Governor General, it was our impression that it would necessarily require investigation, at the hands of the Government, before any action could be taken upon it, and we, therefore, rather undervalued, than overstated, the injury sustained by us.

We can entertain no doubt that the Government will foster and encourage manufactures, and that the most liberal justice will be dealt out to us, and to all others like ourselves engaged in Manufactures, whenever a case is made out for the application of such enlightened policy.

Under this conviction, we respectfully pray that His Excellency may not come to a decision upon our application without affording us an opportunity of establishing, satisfactorily, all the facts upon which we conceived ourselves justified in making an appeal to the Government; and to this end we would respectfully suggest, that a competent person, possessing the confidence of the Government, should be sent, at their earliest convenience, to the Forges, to report upon their state, and upon the effect of the sale of the lands, and their occupation and clearance have had upon the business, and generally upon all such matters as it may be fitting the Government should be informed upon, to enable them to do justice in the premises.

A. STUART &amp; J. PORTER.

The Hon. A. N. MORIN,  
Provincial Secretary, &c., &c.

(Copy.)

CROWN LANDS OFFICE,  
QUEBEC, 17th August, 1852.

Gentlemen,—Your letter of the 30th ultimo, addressed to the Honorable the Provincial Secretary, instead of to this Department, with which the previous correspondence took place and has the special administration of the Estates within

which lie the St. Maurice Forges, has been transferred to this Office, and I have the honor to state in answer, that though there has been given an unfavorable decision upon Your Memorial of the 23rd June last—of which official communication has been transmitted to you through the Post Office on the 27th ultimo—the Department sees no objection to allow the inquiry you pray for to take place, at your costs, as you propose, in order to give you full opportunity to establish such facts as you may deem requisite in support of your application, and to induce the Government to alter its late decision. The Department has secured the services of Etienne Parent, Esquire, Assistant Provincial Secretary, to whom all the papers connected with the purchase of the Forges and of the Fiefs, St. Etienne and St. Maurice, have been transmitted, with an intimation that you were to place yourselves in communication with him relative to the enquiry in question, which you state you were anxious should take place at the earliest convenience.

FELIX FORTIER,

For Commissioner of Crown Lands.

Messieurs STUART & PORTER, &c., &c.

(Copy.)

QUEBEC, 19th August, 1852.

Sir,—We beg to acknowledge the receipt of your letter of the 17th instant, conveying to us the information that the Government had acceded to the request contained in our letter of the 30th ultimo, and that Etienne Parent, Esquire, Assistant Provincial Secretary, had been named. We beg to acknowledge gratefully the action of the Government in this particular.

It is fitting, however, that we should correct a statement of fact contained in your letter, as to the transmission to us of any Official communication of the decision of the Government upon our Memorial. At the time we wrote our letter under date of the 30th ultimo, we had received no Official communication of any decision upon our Memorial, nor have we received one since through the Post Office or through any other channel. It is readily conceived by us that in the multitude of the avocations of the Department, it should have escaped attention, but it is quite impossible we should permit the Department for a moment to remain under the impression that the statement contained in our letter of 30th ultimo, was in the least erroneous.

As our Communication of the 30th ultimo, was intended, if possible, to suspend the final decision on our Memorial of the Governor in Council, we deemed the Provincial Secretary the proper channel, but as we are now apprized by you that all Communications in relation to the Forges, are to be made to the Crown Lands Department. We will not fail in future to direct them to that Department.

A. STUART & J. PORTER.

FELIX FORTIER, Esquire,  
Crown Lands Department, Quebec.

[*Translation.*]

QUEBEC, 20th September, 1852.

Sir,—It was not before the 27th August that I was able to set off on the Mission with which I was charged in your letter, dated 17th, (marked A,) and on the 28th I arrived at the St. Maurice Forges.

On quitting the Forges, I left notes of inquiry on certain points concerning which I was desirous of receiving positive information; which information did not reach me before the 7th inst., and is contained in Mr. A. Stuart's letter, and in the

others herewith enclosed; and the numerous engagements connected with my office have prevented me from preparing my Report till the present moment.

I cannot but remark, in the first place, the painful impression which I experienced at first sight of the Forges, where I had expected to find immense works in full activity. Instead of this, not a chimney was smoking—not a considerable workshop was in operation—and from the brow of the hill which overhangs the village, a few human beings seemed rather to be wanderers amidst ruins, than operatives in an ancient industrial establishment, of which, judging by the annual value of the products sent thence into our Markets, for so many successive years, I had formed a magnificent idea.

My travelling companion, Mr. Stuart, one of the present proprietors of the Forges, observing my disagreeable surprise, informed me, that the works were of necessity suspended for a few days, in order that a few repairs might be made, which had been rendered indispensable, by the universally ruinous and decayed condition in which the whole establishment had been given up to them. I did not fail to satisfy myself of the truth of this observation, by visiting and more closely examining the premises. Except one large brick building, intended for a saw-mill, put up by Mr. Henry Stuart, and unfinished, and a hot-air Blow-Engine, also erected by that gentleman, everything bore the impress of age. It was plain that the hand and eye of the interested owner had not been there for years. And this, as it is well known, has been the case. Mr. H. Stuart, the original purchaser, being unable to fulfil his engagements with Government, had been under the necessity of giving up the working of the Forges to Mr. Ferrier, who had advanced him the funds. This working for immediate profit, by an individual who had no permanent interest in the establishment, and who looked only to the repayment of the advances which he had made, sufficiently explains the wretched state of the property at the present time. I inculcate no one, not being called on to do so. I only state a fact, and account for it.

I may here remark, that if the preservation of this Provincial Foundry is an object, being the only one in Lower Canada that is supplied with material from our own soil, it is quite time that it should be placed in circumstances which may ensure its permanency and its prosperity, without prejudice however to other interests equally important. This was the intention in 1846; but the object was in my opinion over-shot. I shall return to this subject hereafter.

After my visit to the Forges, I considered it expedient to extend my excursion a little, to the rear of the Fief St. Etienne, at the further extremity of which are situated the Forges of St. Maurice. On my way, I found the kind of soil which prevails from Three Rivers, a soil consisting of sand to a considerable depth, and but little adapted to cultivation. It is well known that this kind of soil, after having yielded two or three tolerable harvests, becomes so arid, that it leaves no hope to the settler of realizing what would make life endurable. Accordingly, I was not surprised at the complaints made by the new settlers, whom I encountered on my way, both of the quality of the Land, and the exorbitant price which they had paid or were to pay for it. This dissatisfaction is much increased since they have heard that the price of Crown Lands in the neighbourhood has been reduced to 1s. 6d. per acre. On my asking them why they had not proceeded to take Lands further to the north, where I was informed they were excellent, they replied that their means did not permit them, as there were no roads to go there and return; and that they had thus been obliged to take up with poor Land, despoiled of all that would have made it valuable. It must, in fact, be remembered, that the Lands of the Fief St. Etienne, have all been chopped over several times since the establishment of the Forges, except the upper part where there are still some traces of the primitive forest to be seen, and where the soil is of a better quality and covered with hard wood of tolerable growth. Unluckily this is but a minute portion of the Fief;



and the proprietors have hitherto delayed conceding it, being the only locality from which they obtain their charcoal, of which a certain quantity is indispensable.

Having arrived at the spot called *les Grès*, where the Messrs. Gordon have considerable Saw Mills, I could not resist the temptation of advancing as far as the fine Falls of the Shawinigan. This part of the journey is performed by water, which gave me an opportunity of examining both banks of the St. Maurice; and I must confess that I felt a mingled sensation of joy and sadness at the sight of the two magnificent shores, showing signs of the richest soil in the world, at the distance of a few hours travel only from the hungry sands which I had just beheld, in which a hundred families had settled, fated to carry on a struggle through life with an ungrateful soil, unprofitable to themselves and to their Country. At that moment, I could not refrain from remarking to my companions, the cruelty of locating these unfortunate people on a sand-bank, while within so small a distance, the richest loam presented itself on the surface, where its mixture with the vegetable deposit composed a soil of the most fertile quality. Accordingly, I was informed that the Township of Shawinigan on our left, but lately surveyed, was already quite settled, and that the settlers were sanguine of success. It might have been the same on our left, my informant assured me, but for want of a road, that insurmountable obstacle which opposes the settler on almost every side in Lower Canada, and which is one of the most serious evils in his way. This land is the Seigniorship of *Cap de la Magdeleine*, heretofore forming part of the tract leased with the Forges, and extending twenty leagues into the interior, where it presents I am assured, considerable tracts adapted for cultivation on both sides of the St. Maurice. That river, above the Falls of the Shawinigan, makes a bend, and crosses the Seigniorship, whose western side it afterwards bounds for a considerable distance. These lands, being in a condition to be conceded *à cens et rentes*, would be eagerly sought after by French Canadian Settlers, who are fond of that form of tenure, when free from the Roman abuses which have been mixed up with it. It is indeed a form of concession most favourable to the beginnings of settlements, inasmuch as it leaves to the settler the free use of all his pecuniary resources at that most critical period. But the settler must have roads. This is a subject which is entitled to the serious attention of the Crown Lands Department, to which pertains the management of this Seigniorship as forming part of the late Jesuits' Estates. These remarks are not foreign to the subject of my mission, being of a kind which may have weight with Government in forming a decision in respect of the late petition of the present proprietors of the Forges, to which I shall now turn.

These gentlemen require:—That the arrears of interest due to the Crown on the balance remaining unpaid of the purchase-money should be remitted:

That, in payment of that balance, the surrender of the sum of £3,763 6s. 4d., due by the *Concessionnaires* of the Fief St. Etienne be accepted, the rest being made payable in two years, with interest.

In a letter which I have received from them, dated 6th September, here enclosed, marked B, they ask moreover to be allowed to retain in their own hands all the remaining unconceded lands in the Fief St. Etienne, being about 150 lots of 100 acres each.

Of these items of their petition, the two first relate only to finance, the last affects the settlement of the country.

If Government were to accede to the last of these requests, the weight of the pleas adduced by the petitioners in support of the two first would be greatly diminished. For this reason, I shall, in considering them, give it the priority.

If there were not, in the vicinity of the Forges, large tracts of excellent lands, needing only roads in order to be thickly settled, it might be a question whether it would not be better to give up these 150 lots, in question, to the axe and the fire-

brand of the settler; but, when, instead of 150 poor families, on the domain of the Forges, we may have 150 happy and prosperous hearths, on both sides of the River, and at the same time secure the permanency of an industrial establishment, which already gives a subsistence to several hundreds of families, contented, apparently, with their lot, and a promise of subsistence to many more, Government aiding the extension of the Works, which it is the interest and the intention of the Proprietors to effect; when, moreover, we reflect that this Establishment is the only means of turning the mines of St. Maurice to some account; when, in short, we consider that the judicious management of these mines may, without prejudice to any other local interest, relieve us, in some degree at least, from the tribute which we pay to foreigners for our iron and iron-work of all kinds; when to these considerations, we add that of the creation of an internal market for the Settlements of the St. Maurice, I maintain that no further question can remain to be decided.

When in 1836, a decidedly popular movement declared itself in favor of the settlement of the Lands leased with the Forges, I have reason to believe that the agitators had mainly in view the extensive Seigniorship of *Cap de la Magdeleine*, and not the sandy plain composing the Fiefs of St. Maurice and St. Etienne, on which, I fearlessly assert, any population must exist poor and miserably; if the Forges were closed, especially, the present inhabitants would be deprived of a market for their ore and their wood. Every person may form an idea of the soil of this section of the Country by casting his eye over the hill-country in rear of Three Rivers, which after former cultivation, has been abandoned and now lies in scrubby brush. This immense stratum of sand reaches, as I remarked, to the tract called *les Grès*, where the clay begins to appear on the top. So far the stratum of sand is of too great thickness, for the roots of esculents to penetrate it, and is adapted only to the growth of wood, and even that of an inferior kind, whose more vigorous roots can find their way to a greater depth in search of nutriment.

I have perused the evidence made public in the Appendix (X.X.) to the Journals of the House of Assembly of Lower Canada for the year 1836, and I find no item thereof which conveys the impression that the concession of the Lands in the neighbourhood of the Forges would be injurious to that establishment. The idea seemed to be, on the contrary, that the process of clearing would furnish wood and charcoal in abundance, and certainly it would do so for a time; but when once the Land is cleared from what quarter would a supply have been derived? And if the wood for the Forges were to be drawn from a distance at a constantly increasing rate of cost; could their products compete in the market with those of foreign Countries, where pit-coal exists in abundance?

Doubtless it was absurd to preserve the native forest for the use of the Forges, on tracts of Land so extensive as those contained in the Fiefs of St. Maurice and of St. Etienne, and in the Seigniorship of *Cape de la Magdeleine*; but between a reserve so utterly unreasonable, and the reserve of 150 Lots mostly consisting of Land ill-adapted for profitable cultivation, there is all the difference in the world. For the sake of the settlers in the Fief St. Etienne, more than for that of the Proprietors of the Forges, I regret that the entire Fief has not been reserved, and rejoice that the evil has not been carried to a length which admits of no remedy. Enough of Land has been conceded in this Fief to form, with the Village of the Forges, a parish for civil and religious purposes. Here we should pause; in advancing further, we should be in danger of converting the place into a howling wilderness, for the Forges are and ever will be the soul, the vital principle of the place.

I do not hesitate a moment, therefore, in recommending that the request of the Petitioners to be released from the obligation of conceding the 150 Lots still in their own hands be acceded to. With these, using careful economy, and the wood which they may be able to procure in the environs for some time to come, they hope to secure a permanent supply for their foundry.

But at the same time to remove the dissatisfaction of the present *Concessionnaires*, who really have taken their lands at too high a rate, I should recommend that their price should be reduced by one-half, as also in nearly the same degree, as reason is, the sum to be paid for the Fief. This reduction would, it is true, be altogether in favour of the *Concessionnaires*, but the Petitioners would also derive some advantage from it, for they would more readily obtain payment at the reduced rate than they now do at the present rate. I should not, on that account propose to make as considerable a deduction in their favour as in favour of the *Concessionnaires*. Carrying this deduction to 3s. per acre, the amount would be for the 13,499 acres which they have conceded £2,025. It is my opinion that they ought to be satisfied with a deduction of two-thirds of this sum from their covenanted purchase-money, or nearly, in round numbers, £1,200. It is, indeed, a point of which they and the Government will settle the details between them, when once the principle is established.

And to soften the disappointment of those persons who hoped to obtain the 150 Lots intended to be reserved, steps ought immediately to be taken to open a road along the St. Maurice, leading to the unconceded lands of the Seignior of the *Cap* on either side of the St. Maurice.

Thus all parties would be satisfied, at least they ought to be so.

I now come to the two other points, which are of a financial nature, and I shall commence by the second in order, of which I shall dispose in few words.

