DOMINION OF CANADA

REPORT

OF THE

PUBLIC ARCHIVES

FOR THE YEAR

1942

GUSTAVE LANCTOT
Keeper of Public Records

OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1943

Price, 50 cents

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LETTER OF TRANSMITTAL

OTTAWA, December 30, 1942.

To the Honourable NORMAN MCLARTY, P.C., K.C.

SIR,—I have the honour to submit to you herewith the Annual Report of the Public Archives for the year 1942.

This year the report is accompanied by a number of documents which show that food rationing and the control of prices are not new in the history of our country. Following them will be found two extremely interesting items on the treatment of prisoners during the War of 1812. There is also an appendix containing the final instalment—covering the years 1839 to 1841—of the calendar of the official correspondence between the Governors of Lower Canada and the British Government.

Respectfully yours,

GUSTAVE LANCTOT,
Keeper of Public Records.

REPORT