I cannot advise that any part of the monies due by the *Concessionnaires* should be accepted in payment; because if it be ever possible to recover anything from them, the proprietors of the Forges will alone be able to effect it: first, because they will have an office and active agents on the spot; and next, because they may procure payment to be made in work or in produce, which Government could by no means do. We have before our eyes, the examples of the *Censitaires* of the *Cap de la Magdeleine* and of Champlain, who are heavily indebted for arrears of rent. I consider, then, that if the Government were to accept such a transfer, it would accept a nullity.

With reference to the remission of the interest due on the principal of the purchase-money, or any other favour or facility to be granted to the petitioners, if the indulgence of Government is to depend on the truth of the allegations contained in their petition of the 23rd June, I do not hesitate to say, that my personal observations and inquiries upon the spot, leave me in no doubt of the absolute truth of their petition, as well as of the documents annexed to the letter of Mr. A. Stuart, beforementioned, and hereto annexed. These documents, to which I shall take the liberty of referring, in order to explain certain minor points, shew the universal dilapidation of the establishment, and the great expense which must be incurred for repairs of indispensable necessity. They establish, moreover, the formidable difficulties which are to be encountered by the proprietors—difficulties which were hard to be foreseen by them. Doubtless, the Government ought not to suffer for their want of foresight; but if it be possible to come to an arrangement which, entailing no present loss on the Government, will ensure the future payment of the debts, and serve the interest of their debtors as well as their own, I am of opinion that it should be adopted. I shall state my views in that respect.

The present proprietors of the Forges feel, as every one would in their place, the necessity of operations on an extensive scale; they feel that such is their only means of meeting foreign competition, but for the purpose of placing the establishment on a proper footing, they must make a considerable outlay. If they are bound to make prompt payment of the purchase-money, or have at most but a short delay, they will be crippled; whereas, when their establishment is in full and profitable operation, the payment will be easy. The Government on its part, may dispense with the payment of ten thousand pounds for ten years, receiving interest therefor;

and such an arrangement, is all the more practicable and convenient, that the money in question belongs to a special fund, the annual revenues of which are appropriated for the purposes of education.

I would accordingly recommend this arrangement, all the needful guarantees being taken, with reference to the improvements and additions which the Petitioners pledge themselves to make from year to year. This would be, in my opinion, the most certain means of securing the principal sum due to Government, without producing the ruin of their debtors, or employing rigorous proceedings which would probably give the death-blow to the establishment of the Forges.

This is an arrangement which Mr. Stuart proposes in his letter of the 6th September, but annexing to it a request, that the arrears of interest due, and some part of the purchase money may be remitted.

If the Government were of opinion, as I am, that Messieurs Stuart & Porter, in assuming the purchase made by Mr. Henry Stuart, and in admitting to a share thereof capitalists who are prepared to restore the Forges to activity, by making considerable improvements and additions thereto, have ensured full payment of the debt due to Government, and perhaps with it the existence of the establishment, to the fate of which is attached that of more than a thousand persons, accustomed from their childhood to a particular branch of labor; being of this opinion, and influenced by these considerations, the Government might think themselves justified in acceding, at least in part, to this request of the petitioners. I think, however, that this indulgence should not go further than the remission of the arrears of interest on the purchase money of the Forges, properly so called, and that favor I should recommend only in consideration of the loss which they suffer from the ruinous state in which they found the establishment, from the suspension of the works resulting thereupon, in a word from the difficulties and the damages arising from the forced concession of the Lands of the Fief St. Etienne, difficulties and damages which, probably, neither they nor the Government had foreseen.

The Petitioners also request, through their Agent Mr. J. Brock, whose letter is here annexed, that the Water-power be reserved to them in the first concession of the Fief, where the limestone is found, and the clay, which to them is indispensable. If these Lands are conceded, the Government can no longer do any thing in it; if they are not, this item of the petition is answered, provided the unconceded lots are exempted from the obligation to sell. In the event of the Government overruling my recommendation in respect of the 150 lots which are still unconceded, I do not think that they could object to reserve for the use of the Forges, the quarries which are necessary in carrying on the works.

Finally, the Petitioners ask (and this is a point of paramount importance with them), for the immediate issue of their Patent or Title from the Crown. This, according to the terms of agreement with Mr. Henry Stuart, their author, was to be granted only after the payment of the purchase-money was completed.

Their interest in this particular of obtaining their title without delay is easily understood. They require considerable capital for indispensable repairs, estimated by their Engineer at £3,000 or £4,000, and for additions estimated at £7,000 or £8,000. Now, they will be enabled to raise this money more easily, and on better terms, if they are able to shew a title from the Crown.

In aiding their views by this concession, I do not perceive that Government will jeopardize any of their own interests. On the Petitioners furnishing good and valid security therefore, that, within a given time they will expend a certain amount in permanent improvements, say £4,000 in two years, I should not hesitate to recommend the immediate issue of the Patent: their securities being of course released as soon as such sum should, according to the judgment of competent arbitrators, have been so expended.

I believe I have touched on all the essential points of the main subject of inquiry and report; and I proceed to sum up the result of my observations and reflections:

1st. To reserve for the use of the Forges, as long as they exist, the 150 Lots of Woodland, which are not yet conceded in the Fief St. Etienne, the Petitioners furnishing and maintaining through the same the necessary roads to reach the lands of the Seigniories and Townships adjacent.

2d. To grant a delay of ten years for the payment of the sum due to Government, with interest, and immediate issue of the Patent, on condition that Messrs. Stuart and Porter shall expend in permanent improvements, on the establishment of the Forges, the sum of at least £4,000 in the space of two years, computing from the present year; the whole subject to arbitration, for the due performance of which those gentlemen will furnish good and sufficient security.

3d. To remit payment of the arrears of interest due upon the purchase-money of the Forges, but not upon the purchase-money of the Fief.

4th. To remit, on the purchase-money of the Fief St. Etienne, two-thirds of the reduction which will be made in the established upset-price of lands conceded in the said Fief, provided the Government should make such deduction in favour of the present *Concessionnaires*.

The reserve, for the use of the Forges, from the lots not yet conceded, of the lime-stone quarries, and of the clay (*grès*), necessary for the Works, being recommended only in the event of the Government not consenting to the entire reserve of those Lots, I do not include it in this summary.

If the Government should think fit to accede to the three points above-mentioned, I consider that they will have done all that could reasonably be expected from them, to ensure the permanency and the extension of the Establishment of the Forges, which ought to be a paramount consideration in the present circumstances.

If, hereafter, Government should take steps to concede for settlement the adjacent lands in the Seigniorie of the *Cap de la Magdeleine*, they will satisfy all the parties interested.

The lands of St. Etienne are, no doubt, most coveted, and were they worse than they are, they would still be sought after. It is well known on what ruinous terms Canadian settlers will take lands in some situations. Our youth have but two alternatives—to expatriate themselves, or to take up lands at any price. Some take the first course—others the second. They will drag out a wretched existence, it is true, but they will at least live, until the Sheriff drives them off. It is well known also to what degrees of suffering settlers have devoted themselves on certain sections of the Crown Lands, devoid of roads; but all have not this heroic courage. Thus, there are in the environs of Three Rivers, as almost every where else in the inhabited part of Lower Canada, a surplus of population ready to overflow any tract of land which is accessible, whatever may be its quality and price. The only requisite is that there shall be nothing to pay down; if the soil is good they hope to clear themselves in time; if it is bad, and the seller is pressing for payment, they do what they can with the wood and a few exhausting crops, which ruin the soil for ever; in short, they make money out of everything, and some fine morning disappear with the little cash they have made, to invest it elsewhere. But, open a road to the good lands in the neighbourhood, and people will gladly give up the sands of the Fief of St. Etienne. I will even venture to predict that if this should be done, a considerable number of the present *Concessionnaires* of that Fief will shortly abandon their lands; and, in my opinion, they will do well for themselves and their families. The Town of Three Rivers, itself, which gave the impetus to the movement in favour of the complete settlement of the Fiefs St.

Etienne and St. Maurice, is more interested in the speedy settlement of the fine lands of the Upper St. Maurice, than of those of the two Fiefs, which will, ere long, send to it more mendicants than purchasers and provisions. But, it appears, that till recently it was unknown that there were good lands in the interior; and, even had it been known, without roads, they might as well not have been.

Finally, I have to add, that some of the *Concessionnaires* of the Fief St. Etienne having alleged complaints to me verbally against the proprietors of the Forges, I desired them to reduce them to writing, and to transmit them to me. This they have done, and I have sent their letter to Mr. A. Stuart, who was to forward it to his Agents on the spot, in order that they might note thereon such remarks or explanations as it may call forth. As soon as I shall have received the answer to these complaints, I will forward the whole to you. It was a matter which was not included in my commission, but I considered it to be a duty to afford the *Concessionnaires* an opportunity of forwarding their complaints to Government, which is disposed, I am persuaded, to accord to them the protection which the case may require.

I have the honor to be, Sir,  
Your obedient Servant,  
(Signed,) ETIENNE PARENT.

To the Honorable JOHN ROLPH,  
Commissioner Crown Lands, &c., &c., &c.

(Copy.)

CROWN LANDS DEPARTMENT,  
Quebec, 17th August, 1852.

Sir.—Messrs. Andrew Stuart and John Porter, the actual occupants of the St. Maurice Forges, having lately prayed for an inquiry (at their own cost) to ascertain and report upon the state of the said Forges, and upon the effect which the sale, occupation and clearance of the Lands adjacent thereto, has had upon the working of the Forges; in support of their prayer of the 23rd June last, which was reported upon by this Department, and subsequently refused by Government; the Department, notwithstanding this last decision, is disposed to afford to these Gentlemen the opportunity of establishing such facts, as in their opinion may induce the Government to alter the decision and grant them the relief prayed for, or any other indulgence the circumstances may render advisable for the interest of all the parties concerned. They have in consequence been informed that you have been kind enough to give your services and take charge of the inquiry in question, and that they were to place themselves in communication with you on the subject.

By referring to Messrs. Stuart and Porter's Petition of 23rd June last, and their letter of the 31st July, also last, you will ascertain what is to be the subject of inquiry and nature of Report you are to furnish to Government; I will, however, beg of you to observe, that the applicants have mixed together two different matters, to wit: the remission of interest, not only on the purchase price of the Forges, but also of the Fiefs St. Etienne and St. Maurice, a portion of which they have already sold for a large sum, which would apparently render the purchase of the said Fiefs a profitable investment; your inquiry will therefore embrace particularly the Forges, and in connexion with it, I would refer you to the Minutes of Evidence given before the Legislative Assembly of Lower Canada,—see Appendix (X.X.) 1836, accompanying the second Report of the permanent Committee on the Jesuits' Estates, dated 23rd February, 1836—wherein, you will find the opinion of several Gentlemen with regard to the relative advantage to be derived from the settlement of the Lands, the timber of which was required for the Forges, and from the working of the Mines.

While on the spot, you will please ascertain whether there is a great demand for the remainder of the Lands which Messieurs Stuart and Porter are bound to re-sell, whether a certain number of these Lots could not be reserved for a certain period for the Forges, without giving a just right of complaint to the inhabitants of Three Rivers, and to those who may be desirous of availing themselves of the condition imposed upon the owners of the Fiefs, of re-selling at the fixed sum of six shillings per acre.

Herewith I transmit all the papers connected with the sale of the Forges and of the Fiefs; a list whereof is at the foot of this letter.

Messieurs Stuart & Porter, are anxious for the earliest action on the inquiry prayed for.

I have the honor to be, Sir,

Your obedient Servant,

JOHN ROLPH,

Commissioner of Crown Lands.

ETIENNE PARENT, Esquire,

Assistant Provincial Secretary, Quebec.

QUEBEC, 6th September, 1852.

Dear Sir,—I beg to enclose herewith the report of the Engineer of the Forges, Mr. Hunter, shewing that a sum of £3600 or £4000 must be spent upon the Forges of St. Maurice, to put them in working order, so as to continue the business that has hitherto been done at them upon the old system. And shewing likewise the improvements which he would desire to see introduced, and the probable cost.

We have every reason to feel satisfied with this Gentleman, and we entertain a high estimate of his qualification; he has been all his life engaged with Manufacture of Iron in Scotland and England, and we have every reliance that, under his direction, the St. Maurice Manufactures will not fall in public estimation.

Mr. Lamb, the other Gentleman, from whom we enclose a report, is the person more particularly in charge of all that has relation to the ore and wood. He has been for ten years Mr. Bell's Manager at the Forges, and is perfectly conversant with the whole subject; in his experience and integrity we have also every confidence.

We inclose likewise a letter from Mr. Brock to us, by which you will see his estimate of these two Gentlemen.

It may not be considered out of place that we should make a few observations to you on the subject of these reports.

The Mercantile Gentlemen associated with us in the business, will continue no longer in it than it proves remunerative, or offers, at least, a fair probability of its becoming so in future. We, to whom the property belongs, are the persons more particularly interested in putting the Forges on such a footing as to remove all risk of abandoning them. Our interests, relative to these gentlemen are identical with the population of the Forges; we, and they, both depend upon the continuance of the business to save us all from ruin. We have reason, however, to entertain great fears that these gentlemen will not continue their connection with the business, unless the supply of wood, for the future, be in some measure made certain, and an improved and more extended system of manufacture introduced in the Forges.

The first of these objects, would, to a certain extent, be attained, if we were permitted to retain the lands still unsold; then, by a system of economy, and by the purchase of wood from the present proprietors of lots, we may hope to secure a supply of fuel for the Forges for some time to come. And by adopting the

course pursued in Europe, by promoting the growth of timber, in time, a never-failing supply of wood would be got for the use of the Forges, and this is the only way in which the business can be made secure. This year we have spent about £500 in the mere purchase of wood, an expense never before incurred by the Forges, and a natural consequence of the sale of the lands. As to the Ore, we do not see any remedy in the power of the Government to afford, it has passed into private hands, and we must purchase it, for the future, on the best terms we can make, and subject to much embarrassment, from combinations among the proprietors of the ore lots.

If you should entertain any doubt of the propriety of the Government taking the price of the Lands sold by us in the manner we propose, and if such doubts on your mind, should, in any measure rest on the extreme improbability of the price ever being paid by the purchasers, perhaps you would not deem it unreasonable that the Government should remit the arrears of interest due, a certain portion of the purchase-money, and should permit the balance of the purchase-money to remain in our hands for, say, eight or ten years, for the three or four first years, without interest, and for the rest of the period with interest, upon our undertaking to expend, for the next five years, say £2,000 a-year in improvements and ameliorations at the Forges. It will be three years before the Forges can be got into efficient working order, upon an improved plan. And with even the indispensable repairs now in progress, it will be twelve months from this time before we can hope to derive anything from them.

A misapprehension seems to have arisen, we know not in what quarter, in relation to the price paid by us for the Forges, very much calculated to militate against our appeal to the equity of the Government in this matter; now we did not give a larger sum to Mr. Henry Stuart for the Forges than he agreed to pay the Government, but on the contrary a less sum—he purchased from the Government the Forges and land, and from Mr. Bell the moveable property—indispensable to the carrying on of the Iron works, for which he paid a large sum of money, and afterwards added largely to these. We acquired from him not only the Forges and Lands but the moveable property likewise.

The effect of the sale of the Lands was only felt by us this Spring, when titles were for the first time granted, and when we lost a large quantity of wood by fire, and could obtain no ore. We did not then entertain the idea of soliciting from the Government any diminution of the sum due, we only did so when we saw the disastrous consequences of the concession of the Lands and the very continuance of the business rendered doubtful from this and the other causes already adverted to. And we are now under the sincere conviction, that without the expenditure of a very considerable sum of money on the Forges they will stop. We hope, therefore, that the Government will come to our relief, in some manner, from the damaging effect of causes which could not have been foreseen either by the Government or by us, and allow the Patent to issue that we may be in a situation to make the necessary ameliorations and secure the continuance of this important manufacture.

We remain, Dear Sir,

Your obedient Servants,

A. STUART,

J. PORTER.

ETIENNE PARENT, Esquire,  
Assistant Civil Secretary.



(Copy.)—With B.

ST. MAURICE FORGES,

THREE RIVERS, 1st September, 1852.

Gentlemen,—I beg to enclose you the reports of Mr. Lamb and Mr. Hunter, in regard to the present state of the St. Maurice Forges.

The intimate knowledge that the former Gentlemen has of the people, and their mode of doing business, from a residence amongst them of about eleven years, renders his report of far more value than any I could lay before you, and I have only to remark that the facts stated are in no ways exaggerated.

Mr. Hunter having been here for the past two or three months only, may require my testimony as to his ability to make a Report of so much moment. I have therefore to state, that he was Chief Engineer to one of the largest Iron Companies in Great Britain, and bears with him very strong letters of recommendation from his late employers. I think him thoroughly competent to rebuild all the works and add to them the improvements he mentions, and being a practical and economical man, I think his calculations, as to their cost, may be considered rather under than over estimated.

There are 150 lots of Land still unconceded in the Fief St. Etienne, varying in size, but in general being about 100 acres each. There is very little wood remaining on them, and that of second and, in many cases, third and fourth growth. The quantity of wood that might, off these Lands, be made available to the Forges, would not keep the works going longer than another year.

A Lot of 100 acres, with wood of 20 years growth should produce from 2600 to 3000 cords; seven Lots would be required annually to keep the Forges supplied with wood, and as the trees would require about 20 years to become large enough for the axe, these works should have attached to them from 140 to 150 Lots, of 100 acres each, in order to preserve and cultivate the wood.

It is also undispensably necessary that the water lots on the first range should belong to the Forges, say from the Grais Falls to this, as on them are the quarries for free and limestone, of the latter stone above over five hundred tons are annually required for consumption here.

I will only add that labor, of every description, is done by residents in this neighbourhood, and for which they are invariably paid in advance. Should these works be stopped, they must leave this party of the Country, where no other employment can be found for them.

I remain Gentlemen,

Your obedient Servant,

J. BROCK,

Manager.

Messrs. JOHN PORTER & ANDREW STUART, Esquires.

(Copy.)—With B.

SAINT MAURICE FORGES,

24th August, 1852.

Gentlemen,—In compliance with your request to furnish you with a Report to be laid before the Government,

I have now to report what repairs are indispensably necessary to the Forges of St. Maurice, to put them in ordinary working order.

I may perhaps be permitted to say, that all the essential buildings are in a state of ruin, and would require to be pulled down and rebuilt; but as such a course would require the total cessation of operations for a period of at least a year, and very large

immediate outlay, I would recommend the following repairs for the present, and that the necessary reconstructions and ameliorations be made gradually without interrupting the business.

First, the Large Furnace must undergo complete repair, which will require a month to do it.

The Cupola Furnace requires to be rebuilt.

The Floors for the conveyance of the water to the wheels, for the propelling of the Machinery, requires to be renewed.

The wall in the moulding-shop, which fell down this Spring, must be rebuilt.

The Water-course require deepening, and the dams repaired and raised.

The present Saw-mill is in such complete decay that a new one must be immediately erected.

A new Finishing Shop should be immediately fitted up in the brick building.

The Grist Mill requires repairs.

Six New Barns are required for charcoal, the old ones having fallen down.

The Forges are so old-fashioned and so much out of repair, that they will be to make nearly new.

The Cottages for the workmen, and the Workshops, all require extensive repairs.

The large House is much out of repair, and will require new windows, doors, and plastering throughout.

These repairs will cost from £3,600 to £4000.

Some of the above repairs are already in progress, and the works have been wholly stopt for a few days, and will not recommence for a few days more.

You have also requested me to say what improvements would be advisable:—I would recommend a new Blast-Furnace of nearly double the capacity of the present one, with a double Hot-air Furnace instead of a single one as at present.

The erection of a Rolling Mill for the manufacture of round, square, and boiler plate iron, &c.

Also the construction of lathes, &c., for machinery purposes.

These additions would cost from £7000 to £8000.

The St. Maurice iron I think suitable to make steel, and would recommend a trial, and if found to answer, establish steel works; these last improvements would cost from £1500 to £2000.

Your obedient Servant,

WILLIAM HUNTER,

Engineer.

(Copy.)—With B.

SAINT MAURICE FORGES,  
31st August, 1852.

Gentlemen,—Having been requested to commit to writing what I stated to you verbally in relation to the difficulties of getting mine or ore, I beg to state that I have experienced far more difficulty this season in procuring ore for you than I ever had during the eleven years I was engaged at these works in connection with Mr. Bell. Since the habitants have become the owners of the land they will not furnish themselves, or allow us to collect more ore than they choose, and this they will only do by paying them an enormous advance on the price paid by your predecessors, and then they will only collect ore during their leisure time. Several who had promised to collect ore this spring, and to whom advances have been made for that purpose, have not to this day commenced, thus putting us entirely at their mercy. With all my exertions we have now at the Forges only about three hundred barriques, whilst formerly there would have been at least six thousand barriques at this season of the year; and which quantity, I do not hesitate one moment in saying

I could have procured had not the present difficulties existed, as there is no scarcity of ore. Another difficulty I have also had, and still have to contend with, that is, in every instance where I have been able to arrange with one party for taking ore off their Lands, another party on the line of road required to bring the same to the Forges, have closed the roads against us, which roads were made by the Forges, but which have now become the property of the persons owning the Lots. There can, therefore, be no reliance placed upon getting a constant supply of ore from this Fief. I also know from long experience, that the Forges consume from 18 to 20,000 cords of wood annually (and which will now be much increased), and which has been hitherto charred in the woods, this I believe can no longer be done with safety, in consequence of the purchasers of the Lots in the St. Etienne, making clearances, and thus exposing the wood cut to be consumed by fire. I see no other safe means of furnishing a sufficiency of charcoal for these works but by bringing the wood to the Forges to be charred (and the serious loss of wood, during the last spring, about 2000 cords burnt by the habitants clearing their Land, seem to require it), the cost of the charcoal will be very materially increased thereby; at present a binne of Charcoal, which is brought to the Forges by two horses, is produced by four, sometimes seven cords of wood, whilst the same horses could not bring more than half a cord, consequently the increased rate of cartage must materially increase the cost of charcoal for the Forges in future.

I am Gentlemen,

Your humble Servant,

TIMOTHY LAMB.

Messrs. J. PORTER & Co., Quebec.

(Copy.)

QUEBEC, 25th September, 1852.

Sir,—We have been informed by Mr. Parent, that he has sent in his Report to you upon the St. Maurice Forges.

Would you favor us with Communication of it, and permit us to take a copy of it. The urgent necessity for immediate action and the importance of the subject to us, we hope will be considered by you as a sufficient apology for this intrusion upon your attention at this time.

We have the honor to be, Sir,

Your obedient Servants,

A. STUART.

J. PORTER.

The Honorable JOHN ROLPH,

Commissioner of Crown Lands.

(Translation.)

I have no hesitation in saying that Mr. Parent, in his report on the subject of the Fief St. Etienne, has been altogether led into an error respecting the quality of the Lands in that Fief, and that the same means were used to induce him to form an unfavorable opinion of them, which were employed by the late Lessees of the Forges of St. Maurice, inducing persons in authority to visit the Forges, and thus exhibiting to them only the high Lands on the banks of the River St. Maurice, which although the worst in the District are tolerably good. These are by no means sandy as they may have appeared to the eyes of Mr. Parent or any one else who only casts a passing glance on them, but a yellow loam, very well adapted

for cultivation, very improvable by manuring, and yielding large crops of a very profitable description; as soon as the visitor has passed to the South-east, the hills sink, the land is level, and the soil of the best quality.

It is the same with respect to the Fief St. Maurice. The Lands are good, and I shall not be much obliged to Mr. Parent for representing them as uncultivated. I who purchased them, conditioning to sell them again and improve them; and I must affirm that even according to Mr. Parent's own report, the Fief St. Etienne must be, and is, in fact, superior.

In his opinion St. Maurice is good for nothing, St. Etienne a little better, and Shawinigan excellent. This is true in one sense, but not in another. The lands gradually improve as the visitor ascends the River St. Maurice, but there is a commencement of good land in St. Maurice, which improves gradually, and does not, as Mr. Parent pretends, change, as by enchantment, from being very bad in St. Maurice and St. Etienne, to the most fertile quality in Shawinigan, being separated only by a line.

I shall cite one fact, out of a hundred within my knowledge, to prove how unjust it would be to deprive the inhabitants of these lands. In 1846, I sold, to *Luc Dupuis*, Lot No. 9, in the 1st Range of St. Maurice, on the Road to the Forges along which Mr. Parent passed, for £47. This individual has put up a house, and is well-settled on a part of the lot, making a good living. Recently, he sold two arpents only of this front lot, which is four acres wide (on which there was nothing done, but from which, on the contrary, he had taken a good deal of wood) to a person named Alexander Houle, a good farmer, for £75 ready money. This is the land that has been represented to Mr. Parent as uncultivated.

In 1829, the House passed Resolutions, requiring that these lands should be brought under cultivation; fifteen or eighteen years have passed in efforts to acquire them for the purpose. Afterwards, they were sold, in 1846, for that express object; and I should consider it a great misfortune to the inhabitants of that Section, and to the Town of Three Rivers, and likely to affect the prosperity of that part of the Province, if the system in that particular be changed; for, besides depriving the cultivator of the land, the thing would have the natural effect of retarding and hindering in a great degree the settlement of the lands in the rear, which must be reached over three leagues of road through an uninhabited district.

These remarks are suggested to me by an impulse of public spirit. Notwithstanding Mr. Parent represents my Lands of St. Maurice as being sterile, I may, with time, foresight, and experience to aid me, undeceive those persons who may have been misled by his report; and the reserve of the lands of St. Etienne could not fail to give increased facility for the disposal of my own to greater advantage. But I have in view the public good before all.

I have always considered, and I am more and more of opinion, that the settlement of the lands in St. Etienne cannot be detrimental to the Forges, and that the wood on those lands will always be at the command of the proprietors of the Forges, through the necessity which will always impel the farmer to sell the wood which he cuts for the benefit of his land. This being the only means in his power to aid in clearing his land, he will sell it on terms as easy to the proprietors of the Forges as would be the cutting and carting of the wood by themselves.

As to the establishment of the Forges, what inhabitant of Three Rivers is not convinced that this establishment, far from being a source of profit and prosperity to the town, has been the sole cause of its want of progress: at the expense of the advancement of the town and its environs, the Forges have been built up and maintained, and I would know how a city can be developed, and can grow in prosperity, lying on the verge of a forest which no one may enter. We have long deplored this state of things, and have felt bound to make, and have made unheard-

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of efforts, to release ourselves therefrom; and now that we have had a hope—a promise—in fact, that we have escaped from the trammels of servitude, we cannot endure to be rendered back to the bondage we so greatly detested.

(Signed,) P. M. DUMOULIN,  
M.P.P.

Quebec, 5th October, 1852.

We perfectly concur in the above remarks.

(Signed,) A. POLETTE,  
do J. McDOUGALL.

Quebec, 5th October, 1852.

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# R E T U R N

To an Address from the Legislative Assembly of the 30th ultimo; for Copies of all Communications between the Government and the present Proprietors of the St. Maurice Forges, with reference to the Forges, and to the Lands of the Fief St. Etienne; also, of all Instructions given by, and of all Reports made to Government, in relation to the said Forges and Lands of St. Etienne, since the Report made on the same subject by Etienne Parent, Esquire.

By Command.

A. N. MORIN,  
Secretary.

SECRETARY'S OFFICE,  
Quebec, 12th April, 1853.

LIST of PAPERS concerning the ST. MAURICE FORGES and the FIEF ST. ETIENNE, called for by Address of the Legislative Assembly, of the 30th March, 1853, and forwarded to Honorable Provincial Secretary, with a Letter from the Crown Lands Department:—

- Copy of Letter of Felix Fortier, dated 29th September, 1852.
- do do Messrs. Dumoulin, *et al.*, dated 4th February, 1853.
- do Petition of Inhabitants of Fief St. Etienne, dated 24th December, 1852, with Certificate.
- do Letter of F. Fortier, dated 11th February, 1853.
- do do Messrs. Stuart, *et al.*, dated 11th February, 1853.
- do Memorial of do do do do do
- do Letter of A. Stuart, Esquire, dated 12th February, 1853.
- do Report of Oliver Wells, Esquire, dated 1st March, 1853; with Copy of List and Plan annexed thereto.
- do Letter of D. Ross, Esquire, dated 11th March, 1853; also, Copy of Memorandum and Receipt.

(Copy.)

CROWN LANDS DEPARTMENT,  
Quebec, 29th September, 1852.

Gentlemen,—In answer to your letter of the 25th instant, I have the honor to state, that there is no objection to giving you communication at this Office of Mr. Parent's Report, and to permitting you to take a copy of the same.

I have the honor to be, Gentlemen,

Your obedient Servant,

(Signed,) **FELIX FORTIER,**  
For the Commissioner of Crown Lands.

Messieurs **ANDREW STUART** and **JOHN PORTER,**  
Quebec.

[Care of Dunbar Ross, Esquire.]

[Translation.]

(Copy.)

THREE RIVERS, 4th February, 1853.

Sir,—We have the honor to transmit to you the Petition of a numerous body of occupiers of lands in that section of the Township of St. Maurice, which formerly formed the Fief St. Etienne, and to request you to lay it before His Excellency the Governor General.

We are personally acquainted with the greater part of the facts alleged in this Petition, and we request permission to be allowed to represent to His Excellency;

1st. That the lands of the Fief St. Etienne are of very fair quality, and thoroughly adapted to cultivation.

2nd. That their proximity to the market of this Town and to the Road leading to the lumbering establishments of the St. Maurice, increases their value, and would be highly favorable to their settlement, if the occupiers of the Fief could be made to fulfil the conditions subject to which the Fief was sold by the Government.

3rd. That a great number of persons have settled upon these lands, and, considering the time, have made tolerably extensive clearings thereon, and cultivate the land with advantage.

4th. That the Township of Shawinigan, in the rear of this Fief, is partially settled; that the opening of the Road along the St. Maurice will be the means of effecting the settlement of the remainder in the course of a few years, as well as of that part of the Seigniorship of Cap de la Magdelaine, to the west of the St. Maurice, which has been divided into Lots by the Government, and which is situated in the rear of the Township of Shawinigan; and that if a part of Fief St. Etienne were reserved for the profit of the present holders thereof, and preserved as a forest, the new Settlements of Shawinigan and Cap de la Magdelaine would suffer considerably in consequence of the great difficulty and danger of communication with the Town through that forest.

5th. That the reserve of 150 lots of land scattered throughout the Fief would subject the occupiers of neighbouring lots to continual inconvenience and difficulty and to incalculable damage for want of light and air (*découvert*), ditches, and fences, not to mention the serious inconveniences to which the Proprietors of isolated farms in a forest are subjected, and that on this account the settlers would be obliged to abandon their lands which would return into the possession of the Proprietors of the Fief and would in a few years assume the condition it held but five or six years ago—that of a forest.

6th. That the St. Maurice Forges are of no use whatsoever to the Town of Three Rivers in which there are several Foundries, and are of no advantage either to the Town or to the District of Three Rivers.

7th. That the number of persons employed in the Forges has been exaggerated; that many who have worked there for many years have found employment elsewhere, and that it would still be the same thing if those now there ceased to be employed.

8th. That after the sale of the lands of the Fief, the occupiers of the Forges could as readily as at present procure all the wood they might require, and it would benefit the settlements the more on this account, that the settlers would bring to the Forges the wood obtained in the clearing of their land, and thereby diminish the amount due for their lands.

9th. That the tardy progress and want of prosperity visible in the Town of Three Rivers arise principally from the large extent of land around the Forges, included in the lease of the Forges, and which was preserved as a forest and constantly refused for agricultural purposes; and it is well known that until a few years past, this impenetrable forest, within and beyond which no one was permitted to pass, could be seen from our streets.

We attest the truth of these assertions; and should His Excellency be pleased to order an investigation into the matter, in the event of his being inclined to grant the prayer of Messrs. Stuart and Porter, notwithstanding our representations, we bind ourselves to prove our assertions.

We beg His Excellency also to take into consideration the fact, that the Forges of St. Maurice were sold separately from the Fiefs of St. Maurice and St. Etienne, and even at an earlier date, and that the purchaser of the Forges could at the utmost indulge the hope of becoming the purchaser of the Fiefs, inasmuch as any other party might purchase them on the same terms as himself.

In what position would the assigns of Mr. Henry Stuart be placed, if any other than he had become the *adjudicataire* of the Fiefs? This most clearly demonstrates that the intention of the then Government was to effect the settlement of these lands, and that Mr. Henry Stuart did not by any means reckon upon the forest which his assigns now ask for, in order to the working of the Forges.

We consider ourselves justified in expressing our hope that Government will render justice to that section of the country, which has, of late years, been so neglected.

We therefore pray His Excellency, to be pleased to take the Petition in question into his favorable consideration, and to order that measures may be taken to ensure the fulfilment of the conditions subject to which the Fief St. Etienne was sold to Mr. Henry Stuart.

We have the honor to be, Sir,

Your very humble and obedient Servants,

|           |                 |
|-----------|-----------------|
| (Signed,) | P. B. DUMOULIN, |
| "         | J. E. TURCOTTE, |
| "         | JNO. McDOUGALL, |
| "         | A. POLETTE.     |



[*Translation.*]

PROVINCE OF CANADA, DISTRICT OF THREE RIVERS.

To His Excellency the Right Honorable James, Earl of Elgin and Kincardine, &c., Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, &c., &c., &c.

The respectful Petition of occupiers of Lands, sold by Government to Henry Stuart, Esquire, and now to Messrs. Stuart and Porter, in that part of the Township of St. Maurice heretofore constituting the Fief of St. Etienne, in rear of the Forges of St. Maurice, behind Three Rivers,

Humbly Sheweth,—

That certain of those Lands were sold and adjudged by the said Henry Stuart, to different inhabitants of the place, who purchased them with the intention of settling on them, and took possession of them, and did settle thereon.

That several of the said petitioners also settled on those lands and took possession thereof, by permission of the said Henry Stuart, or of those who represented him at the Forges of St. Maurice.

That about one hundred and thirty young Farmers have settled as aforesaid (and without a deed), in the fifth concession, chiefly, upon the one hundred and fifty lots which Messrs. Stuart and Porter are desirous of reserving for the wood thereon.

That of these hundred and thirty farmers, about fifty already reside and have built themselves houses on the land.

That to the perfect knowledge of the said Messrs. Stuart and Porter, and in perfect reliance on the effect of the aforesaid proceedings, and on their permission and consent, there has already been performed on the said hundred and thirty lots of land a large amount of labor, either in actual cultivation, or work connected therewith.

That in return for their said labor, several of our petitioners have gathered in from the said lands, a large quantity of grain.

That one of their number named Jean Marie Bellemare, whom your petitioners mention as an instance, gathered in, last autumn, on one of these lots, sixteen hundred sheafs of oats, and eight hundred sheafs of buckwheat; that last spring he sowed eight minots of rye and thirty-four bushels of potatoes;

That many others had excellent crops, taking into consideration the small extent of land sown.

That all your humble Petitioners, purchasers, *adjudicataires*, occupiers, and others, are desirous of remaining on these lands, and of retaining them.

That, nevertheless the necessary deeds for the security of their rights therein are denied to your Petitioners, although they consider the Land of a quality to become excellent farms, and capable of supporting numerous families.

That, besides the above, your Petitioners have a great number of facts to allege in their favour calculated to move Your Excellency to take their present Petition into your serious consideration, and to grant the prayer therein contained, but of too great a length to be particularly mentioned; an enquiry would be the only means of disclosing their number and their enormity.

That your humble Petitioners, far from emigrating, as many of their fellow countrymen have already done, and are doing daily, to foreign countries, have believed, that in settling on these lands, they would find a certain means of remaining in their native country, and to that end, that they would be secure of the protection of a just and liberal Government, and they still venture to hope that protection and justice will be granted to them in the circumstances in which they find themselves placed, inasmuch as it is intended to dispossess them of these lands for the benefit of the said Messrs. Stuart and Porter, to favor their establish-

ment which has a thousand other means of existence and support, without compelling your Petitioners to banish themselves from their native land and their property.

Wherenpon your humble Petitioners respectfully pray, that you will take this their Petition into consideration, enjoin the fulfilment of the conditions on which the said lands were sold and adjudged by the said Henry Stuart, and on which they were granted, maintain your Petitioners in their property, cause the deeds promised to them, and so often demanded by them, to be duly granted and, in a word, by so doing, prevent them from quitting their country, where they are desirous of spending the remainder of their lives.

And your Petitioners will ever pray, &c., &c.

(Signed,) MOYSE HUBERT,  
and 105 others.

St. MAURICE, 24th December, 1852.

We, the undersigned, certify that the persons whose names are hereunto affixed, signed and made their marks in our presence.

(Signed,) FREDERIC C. LISOT.  
" JOSEPH PAQUET.

St. ETIENNE, 31st December, 1852.

(Copy.)

CROWN LANDS DEPARTMENT,  
Quebec, 11th February, 1853.

Gentlemen,—With respect to the Petition of certain inhabitants of the Fief St. Etienne, against the reserve of certain Lots therein for the use of the Proprietors of the St. Maurice Forges, of which communication has been given to you; I have the honor to request you to forward any observation you may think proper to offer on the same, at the earliest day, in order that this Petition may be brought without delay under the consideration of Government, together with your application with regard to the reserve above alluded to.

I have the honor to be, Gentlemen,  
Your obedient Servant,

(Signed,) FELIX FORTIER,  
For the Commissioner of Crown Lands.

Messieurs. ANDREW STUART and JOHN PORTER,  
Quebec.

(Copy.)

QUEBEC, 11th February, 1853.

Sir,—We beg leave to enclose to you a Memorial in answer to a Petition recently sent from persons representing themselves as aggrieved by us, which, together with the Petition, we will feel obliged by your putting before His Excellency at the earliest moment possible.

It is hardly possible to exaggerate the injury we are now sustaining from the pillage of wood, by persons whom we cannot help thinking have been advised by

designing men to take possession of any lot remaining on our hands—and the final decision of the Government will enable us to deal with these persons probably without resort to Law.

We have the honor to be, Sir,

Your most obedient humble Servants,

(Signed.) A. STUART,  
“ J. PORTER.

The Honorable JOHN ROLPH,  
Commissioner of Crown Lands, &c. &c. &c.

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Copy.

To His Excellency the Right Honorable James, Earl of Elgin and Kincardine, Knight of the most Ancient and most Noble Order of the Thistle, Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick and the Island of Prince Edward, and Vice-Admiral of the same, &c. &c. &c.

The memorial of Andrew Stuart and John Porter, both of the City of Quebec, Humbly Sheweth ;

That when your memorialists perused the very able report of Etienne Parent, Esquire, made to the Government on the Forges of St. Maurice and the lands of the Fief of St. Etienne, stamped as it is by liberal and profound views of public policy, and by palpable and evident sympathy for that class of persons who might be expected to settle upon lands, they entertained and continue to entertain sanguine hopes that your Excellency will see reason to mark your approbation of this report, by the adoption at all events of its leading recommendations.

A multitude of more pressing calls upon the attention of the Government has stood in the way of a decision upon this matter, and seems to us to have been construed into difficulty on the part of the Government, in acquiescing in the suggestions of Mr. Parent, and has led to your Excellency being addressed by a Petition, purporting to emanate from persons said to occupy lands in St. Etienne, and who represent that they have an interest in supposing that the unconceded lands should remain in our hands. This Petition is accompanied by a letter from Mr. Dumoulin, Mr. Turcotte, Mr. McDougall and Mr. Polette.

We now beg leave to offer a few remarks to your Excellency, in answer to both these documents, and first as to the Petition.

Your memorialists observe in this Petition an ambiguity which it is manifest is the result of design, but taking the sense of this Petition as well as can be gathered from it, it would purport to emanate from persons who purchased lands in St. Etienne, from Mr. Henry Stuart, at public sale, and from persons who located themselves upon other lots of this Seigniorship with the permission of that Gentleman, or of persons acting under him, and who complain that your memorialists withhold titles from them.

The most fitting answer to this complaint is a brief narration of what we did after our acquisition.

We became purchasers in November, Eighteen hundred and fifty-one, and forthwith gave public notice in the Three Rivers Gazette, and by means of calls at the Church Doors, that on the twenty-second day of December of that year, we would be present in Three Rivers, for the express purpose of granting titles to all such persons as had bought lands in St. Etienne, from Mr. Henry Stuart, at public sale.

On the day indicated and the two following days, we executed contracts to every man who had bought from Mr. Henry Stuart at public sale, and who expressed his readiness to take a title, and among others to Mr. Jean Marie Bellemare, whose case has been prominently put forward in the petition, and who has from us titles to six different lots, and we at the same time received back any lots which any of these purchasers declared their unwillingness to keep without asking from these last anything for the occupation of their several lots for the five years previous.

As all did not apply who had bought lots from Mr. Henry Stuart, we deemed it right to give such a further opportunity of obtaining their titles, and accordingly we gave a similar public notice for the month of March following. On this last occasion nine persons only applied for titles and got them.

In thus twice preceding to Three Rivers, for the sole purpose of granting these titles, we thought that we had done as much as could reasonably be expected from us, and we have been satisfied by holding ourselves at all times ready to execute titles to any, if such there be, who have purchased from Mr. Henry Stuart at public sale, and who desire to obtain them.

As applying to this class of persons it is fitting to inform the Government that with the exception of three or four persons from whom we bought wood growing on their lots, the whole six years arrears of rent remains unpaid and we entertain great fears of their ever paying.

After doing what we deemed to be our duty towards the persons who had purchased from Mr. Henry Stuart, we then determined to fulfil the condition imposed by the Government upon his purchase, and in the month of May, Eighteen hundred and fifty-two, after public notice, we put up to sale by public competition with the sanction of the Government, all the lots in the Fief St. Etienne, with the exception of those that had been already sold by Mr. Henry Stuart, at public sale, and those of the first range.

On this last occasion we were appealed to by a number of persons who represented themselves as having settled on lots under a verbal permission from Mr. Henry Stuart, and that the clearances made by them in their respective lots would enhance their value in the eyes of the bidders, and deprive them of the benefit of their improvements; and then it became a question with us, how these persons were to be dealt with, looking at the reasonableness of their pretensions; but to avoid doing what might have been deemed by them an injustice, though having great reason to doubt the truth of the fact that such permission to settle upon these lots had ever been given, we determined not to put up such lots to public competition, but to grant the occupants their titles at the same rate at which the adjoining unconceded lots would be adjudged. This determination produced entire satisfaction, but it was carried out in a manner somewhat different from our proposal. When a lot was put up, a man in the crowd would say, "That is my lot," mentioning his name, and it was then knocked down to him at the upset price. In this way seventy lots were disposed of without a bid, with one exception, when the lot was occupied by two persons who bid against each other for it.

All the lots now remaining unsold, not in the first range, were put up on this last occasion, and remained unsold solely from the absence of purchasers. It will be remarked that at the same time that we gave credence to the declarations of persons who represented that they had verbal sales from Mr. Henry Stuart. We did not exact from them rent for the period of time they had occupied previous to that day, which we might have done without any reasonable charge of greediness or harshness being brought against us, while, at the same time, we secured to them the benefit of their improvements by preventing competition to our pecuniary loss.

We hope that this statement of facts will remove any impression which may have been made upon the Government that we, at any time, perpetrated any injustice

towards anybody, as pretended by the Petitioners. We can, however, readily understand that our course of conduct would be utterly unintelligible to Mr. Dumoulin, who has strenuously endeavoured to embarrass our application before the Government, and it remains to be seen whether his overflowing sympathy for his countrymen has ever manifested itself in conceding any of the lands of the Fief St. Maurice at the same low rates at which we have granted ours. We thus dispose of all the persons who bought from Mr. Henry Stuart at public sale, and all those who claimed under his verbal permission. If there be any others in the Seigniorie now, they must be there without permission and against our express public prohibition, and we deny the right of Mr. Dumoulin to set up the tortious acts of such persons as a lawful impediment to the granting to us by the Government of any reasonable concession tending to promote the prosperity of the Forges.

We conceive that we have done ample justice to all persons who purchased from Mr. Henry Stuart at public sale, and that we have gone beyond what could have been expected of us in the sale which we ourselves made.

Having thus disposed of the Petition, we come to the letters of Mr. Dumoulin, Mr. Turcotte, Mr. Polette, and Mr. McDougall, which accompanies it. As these gentlemen have deemed it necessary to the due discharge of their obligations to the District of Three Rivers, as being, we presume, among the most enlightened, to favor Your Excellency with the aid of their counsel in the decision of the matter submitted by us to the Government. We will distinguish in this letter between what would appear to be the enunciation of fact and what is matter of opinion upon a question of important public policy. We regret that a degree of caution, not to be applauded in certifying to Your Excellency "greater part of the facts" contained in the Petition, was true to the personal knowledge of these gentlemen, without deigning to mention which of these facts they intended to advert to, leaves us without the power of admitting or denying them. If they intended to convey to Your Excellency the information that a number of persons, without right, have taken possession of our lands, and that the representations of Mr. Dumoulin made in their favor, are based upon that fact, we are not prepared to controvert the truth of their certificate; but if they intend to certify that we have intended or perpetrated any injustice towards any of the persons who are entitled to lands, we most emphatically deny it. So much for the matter of fact of this letter.

The question of public policy involved in our application to Government, as we respectively conceive, and which is not overlooked by Mr. Parent, is that of the propriety of encouraging manufactures in Canada generally, particularly in localities where the soil and climate are both opposed to agricultural pursuits, as in that portion of Lower Canada where the Forges are situate, and we believe this to be the enlightened policy of Your Excellency's present Government. The merits of entertaining opinions the very reverse of these is reserved for the four gentlemen who have signed this letter, and they express, in terms not to be mistaken, that, in their opinion, the unconceded portion of the Seigniorie, if given to actual settlers, would produce more good for the District of Three Rivers than the continuance of the large, important and only Lower Canadian Manufactory of Iron, which, for upwards of a hundred years, has now been in uninterrupted operations, and in which is spent annually a sum equal to twice the value of all the lands of the Seigniorie.

When we see the prodigious strides towards prosperity which the United States of America have made under the policy of protection and encouragement to manufacturers, and when even at this day the greatest reluctance is manifested among the leading men of that very able nation to admit the reciprocity in trade because of its consequent invasion of protection to home manufacture, we cannot for a moment entertain any apprehension of what the policy of the Government will be upon this subject of all absorbing interest.

It is impossible to read the previous observations intruded by some of these gentlemen, and which found their way to the Crown Land Department unsolicited, as far as we know, addressed to nobody, and which first came to our knowledge when the papers were published by the House of Assembly, and the letter which accompanies the petition, without seeing that the same sentiments pervade both, and that the blow intended to be struck is at the very existence of the Forges. The reasons urged by us for retaining the lands are manifestly perfectly appreciated by the author of these documents, and he hopes to frustrate our views by the advocacy of supposed rights of persons said to be on the Seigniori. We trust he will be defeated in his purpose by the Government being convinced of the indispensable necessity of our being permitted to retain these lands if the Forges are to continue in operation.

Your Excellency has now before you the views on both sides of this important question set forth on the one hand in the report of a high public Officer of undoubted ability and integrity, expressly deputed to enquire; embracing enlarged views of public policy and a marked sympathy with the class of people whose interests are now brought in question, and on the other hand the gratuitous and conflicting representations of persons whose sole aim would appear to be to hold up the Forges as an establishment prejudicial to the interests of the inhabitants of the Town and District of Three Rivers, without advancing any intelligible reason in support of such an extraordinary conclusion; and manifesting their sympathy for the Petitioners by recommending such a course as must result in the withdrawal of a large annual expenditure in a locality in which they reside and urging them to settle upon lands upon which they cannot possibly make a living.

(Signed,) A. STUART,  
" J. PORTER.

QUEBEC, 11th February, 1853.

(Copy.)

QUEBEC, 12th February, 1853.

Sir,—We have the honor to acknowledge the receipt of your letter of the 11th instant, mailed yesterday but delivered to us this day, and to say that previously to the receipt of your letter, we had the honor to transmit to the Honorable the Commissioner of Crown Lands, a statement in answer to the Petition referred to in your letter.

We have the honor to be, Sir,  
Your obedient Servants,

(Signed,) A. STUART,  
" J. PORTER.

FELIX FORTIER, Esquire,  
For the Commissioner of Crown Lands.

(Copy.)

THREE RIVERS, 1st March, 1853.

Upon reference made to me of a certain Petition, bearing date December 24th, 1852, addressed to His Excellency, by inhabitants of the Fief St. Etienne, I would respectfully submit the following notes thereon:—

I am decidedly of opinion that the Government should not reserve 150 Lots to

the Forges. But that the lands in St. Etienne must all be sold in accordance with the conditions of sale to Mr. Henry Stuart.

I will give my reasons. The people have been notified that these lands (St. Etienne,) were for sale, and consequently have settled upon them. Did the Forges require a reserve, the Proprietors should have demanded the land before settlers were located upon it. There are upwards of sixty actual settlers upon the unsold Lots in St. Etienne, who have all made improvements upon their farms, in some cases to the value of over £150. I do not make this statement upon information acquired from others, but from personal inspection, having visited the Lots of which I give a list hereunto annexed.

It is just to remark that wrong impressions have been conveyed to the Government concerning the quality of the lands in St. Etienne, simply from the fact that the main Road of this Fief traverses some tracts that are really poor. As a whole, the quality of the soil in St. Etienne is in no respect inferior to that of the adjoining Township of Shawingan. We continually meet with fine ridges of hard wood land, and as an agricultural district the back country from Three Rivers furnishes none better. In discharging the duties of my agency, I have traversed not only St. Etienne, but the adjoining territory for some twenty or thirty miles to the rear, with the view of opening roads for settlement and for the purposes of lumbering. Since the month of November last, the Government have opened a winter Road, a distance of thirty miles above St. Etienne, along which there are excellent lands, not only in St. Etienne, but throughout the whole distance.

It is of momentous interest not only to the Town of Three Rivers, but to the promising lumber trade of the St. Maurice, that the back country should be settled; and I mention the foregoing facts to shew that settlements will be formed, if left unmolested. There is here as elsewhere in the French Parishes, a superabundant population, and the people will settle upon vacant, disposable lands. They cannot easily (and there is no reason why they should) be prevented. If they be denied the privilege of buying, they become squatters, and the country abounds with this class of men, owing to the fact that too many of the public lands have passed into the hands of individuals who not only speculate upon them, but tyrannize over the people.

I should now ask how these sixty settlers can be turned out of their houses and driven from the lands they have occupied and improved in good faith. Their clearings vary in size from three to four up to twenty thirty and seventy acres. All have dwelling houses and many of them barns and stables. Every rod of ground costs much hard labor to the habitans in ameliorations, and by the time he has cleared ten or twelve acres, and erected a house and barn, he becomes so wedded to the place, that nothing short of force, or the utmost rigors of the law can dispossess him. How then could it be expected that these people would refrain from going upon desirable lands which they knew the law gave them the right to purchase upon application, and having complied with the terms required, or offered to comply therewith, with what justice could they afterwards be deprived of the benefit of the labor they had expended.

It will be no equivalent to these people to be told of good lands in another district, and that the Government will open them a road to get there. They will still consider themselves deeply aggrieved. It is right to mention that my own investigations have forced the conclusion upon me that they have hitherto been hardly dealt by; and if they are now to be dispossessed of their properties and turned a drift to look for new homes, they will assuredly believe that while there are laws and protection for the rich and strong, there are none for the poor.

And these are not narrow or contracted views. Certainly the interests of manufactures and of settlements to open and improve the country, should go hand in

hand, and a wise policy could not raise the former upon the ruins of the latter.— Neither is it necessary. I do not conceive that (to quote Mr. Stuart's words) "the prodigious strides towards prosperity which the United States of America have made under the policy of protection" were by any means the result of such protection as he now solicits, that is, a species of protection to manufacturing establishments which will not only prevent settlement about them, but will serve to depopulate the adjacent country. For it must be well understood, that it is more than probable that if the 150 lots demanded by the Forges be accorded to them the remaining lands in Fief, already conceded and settled must sooner or later be deserted and fall into the same hands.

I am of opinion that to grant the 150 Lots to the Forges would also have a disastrous effect upon the settlement of the Crown Lands in the rear, and will state my reasons.

Those who have had experience in the difficulty of forming new settlements know that isolated establishments in the forest, even if they survive for a time, are generally deserted after the lapse of a few years. The lands back of St. Etienne can only be advantageously located when the legitimate progress of settlement brings people thus far, and not before. With ten or twelve miles of forest to traverse, the inhabitants of the rear district must be continually embarrassed for want of roads to reach their market. For even should the Government open a way through the Fief it cannot be maintained where there are no inhabitants.

I am persuaded that the prosperity of the people in the Fief is in no way contingent upon the Forges; neither does this establishment confer any essential benefit upon the town of Three Rivers, apart from the tyranny exercised over the people in its immediate vicinity, it is simply of the same general benefit to the country as any other establishment disbursing the same amount in working expenses and nothing more, nay, it is much less beneficial than a lumbering establishment of the same extent as it circulates but very little cash in the vicinity. The inhabitants in the Fief have little or no connection with the Forges. The labor of the establishment is chiefly done by those who reside on the ground. The settlers occupying Farms work there occasionally, the same as they do for others, but they all prefer to work upon their own farms, and will do so, whenever they are released from fear of the hard alternative of falling into the hands of the gentlemen owning the Forges. There are fifteen or twenty families in the lower part of the Fief, adjoining St. Maurice, who reside upon the unsold lots, and who are employed in the work of the Forges. I did not deem it proper to communicate with these people, because I was informed that the agents of that establishment have discharged several of them without warning in the midst of winter, as a punishment for taking part with the others, in praying the Government to consider their wrongs. I do not state this as a charge against the proprietors of the Forges, but merely to explain my reasons for not including all the settlers in the list I herewith transmit.

Finally a careful review of the facts that have come before me, relating to the conflicting interests of the settlers with those of the Forges, has led me to believe that the two interests can never work well together, while the one is in any degree subject to the other. If the unsold lands be made over to the Forges, the present occupants have only to retreat to the back districts, and would probably soon be followed by the remaining inhabitants of the Fief. On the other hand, if no reserve be made of wood-land, the proprietors of this establishment must encounter serious obstacles from the additional cost of obtaining their fuel, and the continuance of the most valuable Foundry in the Province would perhaps be rendered doubtful. However, were the bitterness of feeling allayed which now prevails between the Forges and the people, so that they could deal together, I do not think the cost of fuel would be greatly increased for some ten or twelve years to come. After



this length of time the greatest part of the Fief would, if given up to settlers, undoubtedly be cleared and improved.

It is with regret that I have complied with the request to report upon this difficult and important question; for I am aware that the non-official manner in which I am obliged to do it, will expose me to censure from one or both parties. I conceive it however not only my right but my duty, when called upon by members of the Government, to state firmly and distinctly my conscientious opinions: and I have done so.

With regard to the affairs of finance pending between the proprietors of the Forges and the Government, I fully concur in the chief part of the observations contained in Mr. Parent's Report. The present *Cessionnaires* of St. Etienne, have purchased their lands at far too high a rate, and it would be no more than just to relieve them of one half the price they have agreed to pay; and at the same time to deduct from the purchase money due from the proprietors of the Fief a like sum, not "two-thirds of the deduction made to the *Cessionnaires*," but the same sum. If payment be also remitted of all arrears of interest due not only upon the Forges but upon the Fief; the Government will be dealing very liberally towards all parties.

(Signed,) OLIVER WELLS.

LIST of SETTLERS occupying UNSOLD LOTS in the FIEF ST. ETIENNE.

| Names of Occupants.       | Number. | Range. | Remarks.—Extent of Improvements.           |
|---------------------------|---------|--------|--------------------------------------------|
| Charles Bellemare.....    | 59      | 1      | House, Barn, Stables—20 acres improved.    |
| Jean Bellemare.....       | 71      | 1      | House, Barn—8 acres cleared.               |
| Louis Bellemare.....      | 70      | 1      | No Buildings—4 acres clearing.             |
| Charles Bellemare.....    | 58      | 1      | House, Barn—15 acres improved.             |
| Isidore Milette.....      | 57      | 1      | House—7 acres clearing.                    |
| Alexis Lapron.....        | 69      | 1      | No Buildings—8 acres clearing.             |
| Antoine Duchesne.....     | 56      | 1      | House and Barn—7 acres clearing.           |
| Augustin Rivard.....      | 68      | 1      | House—6 acres improved land.               |
| Joseph Lancour.....       | 55      | 1      | House—7 acres improved.                    |
| Pierre Rivard.....        | 67      | 1      | House—4 acres cleared.                     |
| Calixte Langlois.....     | 54      | 1      | House—7 acres clearing.                    |
| Alexis Gelina.....        | 66      | 1      | House, Barn and Stables—10 acres improved. |
| Alexis Grenier.....       | 51      | 2      | House, Barn—8 acres improvements.          |
| Calixte Bellemare.....    | 52      | 2      | House—4 acres improved.                    |
| Marcelle Bellemare.....   | 53      | 2      | House—small clearings.                     |
| François Blois.....       | 62      | 1      | House, Barn—12 acres clearing.             |
| Desjournais Charette..... | 63      | 1      | House, Stable—10 acres improved.           |
| Paul Charette.....        | 64      | 1      | House, Barn—11 acres improved.             |
| Leandre Blautie.....      | 42      | 2      | House—2 acres improvement.                 |
| Calixte Gelina.....       | 41      | 2      | House, Barn, Stable—3 acres improvement.   |
| Joseph Milette.....       | 40      | 2      | House, Barn, Stables—4 acres improvement.  |
| Paul Picard.....          | 42      | 3      | House, Barn—5 acres improved.              |
| Adolphe Roi.....          | 40      | 1      | House—small clearing.                      |
| Charles E. Gelina.....    | 26      | 1      | Small clearing—No Buildings.               |
| Augustin Lachance.....    | 41      | 4      | Small clearing—No Buildings.               |
| Jean Mateau.....          | 35      | 5      | Small clearing—No Buildings.               |
| Paul Blais.....           | 37      | 5      | No Buildings—5 acres improved.             |
| Hyacinthe St. Pierre..... | 19      | 2      | House, Barns—70 acres improved.            |
| Tadulle Lapaille.....     | 22      | 2      | House—2 acres improved.                    |

LIST of SETTLERS occupying UNSOLD LOTS in the FIEF ST. ETIENNE.—  
(Continued.)

| Names of Occupants.       | Number. | Range. | Remarks.—Extent of Improvement.            |
|---------------------------|---------|--------|--------------------------------------------|
| Toussaint Bellemare ..... | 24      | 2      | House, Barn—9 acres improved.              |
| Jacob Marchand .....      | 17      | 1      | House—10 acres improved.                   |
| Joseph Paquette .....     | 18      | 1      | House and small clearing.                  |
| Baptiste Bourassa .....   | 21      | 1      | House and small clearing.                  |
| Jean Hébert .....         | 22      | 1      | House—2 acres improved.                    |
| Joseph Dupont .....       | 24      | 1      | House—5 acres improved.                    |
| Laran Frenie .....        | 30      | 3      | No Buildings—2 acres improved.             |
| Thomas Bellemare .....    | 30      | 4      | House, Barn—10 acres improved.             |
| André Lisotte, Fils ..... | 28      | 4      | No Buildings—3 acres improved.             |
| André Lisotte .....       | 26      | 4      | House—6 acres improved.                    |
| Baptiste Delonier .....   | 14      | 2      | House—Small clearing.                      |
| Moïse Tessier .....       | 49      | 1      | House—2 acres cleared.                     |
| Maximé L'Amour .....      | 50      | 1      | No Buildings—Small clearings.              |
| Antoine Bellemare .....   | 51      | 1      | House—2 acres improved.                    |
| John Shrouder .....       | 48      | 1      | No Buildings—Small clearing.               |
| Eustin Gilbert .....      | 6       | 2      | House and Barn—13 acres cleared.           |
| Héli Lavenie .....        | 9       | 1      | No Buildings—Small clearing.               |
| Pierre Charette .....     | 10      | 2      | House incomplete—2 acres cleared.          |
| Pierre Charette .....     | 11      | 2      | House and Barn unfinished—6 acres cleared. |
| Maxime Boisvert .....     | 12      | 1      | House, Barn—12 acres improved.             |
| Narcisse Sawyer .....     | 13      | 1      | House—3 acres cleared.                     |
| Joseph Dupont .....       | 24      | 1      | House—Small clearing.                      |
| Eli Bertrache .....       | 27      | 1      | House—Small clearing.                      |
| Simare St. Pierre .....   | 24      | 5      | No Buildings—Small clearing.               |
| J. B. Isabel .....        | 25      | 5      | House—Small clearing.                      |
| Desjarnais Desners .....  | 29      | 5      | House—4 acres clearing.                    |
| Frederic Lisotte .....    | 26      | 4      | House—4 acres improved.                    |
| Louis Gelina .....        | 27      | 4      | House—6 acres improved.                    |
| Augustin Maçon .....      | 61      | 1      | House—3 acres improved.                    |
| Mitchell Landré .....     | 54      | 2      | House—2 acres improved.                    |

In the third Range, upon the River Yamachiche and Branches, there are also the following Settlers upon unsold lots:—Joseph Lacombe, Adolphus Peron, Severe Lacombe, Sieur Degrès, Charles André. There was some uncertainty in designating the numbers, and I have therefore not placed them in the foregoing list.

There are some additional Settlers residing in the lower part of the second Range of St. Etienne, adjoining St. Maurice, whom I did not visit.

The whole number of Settlers upon unsold lots herein enumerated, is sixty-four.

(Signed,) OLIVER WELLS.

THREE RIVERS, March 1st, 1853.

(Copy.)

QUEBEC, 11th March, 1853.

Sir,—May I ask the favor of communication of the documents in the case of the St. Maurice Forges, including any communication made to the Department subsequently to our answer to the Petition sent in by Messrs. Dumoulin and others.

I have the honor to be, Sir,  
Your obedient Servant,

(Signed,) DUNBAR ROSS,  
For PORTER & STUART.

Honble. Dr. ROLPH,  
Com. Crown Lands.

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Request granted.

(Signed,) JOHN ROLPH.

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Report and Plan of Mr. Wells received.

(Signed,) D. ROSS.

11th March, 1853.

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# R E T U R N

To an Address from the Legislative Assembly to the Governor General, dated 31st August last, for a List of all persons employed under the Office of Crown Lands, both within and without the said Office, including the Agents of the Seigniories belonging to the Crown in Lower Canada, shewing their Names, Profession, Residence, the nature of their Duties respectively, their yearly Stipend, and the Sums allowed to them for Contingent Expenses, or the cases in which they receive a per centage on the Sums which they collect; what extent of Land each local Agent has under his Management, and the Date of their Appointment to Office respectively.

By Command.

A. N. MORIN,

Secretary.

SECRETARY'S OFFICE,

Quebec, 21st October, 1852.

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RETURN OF OFFICERS IN THE CROWN LANDS DEPARTMENT, QUEBEC; in compliance with the Resolution of the Honorable Legislative Assembly, September 1st, 1852.

| BRANCH.                         | NAME.          | OFFICE.                         | SALARY.          | DATE OF APPOINTMENT. | DUTY.                                                              |
|---------------------------------|----------------|---------------------------------|------------------|----------------------|--------------------------------------------------------------------|
| Accountants                     | William Ford   | Accountant                      | £250 per annum   | April 10, 1852       | Custom and Accountant.                                             |
|                                 | W. F. Collins  | Assistant Accountant            | £200 do          | August 7, 1853       | Checking Agents' Returns. Answering inquiries at desk.             |
|                                 | Trep. Cherrier | Clerk                           | £150 do          | October 6, 1852      | Entering Agents' Returns.                                          |
|                                 | J. C. Tarbut   | First Clerk                     | £250 do          | March 17, 1842       | Correspondence in regard to Public Lands, C. W.                    |
| Correspondence, &c., C. W.      | W. F. Whitche  | Second Clerk                    | £150 do          | do 4, 1850           | Keeping Registry Books.                                            |
|                                 | James McDonagh | Third Clerk                     | 7s. 6d. per diem | September 28, 1857   | Copying Letters.                                                   |
|                                 | D. G. McLellan | Fourth Clerk                    | 7s. 6d. do       | August 1, 1850       | Assisting in the general routine business of the office.           |
|                                 | Jean Langevin  | First Clerk                     | £325 per annum   | April 20, 1843       | Correspondence in regard to Public Lands, C. E.                    |
| Correspondence, &c., C. E.      | Thomas Hammond | Second Clerk                    | £150 do          | June 24, 1842        | Keeping Registry Books.                                            |
|                                 | V. E. Tessier  | Third Clerk                     | £125 do          | August 17, 1852      | Assisting in the general routine business of the office.           |
|                                 | W. Spragge     | First Clerk                     | £325 do          | January 1, 1829      | Superintendance of the Branch, formerly Surveyor General's Office. |
| Late Surveyor General's Office. | Thomas Hector  | Second Clerk                    | £275 do          | June 17, 1839        | Correspondence.                                                    |
|                                 | H. J. Jones    | Third Clerk                     | £200 do          | November 9, 1840     | Describing Lands for Patent, U. C.                                 |
|                                 | E. J. Roche    | Fourth Clerk                    | £150 do          | June 22, 1847        | Engrossing Land Patents, U. C.                                     |
|                                 | F. A. Hall     | Fifth Clerk                     | 7s. 6d. per diem | January 1, do        | Keeping Registry Books.                                            |
|                                 | A. Russell     | Senior Surveyor and Draughtsman | £325 per annum   | November 22, 1839    | Conducting the business of the U. C. Branch relating to Surveys.   |
| Surveying, C. W.                | Thomas Davine  | Assistant do                    | £170 do          | March 4, 1850        | Copying and compiling Maps.                                        |

|                                      |                    |                                 |                  |                    |                                                                                                 |
|--------------------------------------|--------------------|---------------------------------|------------------|--------------------|-------------------------------------------------------------------------------------------------|
| Surveying, C. E.                     | Jos. Bouchette     | Senior Surveyor and Draughtsman | £375 do          | do 18, 1818        | Conducting the business of the L. C. Branch relating to Surveys.                                |
|                                      | E. F. Fletcher     | Assistant do                    | £175 do          | December 21, 1841  | Copying and compiling Maps. Describing Lands for Patent.                                        |
| Jesuits' Estates and Queen's Domain. | P. L. Morin        | Assistant do                    | £175 do          | September 10, 1847 | Copying and compiling Plans and Maps.                                                           |
|                                      | J. B. Raymond      | Clerk                           | £125 do          | January 1, 1851    | Keeping Registry Books.                                                                         |
| Timber                               | F. Fortier         | First Clerk                     | £150 do          | March 1, 1847      | Superintending the Seigniories and Piefs of the late Order of Jesuits, and of the Crown Domain. |
|                                      | F. J. Judah        | Second Clerk                    | 7s. 6d. per diem | June 12, 1849      | Keeping Registry Books.                                                                         |
| Special Service—Field Notes.         | W. McD. Dawson     | Clerk                           | 10s. do          | do do              | Conducting the general Timber business.                                                         |
|                                      | J. J. Prendergrast |                                 | 6s. 3d. do       | August 1, 1851     | Copying Field Notes.                                                                            |
|                                      | J. Murphy          |                                 | 6s. 3d. do       | July 8, do         | Copying Field Notes.                                                                            |
|                                      | J. Alley           |                                 | £150 per annum   | February 1, 1848   | Copying Field Notes.                                                                            |
| Messengers                           | G. B. Thomson      |                                 | 7s. 6d. per diem | May 1, 1852        | Copying Field Notes.                                                                            |
|                                      | G. Fisher          |                                 | £75 per annum    | September 1, 1844  | Performing duties of Messenger.                                                                 |
| Special Service—Surveying            | John Bradshaw      |                                 | £75 do           | March 1, 1852      | Performing duties of Messenger.                                                                 |
|                                      | J. Innes           |                                 | £60 do           | November 1, 1848   | Performing duties of Messenger.                                                                 |
| Special Service—Accountant.          | G. G. Dunlevi      |                                 | 10s. per diem    | August 25, 1852    | Copying Plan of the Beach and Water Lots in the Harbour of Quebec.                              |
|                                      | James Turnbull     |                                 | 10s. do          | May 17, do         | Assisting in the business of the Accountant's Branch.                                           |

JOHN ROLPH.

CROWN LANDS DEPARTMENT,  
Quebec, October 21, 1852.

**RETURN of Persons employed in the CROWN TIMBER OFFICE, in compliance with the Resolution of the Honorable Legislative Assembly, September 1, 1852.**

| NAME.           | RESIDENCE. | OFFICE.            | DATE OF APPOINTMENT. | SALARY.              | DUTIES.                                               |
|-----------------|------------|--------------------|----------------------|----------------------|-------------------------------------------------------|
| James Stevenson | Bytown     | Collector          | November 1, 1837.    | £350 per annum.      | Issuing Timber Licenses and collecting Timber Duties. |
| H. Douglas      | Bytown     | Clerk              | February 1845.       | £150 do              | Assisting Collector.                                  |
| John Cameron    | Bytown     | Forest Ranger      | 1846.                | At 7s. 6d. per diem. | Forest ranging during winter.                         |
| do              | Bytown     | And Timber Counter | do                   | £80 per annum        | Examining Rafts.                                      |
| John Patterson  | Bytown     | Timber Counter     | do                   | £80 per annum        | Examining Rafts.                                      |
| John Gagnon     | Bytown     | Boatman            | do                   | £54 12s. per annum.  | Conveying Timber Counters to Rafts                    |
| Louis Petit     | Bytown     | Boatman            | do                   | £54 12s. per annum.  | } and acting as Office Messengers.                    |

**MEMO.—THE ABOVE NAMED OFFICERS DISCONTINUED.**

|                |        |                                 |                |                   |                                                                                       |
|----------------|--------|---------------------------------|----------------|-------------------|---------------------------------------------------------------------------------------|
| A. J. Russel   | Bytown | Surveyor, Crown Timber Licenses | July 24, 1846. | £250 per annum.   | Issuing Timber Licenses and general supervision of the Timber business on the Ottawa. |
| A. R. McVicar  | Bytown | Clerk                           | July 1846.     | 6s. 6d. per diem. | Enters Applications, Description, &c.                                                 |
| McLean Stewart | Quebec | Collector                       | July 12, 1848. | £350 per annum.   | Collecting Timber Duties.                                                             |

JOHN ROLPH.

CROWN LANDS DEPARTMENT,  
Quebec, October 21st, 1852.

RETURN OF CROWN LANDS AGENTS, UPPER CANADA; in compliance with the Resolution of the Honorable Legislative Assembly, 1st September, 1852.

| NAMES.         | RESIDENCE.       | EMOLU-<br>MENTS.                                                                                                                     | PROFESSION.                                   | DATE OF<br>APPOINTMENT. | AREA OF AGENCY. | DUTIES.                                                                            |
|----------------|------------------|--------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|-------------------------|-----------------|------------------------------------------------------------------------------------|
| Samuel Hart    | Cornwall         | } 5 per cent. on first £500 currency, 2½ per cent. for next £7,000 currency, and 1½ per cent. for any sum over £7,000 cur-<br>rency. | .....                                         | November 20, 1844       | 752,093 acres   | } Sale of Crown, School, and Clergy Reserves, and collecting Arrears of Old Sales. |
| H. W. McCann   | Vankleekhill     |                                                                                                                                      | .....                                         | January 8, 1845         | 543,020 do      |                                                                                    |
| John Durie     | Bytown           |                                                                                                                                      | .....                                         | March 10, do            | 574,520 do      |                                                                                    |
| W. J. Scott    | Prescott         |                                                                                                                                      | .....                                         | July 1839               | 784,680 do      |                                                                                    |
| A. Lesslie     | Perth            |                                                                                                                                      | .....                                         | April 30, 1844          | 574,000 do      |                                                                                    |
| W. Harris      | Renfrew          |                                                                                                                                      | .....                                         | January 21, 1851        | 785,904 do      |                                                                                    |
| A. Macpherson  | Kingston         |                                                                                                                                      | .....                                         | November 20, 1844       | 335,640 do      |                                                                                    |
| F. McAnnamy    | Belleville       |                                                                                                                                      | .....                                         | May 1840                | 847,800 do      |                                                                                    |
| J. P. Roblin   | Pictou           |                                                                                                                                      | .....                                         | July 29, 1846           | 213,000 do      |                                                                                    |
| E. P. Smith    | Port Hope        |                                                                                                                                      | .....                                         | February 20, 1843       | 804,100 do      |                                                                                    |
| W. Crawford    | Peterborough     |                                                                                                                                      | .....                                         | April 11, 1849          | 1,121,500 do    |                                                                                    |
| Thomas Baines  | Toronto          |                                                                                                                                      | .....                                         | July 18, 1841           | 1,097,300 do    |                                                                                    |
| J. Alexander   | Barrie           |                                                                                                                                      | .....                                         | April 18, 1843          | 1,150,000 do    |                                                                                    |
| A. Geddes      | Flora            |                                                                                                                                      | .....                                         | June 8, 1845            | 518,048 do      |                                                                                    |
| J. T. Gilkison | Hamilton         | .....                                                                                                                                | do                                            | 583,000 do              |                 |                                                                                    |
| John Carroll   | Zorra            | .....                                                                                                                                | November 20, 1844                             | 457,600 do              |                 |                                                                                    |
| John B. Askin  | London           | .....                                                                                                                                | July 1839                                     | 1,141,898 do            |                 |                                                                                    |
| John Clark     | Goderich         | .....                                                                                                                                | November 25, 1846                             | 483,091 do              |                 |                                                                                    |
| A. McNabb      | Southampton      | .....                                                                                                                                | Salary £300 per annum, in lieu of Commission. | .....                   | .....           |                                                                                    |
| D. Campbell    | Simcoe           | .....                                                                                                                                | April 29, 1851                                | 694,764 do              | .....           |                                                                                    |
| H. Smith       | Smithville       | .....                                                                                                                                | July 6, 1839                                  | 383,200 do              | .....           |                                                                                    |
| P. McMullin    | Sandwich         | .....                                                                                                                                | June 6, 1850                                  | 517,500 do              | .....           |                                                                                    |
| J. B. Williams | Chatham          | .....                                                                                                                                | April 16, 1845                                | 383,700 do              | .....           |                                                                                    |
| Joseph Willson | Sault Ste. Marie | .....                                                                                                                                | January 4, 1851                               | 1,306,426 do            | .....           |                                                                                    |
| George Jackson | Durham           | .....                                                                                                                                | July 25, 1845                                 | 3,454 do                | .....           |                                                                                    |
| George Snider  | Pictou           | .....                                                                                                                                | September 12, 1848                            | 698,571 do              | .....           |                                                                                    |
|                |                  | .....                                                                                                                                | do                                            | 652,677 do              | .....           |                                                                                    |

JOHN ROLPH.

CROWN LANDS DEPARTMENT,  
Quebec, October 21st, 1852.

RETURN OF CROWN LANDS AGENTS, LOWER CANADA; in compliance with the Resolution of the Honorable  
Legislative Assembly, 1st September, 1852.

| NAME.               | PROFESSION. | RESIDENCE.         | WHEN APPOINTED.    | AREA OF AGENCY.    | EMOLUMENTS.                                                  | DUTIES.                |
|---------------------|-------------|--------------------|--------------------|--------------------|--------------------------------------------------------------|------------------------|
| John Lynch          | Merchant.   | Allumette Island   | August 18, 1849    | 289 square miles.. | .....                                                        | Land Agent.            |
| Francis X. Bastien  | .....       | Grand Calumet      | November 28, 1846  | 47                 | .....                                                        | do                     |
| Walter Radford      | .....       | Litchfield.        | August 4, 1845     | 321                | .....                                                        | do                     |
| Amé LaFontaine      | Advocate    | Aylmer             | October 11, 1845   | 574                | .....                                                        | do                     |
| John Starrs         | .....       | Buckingham         | June 5, 1852       | 343                | .....                                                        | Land and Timber Agent. |
| Donald McLean       | .....       | Lochaber           | August 4, 1845     | 114                | .....                                                        | do                     |
| William Henry Quinn | .....       | Grenville          | July 17, 1852      | 542                | .....                                                        | do                     |
| Thomas Banon        | .....       | Argenteuil         | August 4, 1845     | 221                | .....                                                        | do                     |
| André B. Lavallée   | Notary      | St. Jerome         | August 12, 1843    | 249                | .....                                                        | do                     |
| Alexander Daly      | .....       | Rawdon             | January 12, 1844   | 390                | .....                                                        | do                     |
| William Morrison    | .....       | Berthier           | June 30, 1843      | 225                | .....                                                        | do                     |
| Hiram Lee           | Merchant    | Three Rivers       | March 4, 1848      | 183                | .....                                                        | do                     |
| Amable Bochet       | Surveyor    | St. Anne LaPevade. | June 30, 1843      | 164                | .....                                                        | do                     |
| Ignace P. Déry      | Surveyor    | St. Raymond        | July 12, 1851      | 284                | .....                                                        | do                     |
| McLean Stewart      | .....       | Quebec             | September 27, 1845 | 222                | .....                                                        | do                     |
| George Dubreque     | Surveyor    | Murray Bay         | June 30, 1843      | 481                | .....                                                        | do                     |
| John Kane           | Notary      | Grand Bay          | June 30, 1843      | 1,050              | .....                                                        | do                     |
| Joshua S. Lewis     | .....       | Huntington         | December 16, 1848  | 302                | .....                                                        | do                     |
| William Fleming     | Merchant    | Sherrington        | August 31, 1852    | 84                 | .....                                                        | do                     |
| Orin J. Kemp        | Merchant    | Frelighsburg.      | April 15, 1848     | 1,208              | .....                                                        | do                     |
| John Felton         | .....       | Sherbrooke         | June 30, 1843      | 2,486              | .....                                                        | do                     |
| Charles C. Sheppard | Surveyor    | Windsor            | December 7, 1850   | 819                | .....                                                        | do                     |
| Bazile Lupun        | .....       | Garthby            | July 31, 1852      | 516                | .....                                                        | do                     |
| .....               | .....       | .....              | .....              | .....              | And Salary to<br>make up £200                                | do                     |
| .....               | .....       | .....              | .....              | .....              | Amount over £1,500                                           | do                     |
| .....               | .....       | .....              | .....              | .....              | £500; 2½ per cent on next £7,000, and 1½ per cent for<br>any | do                     |

|                     |             |                       |                   |       |                                |    |
|---------------------|-------------|-----------------------|-------------------|-------|--------------------------------|----|
| George A. Bourgeois | Physician   | St. Gregoire          | March 23, 1850    | 96    | .....                          | do |
| Louis Richard       | .....       | Stanford              | November 24, 1845 | 390   | .....                          | do |
| John Hume           | .....       | Leeds                 | June 21, 1852     | 574   | .....                          | do |
| Jean. O. C. Amand   | Advocate    | St. Joseph, Beauce.   | December 15, 1849 | 200   | .....                          | do |
| Cyprian Blanchet    | Notary      | St. Francis, Beauce.  | March 1, 1846     | 586   | .....                          | do |
| Andrew Ross         | Surveyor    | Frampton              | June 30, 1843     | 661   | .....                          | do |
| François Tétu       | Surveyor    | St. Thomas            | May 25, 1850      | 334   | .....                          | do |
| F. DeGuise          | Notary      | St. Anne LaPocatière. | May 25, 1850      | 322   | .....                          | do |
| John Alfred Torney  | .....       | Quebec                | December 12, 1852 | 2,070 | .....                          | do |
| Louis M. Gauvreau   | Notary      | Isle Verte            | July 22, 1848     | 200   | .....                          | do |
| Pierre Gauvreau     | Notary      | Rimouski              | February 12, 1845 | 500   | .....                          | do |
| Etienne Martel      | Advocate    | New Carlisle          | July 22, 1843     | 1,078 | .....                          | do |
| John Eden           | Post-Master | Gaspé Basin           | April 24, 1851    | 649   | .....                          | do |
| .....               | .....       | .....                 | .....             | ..... | 5 per cent Commission on first | do |
| .....               | .....       | .....                 | .....             | ..... | Timber Agent.                  | do |
| .....               | .....       | .....                 | .....             | ..... | Land and Timber Agent.         | do |
| .....               | .....       | .....                 | .....             | ..... | do                             | do |

JOHN ROLPH.

CROWN LANDS DEPARTMENT,

Quebec, October 21st, 1852.



LIST OF PROVINCIAL LAND SURVEYORS employed in CANADA EAST, under instructions from the CROWN LANDS DEPARTMENT; in compliance with the Resolution of the Honorable Legislative Assembly, 1st September, 1852.

| NAME.                 | SURVEY.                                 | RATE OF PAYMENT.    | REMARKS.                                     |
|-----------------------|-----------------------------------------|---------------------|----------------------------------------------|
| L. Bertrand.....      | Residue of the Township of Viger        | 15s. per diem ..... |                                              |
| A. Larue.....         | Townships of Begin and Raudet.          | 15s. do .....       |                                              |
| G. Garon.....         | do Macpès .....                         | 15s. do .....       |                                              |
| D. P. Croteau.....    | do Bundages .....                       | 15s. do .....       |                                              |
| Ignace Déry .....     | do Rocquemont.....                      | 15s. do .....       |                                              |
| V. Desrochers.....    | Part of the Township of Bungay          | 15s. do .....       |                                              |
| A. Wallace.....       | do do Park ..                           | 15s. do .....       |                                              |
| C. F. Bouchette ..... | Residue of Alton .....                  | 15s. do .....       |                                              |
| G. Duberger .....     | Township of Iberville .....             | 15s. do .....       |                                              |
| J. Ostell .....       | Part of the Seigniori of DeLéry.        | 22s. 6d. do .....   | Special Service, one-half paid by the Crown. |
| J. Bignell.....       | do Township of Gayhurst.                | 15s. do .....       |                                              |
| J. A. Maçon .....     | do do Villeneuve                        | 15s. do .....       |                                              |
| F. Reynaud.....       | Residue of the Township of Wexford..... | 15s. do .....       |                                              |
| J. Dignan .....       | do do Brandon..                         | 15s. do .....       |                                              |
| J. J. Roney.....      | do do Portland..                        | 15s. do .....       |                                              |
| J. Holmes .....       | Township of Bounran .....               | 15s. do .....       |                                              |
| J. Newman .....       | do Low .....                            | 15s. do .....       |                                              |
| J. B. Legendre .....  | do Willin .....                         | 15s. do .....       |                                              |
| F. W. Blaiklock ..... | Exploration to the Saguenay ..          | 22s. 6d. do .....   | Special Service.                             |
| C. F. Fournier.....   | Reserve in Magdalen Islands ..          | 22s. 6d. do .....   | do do.                                       |

CROWN LANDS DEPARTMENT,  
Quebec, October 21, 1852.

JOHN ROLPH.

LIST OF PROVINCIAL LAND SURVEYORS employed in CANADA WEST, in the Survey of CROWN and SCHOOL LANDS; in compliance with the Resolution of the Honorable Legislative Assembly, 1st September, 1852.

| SURVEYORS.            | SURVEYS.                                               | DATE OF INSTRUCTIONS. | REMARKS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------|--------------------------------------------------------|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| James W. Bridgland.   | Township of Carden, and exploration.....               | January 2, 1852..     | The rate of pay is 16s. 6d. a day (allowance in lieu of rations included) while actually employed in performing the survey and preparing the returns thereof.<br>Fourteen Provincial Land Surveyors are employed in U. Canada under instructions from this Department on Surveys, in conformity with the Provincial Statute 12 Vic. cap. 35, sec's. 27 to 31, but as these surveys are paid for by the respective Municipalities, they are not included in the foregoing list. |
| David Gibson .....    | Residue of Normanby .....                              | February 17, do ..    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| William Gibbard.....  | Town Plot of Thornbury .....                           | do 20, do ..          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| John D. Daniel .....  | Township of Carrick.....                               | April 16, do ..       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Charles Rankin .....  | do Minto .....                                         | do 26, do ..          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Hugh P. Sangny.....   | do Howick .....                                        | August 20, do ..      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Edward Robert Jones   | do Kinloss.....                                        | April 30, do ..       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| George McPhillips ..  | do Culross.....                                        | do do do ..           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| John Grant.....       | do Elma .....                                          | do do do ..           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| William McClary ..    | do Turnbury .....                                      | do do do ..           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Eliakim Malcolm.....  | do Wallace .....                                       | do do do ..           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| P. S. Donelly .....   | do Grey.....                                           | do do do ..           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| John Ryan .....       | Vacant Land and Marsh in West Gwillimbury and King.... | June 15, do ..        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Thos. N. Molesworth.  | Bear's Island and residue of St. Joseph's Island ..... | July 20, do ..        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Chisholm Miller ..... | Residue of Township of Bruce..                         | do 16, do ..          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

CROWN LANDS DEPARTMENT,  
Quebec, October 21st, 1852.

JOHN ROLPH.

RETURN of AGENTS for the JESUITS' ESTATES, QUEEN'S DOMAIN, &c., &c., in connection with the CROWN LANDS DEPARTMENT; in compliance with the Resolution of the Honorable Legislative Assembly, 1st September, 1852.

| NAME.                | PROFESSION.        | DATE OF APPOINTMENT.                                             | EMOLUMENT.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | AGENCY.                                                                                                                                                                                                                                                                                                     | DUTIES.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------|--------------------|------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Frs. Ward Primrose.  | Advocate . . . . . | January 5, 1828 . . . . .                                        | <p>{ A Salary of £100 per annum, and 7½ per cent. on all Seigneurial rents and dues paid to the Crown, occasional fees for Acts of Fealty and Homage, Copies of Documents filed in Office, and for commutations of tenure within the Province of Quebec, under 10 &amp; 11 Vic. cap. 111 . . . . .</p> <p>{ Ten per cent. on <i>Cens et Rentes, Lods et Ventas, Rentes constitués et forcées</i> . . . . .</p> <p>{ Five per cent. on other collections to £500, and two and a half per cent. on all over that sum; also, £1 10s. from each commuting party, and 15s. per diem when employed by other parties. . . . .</p> | <p>{ The Seigneuries of Lower Canada as far as the Rights of the Crown are concerned, Her Majesty's Centives of Quebec and Three Rivers except the Estates formerly belonging to the Order of Jesuits . . . . .</p> <p>{ Seigneuries of Sillery, St. Gabriel, Belair, and Notre Dame des Anges. . . . .</p> | <p>As Inspector General of the Queen's Domain, he keeps accounts of all the Seigneurial dues accruing to the Crown, and regulates the amount on exhibition by the parties of their titles of acquisition. He reports to the Government on all matters connected with the Domain which may be referred to him, and exercises a general superintendance and control over the same. As Clerk of the Land Roll or <i>Papier Terrier</i> he keeps the different Registers connected therewith, and draws and records Acts of Fealty and Homage when required.</p> <p>Collection of Revenues of the Estates and Seigneuries under his Agency, and general superintendance of all matters connected therewith.</p> |
| Louis Panet. . . . . | Notary . . . . .   | Appointed by the late Commissioner of Jesuits' Estates . . . . . |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                             | Valuing Property to be commuted. . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

RETURN of AGENTS for the JESUITS' ESTATES, QUEEN'S DOMAIN, &c.—(Continued.)

| NAME.                        | PROFESSION.    | DATE OF APPOINTMENT.                                      | EMOLUMENT.                                                                                                                                                                                                                                                                         | AGENCY.                  | DUTIES.                                                                                                                                                                                                                                                                                                                            |
|------------------------------|----------------|-----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Jean B. Varin .....          | Notary ..      | Appointed by the late Commissioner of Jesuits' Estates .. | <p>Ten per cent. on <i>Cens et Rentcs, Lods et Ventcs, Foncières</i> .....</p> <p>Five per cent. on other col-lections to £500, and two and a half per cent. on all over that sum; also, £1 10s. from each commuting party, and 15s. per diem when em-ployed by other parties.</p> | Seigniory of Laprairie . | <p>{ Collection of Revenues of the Estates and Sei-gnories under his Agency, and general super-intendance of all matters connected therewith.</p>                                                                                                                                                                                  |
| Louis Guillet, junr. . . . . | Notary .....   |                                                           |                                                                                                                                                                                                                                                                                    | do ..                    |                                                                                                                                                                                                                                                                                                                                    |
| Felix Fortier .....          | Advocate ..... | March 12, 1852 ..                                         | None .....                                                                                                                                                                                                                                                                         | Seigniory of Lauzon ..   | do do                                                                                                                                                                                                                                                                                                                              |
| Paul Latouche .....          | Notary .....   | January 9, 1848 ..                                        | £1 10s. from each party commuting .....                                                                                                                                                                                                                                            | do do ..                 | <p>REMARK.—Mr. Fortier succeeded Mr. Paradis in the management of Lauzon, whose resignation was accepted by Order in Council, 12th March, 1852. Mr. Prunose still retains the Agency of the Mills of Pointe Levi, St. Nicholas, and Etche-min, at 2½ per Cent.</p> <p>Valuing Property to be commuted, and report-ing thereon.</p> |

JOHN ROLPH.

CROWN LANDS DEPARTMENT,  
Quebec, October 21st, 1852.

# R E T U R N

To an Address from the Legislative Assembly to His Excellency the Governor General, dated the 11th instant; praying that His Excellency would be pleased to cause to be laid before the House "a Statement shewing the amount received annually from the various Municipalities in Upper Canada, towards the maintenance, erection, and support of the Lunatic Asylum, under the Act authorizing a Tax for that purpose, until the formation of the Upper Canada Building Fund; and from the formation of such Fund to the 1st July last; with a Detailed Statement of the Expenditure of all the Moneys, under either of the above Acts; the amount of Money Borrowed upon the security of the said Funds; and the sums remaining due and unpaid by the different Municipalities, on account of the said Fund, or either of them."

By Command.

A. N. MORIN,  
Secretary.

Provincial Secretary's Office,  
Quebec, 28th October, 1852.

STATEMENT shewing the amount received from the various Treasurers of Counties and Union of Counties in Upper Canada, towards the maintenance, erection, and support of the Lunatic Asylum, under the Act 13th & 14th Vic. cap. 68, up to the 1st July, 1852; with a Detailed Statement of the Expenditure of all Moneys under the above Act, and the amount of Money Borrowed upon the security of the said Fund.

| COUNTIES.                            | Amount of Receipts. |    |    |
|--------------------------------------|---------------------|----|----|
|                                      | £                   | s. | d. |
| Hastings .....                       | 192                 | 6  | 7  |
| Kent .....                           | 137                 | 8  | 3  |
| Norfolk .....                        | 241                 | 12 | 11 |
| Oxford .....                         | 63                  | 7  | 6  |
| Prince Edward .....                  | 216                 | 3  | 1  |
| Stormont, Dundas, and Glengary ..... | 85                  | 10 | 6  |
| <i>Carried forward</i> .....         | £ 936               | 8  | 10 |

## LUNATIC ASYLUM—UPPER CANADA, &amp;c.—(Continued.)

| COUNTIES.—(Continued.)       |                                                                                                                                                                                              |   | Amount of Receipts. |    |    |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---------------------|----|----|
| <i>Brought forward</i> ..... |                                                                                                                                                                                              |   | £                   | s. | d. |
| York .....                   |                                                                                                                                                                                              |   | 936                 | 8  | 10 |
| City of Kingston .....       |                                                                                                                                                                                              |   | 964                 | 6  | 4  |
| City of Hamilton .....       |                                                                                                                                                                                              |   | 149                 | 16 | 2  |
|                              |                                                                                                                                                                                              |   | 79                  | 19 | 3  |
|                              |                                                                                                                                                                                              | £ | 2130                | 10 | 7  |
| <b>EXPENDITURE.</b>          |                                                                                                                                                                                              |   | £                   | s. | d. |
| April to December, 1851..... | Amount of Interest paid on Debentures, issued under Act 13 & 14 Vic. cap. 68 .....                                                                                                           |   | 633                 | 0  | 0  |
| February, 1852 .....         | C. Widmer, Chairman, being to defray the Expenditure of the Institution, for the quarter ended 5th January, 1852 .....                                                                       |   | 1300                | 14 | 8  |
| March to July, 1852..        | Amount of Interest paid on Debentures, issued under Act 13 & 14 Vic. cap. 68 .....                                                                                                           |   | 338                 | 5  | 0  |
|                              |                                                                                                                                                                                              |   | 2271                | 19 | 8  |
|                              | Balance in advance, on 1st July, 1852....<br>to be covered by subsequent Receipts.                                                                                                           | £ | 141                 | 9  | 1  |
|                              |                                                                                                                                                                                              | £ | 15000               | 0  | 0  |
| <b>EXPENDITURE.</b>          |                                                                                                                                                                                              |   | £                   | s. | d. |
| October, 1850 .....          | C. Widmer, Chairman, being to enable the Directors to liquidate the old Debt for the erection of the Building, and to meet the Current Expenses of the new improvement now in progress ..... |   | 7500                | 0  | 0  |
| August, 1851 .....           | C. Widmer, Chairman, being to pay Contractors for the erection of the Western Lodge and Connecting Wall, in part of the Institution.                                                         |   | 2000                | 0  | 0  |
| March, 1852 .....            | C. Widmer, Chairman, being in aid of defraying the cost of the erection of the Building....                                                                                                  |   | 2500                | 0  | 0  |
|                              |                                                                                                                                                                                              |   | 12000               | 0  | 0  |
|                              | Balance still applicable to the erection of the Building .....                                                                                                                               | £ | 3000                | 0  | 0  |

JOS. CARY,

*Dy. I. G.*

INSPECTOR GENERAL'S OFFICE,

Quebec, 18th October, 1852.

STATEMENT shewing the Amount received annually from the various Counties and Union of Counties in Upper Canada, towards the maintenance, erection, and support of the Lunatic Asylum, under the Act authorizing a Tax for that purpose, until the formation of the Upper Canada Building Fund; and the Sums remaining due and unpaid by the different Counties, on account of the said Fund; with a Detailed Statement of the Expenditure of all Moneys under the same Act, 2 Vic. cap. 11, and Amount of Money Borrowed.

| COUNTIES.                                | LATE DISTRICTS.     | 1840. |    |                 | 1841. |    |                 |
|------------------------------------------|---------------------|-------|----|-----------------|-------|----|-----------------|
|                                          |                     | £     | s. | d.              | £     | s. | d.              |
| 1 Carleton.....                          | Dalhousie .....     |       |    |                 |       |    |                 |
| 2 Essex, Kent, and Lambton .....         | Western .....       |       |    |                 |       |    |                 |
| 3 Frontenac, Lennox, and Addington ..... | Midland .....       | 184   | 10 | 3               |       |    |                 |
| 4 Hastings .....                         | Victoria .....      | 66    | 10 | 0               |       |    |                 |
| 5 Huron, Perth, and Bruce.....           | Huron .....         |       |    |                 |       |    |                 |
| 6 Lincoln, Haldimand, and Welland .....  | Niagara .....       |       |    |                 |       |    |                 |
| 7 Leeds and Grenville .....              | Johnstown .....     |       |    |                 | 180   | 0  | 0               |
| 8 Lanark and Renfrew .....               | Bathurst .....      |       |    |                 | 254   | 8  | 10              |
| 9 Middlesex .....                        | London .....        | 210   | 2  | 8               | 106   | 6  | 3               |
| 10 Northumberland and Durham .....       | Newcastle .....     |       |    |                 |       |    |                 |
| 11 Norfolk .....                         | Talbot .....        | 56    | 3  | 1 $\frac{1}{4}$ | 69    | 1  | 2 $\frac{1}{4}$ |
| 12 Oxford .....                          | Brock .....         |       |    |                 | 86    | 8  | 10              |
| 13 Prince Edward .....                   | Prince Edward ..... | 105   | 12 | 0               | 107   | 16 | 11              |
| 14 Peterborough .....                    | Colborne .....      |       |    |                 |       |    |                 |
| 15 Prescott and Russell.....             | Ottawa .....        |       |    |                 |       |    |                 |
| 16 Stormont, Dundas, and Glengary .....  | Eastern .....       |       |    |                 |       |    |                 |
| 17 Simcoe .....                          | Simcoe .....        |       |    |                 |       |    |                 |
| 18 Wentworth and Halton .....            | Gore.....           |       |    |                 |       |    |                 |
| 19 Waterloo .....                        | Wellington .....    |       |    |                 |       |    |                 |
| 20 York .....                            | Hone .....          | 70    | 6  | 8               | 130   |    |                 |
|                                          | Totals .....        | £ 693 | 4  | 8 $\frac{1}{4}$ | 934   | 2  | 0 $\frac{1}{4}$ |

|                                                            |           |         |      |      |
|------------------------------------------------------------|-----------|---------|------|------|
| Amount of Debentures issued under Act 9 Vic. cap. 61 ..... |           | £ 27750 | s. 0 | d. 0 |
| do do under 12 Vic. cap. 32 .....                          |           | 5000    | 0    | 0    |
|                                                            |           | £ 32750 | 0    | 0    |
|                                                            | —Less.—   |         |      |      |
| Redeemed, in year 1849 .....                               | £6000 0 0 |         |      |      |
| do in year 1852 .....                                      | 2500 0 0  |         |      |      |
|                                                            |           | 8500    | 0    | 0    |
| Balance, unredeemed.....                                   | £         | 24250   | 0    | 0    |

Of the sum of £30,000 0s. 0d. authorized to be issued under Act 9 Vic. cap. 61, there was £2,250 0s. 0d. paid in cash to the Commissioners, 11th May, 1849.



MEMORANDUM of Amounts Received, since the 1st July, 1852, from the various Treasurers of Counties, on account of the Lunatic Asylum Fund, under the within mentioned Act.

| COUNTIES.                              | AMOUNT RECEIVED. |    |    | ARREARS. |    |    | REMARKS.                                       |
|----------------------------------------|------------------|----|----|----------|----|----|------------------------------------------------|
|                                        | £                | s. | d. | £        | s. | d. |                                                |
| Carleton .....                         | 23               | 6  | 11 | 99       | 11 | 10 |                                                |
| Essex and Lambton .....                |                  |    |    | 250      | 9  | 11 |                                                |
| Frontenac, Lennox, and Addington ..... |                  |    |    |          |    |    | No Return.                                     |
| Hastings .....                         | 62               | 4  | 6  |          |    |    |                                                |
| Huron, Perth, and Bruce .....          |                  |    |    |          |    |    | No Return.                                     |
| Haldimand .....                        | 200              | 9  | 3  | 9        | 14 | 11 |                                                |
| Lincoln and Welland .....              |                  |    |    |          |    |    | No Return.                                     |
| Leeds and Grenville .....              |                  |    |    |          |    |    | No Return.                                     |
| Lanark and Renfrew .....               | 157              | 0  | 5  | 36       | 0  | 10 |                                                |
| Middlesex .....                        | 670              | 7  | 1  |          |    |    |                                                |
| Northumberland and Durham .....        | 581              | 2  | 2  |          |    |    |                                                |
| Norfolk .....                          |                  |    |    | 21       | 1  | 10 |                                                |
| Oxford .....                           | 0                | 10 | 0  |          |    |    | Partial Return only made for 1851.             |
| Prince Edward .....                    | 19               | 9  | 6  |          |    |    |                                                |
| Peterborough .....                     | 208              | 2  | 8  |          |    |    |                                                |
| Prescott and Russell .....             |                  |    |    |          |    |    | No Return.                                     |
| Stormont, Dundas, and Glengarry .....  | 212              | 13 | 11 |          |    |    |                                                |
| Simcoe .....                           | 226              | 2  | 9  |          |    |    |                                                |
| Wentworth and Halton .....             | 995              | 16 | 4  |          |    |    |                                                |
| Waterloo .....                         |                  |    |    |          |    |    | No Return.                                     |
| York .....                             |                  |    |    | 451      | 0  | 0  |                                                |
| City of Toronto .....                  | 475              | 0  | 0  |          |    |    | This amount received, but no Return furnished. |
| do of Kingston .....                   |                  |    |    | 83       | 19 | 6  |                                                |
| do of Hamilton .....                   |                  |    |    | 308      | 10 | 5  |                                                |
| £                                      | 3832             | 5  | 6  | 1260     | 9  | 3  |                                                |

JOS. CARY,

*Dy. I. G.*

INSPECTOR GENERAL'S OFFICE,

Quebec, 18th October, 1852.



# R E T U R N

To an Address from the Legislative Assembly to the Governor General, dated 18th instant; for a Statement shewing to what Bankers in England the proceeds of Debentures were paid, and at what period and in what Sums the Amounts so Paid in England were drawn by the Provincial Government; and the Dates and Amounts of such Draughts or Bills of Exchange, and the Parties to whom the same were Payable.

By Command.

A. N. MORIN,

Secretary.

SECRETARY'S OFFICE,

Quebec, 25th October, 1852.

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STATEMENT shewing to what Bankers the Proceeds of Debentures (sold since 1st January, 1851,) were Paid, &c.—(Continued.)

HOW DRAWN FOR BY GOVERNMENT.

|                | In whose Favor.      | For Whom.                   | Rate of<br>Exchange, &c. | Amount of<br>Exchange. |    |    |
|----------------|----------------------|-----------------------------|--------------------------|------------------------|----|----|
|                |                      |                             |                          | £                      | s. | d. |
| 1              | John Young           | St. Lawrence, &c., Railroad |                          | 50000                  | 0  | 0  |
|                | do                   | do do                       |                          | 25000                  | 0  | 0  |
|                | A. T. Galt           | do do                       |                          | 30000                  | 0  | 0  |
|                | A. Simpson           | Montreal Bank               | 11 per cent. premium     | 25000                  | 0  | 0  |
|                | B. H. Lemoine        | Banque du Peuple            | do do                    | 10000                  | 0  | 0  |
|                | A. Simpson           | Montreal Bank               | do do                    | 25000                  | 0  | 0  |
|                | J. F. Bradshaw       | Bank of Upper Canada        | do do                    | 12500                  | 0  | 0  |
|                | A. T. Galt           | St. Lawrence, &c., Railroad |                          | 17500                  | 0  | 0  |
| J. F. Bradshaw | Bank of Upper Canada | 10½ per cent. premium       | 5000                     | 0                      | 0  |    |
|                | do do                | do do                       | 2116                     | 4                      | 6  |    |
| 2              | John Young           | St. Lawrence, &c., Railroad |                          | 50000                  | 0  | 0  |
|                | do                   | do do                       |                          | 25000                  | 0  | 0  |
|                | A. T. Galt           | do do                       |                          | 30000                  | 0  | 0  |
|                | A. Simpson           | Montreal Bank               | 11 per cent. premium     | 25000                  | 0  | 0  |
|                | B. H. Lemoine        | Banque du Peuple            | do do                    | 10000                  | 0  | 0  |
|                | A. Simpson           | Montreal Bank               | do do                    | 25000                  | 0  | 0  |
|                | J. F. Bradshaw       | Bank of Upper Canada        | do do                    | 12500                  | 0  | 0  |
|                | A. T. Galt           | St. Lawrence, &c., Railroad |                          | 17500                  | 0  | 0  |
| J. F. Bradshaw | Bank of Upper Canada | 10½ per cent. premium       | 5000                     | 0                      | 0  |    |
|                | do do                | do do                       | 2119                     | 11                     | 0  |    |
|                |                      |                             | Sterling.....£           | 404235                 | 15 | 6  |

E. P. TACHE',

*Receiver General.*

RECEIVER GENERAL'S OFFICE,

Quebec, 21st October, 1852.

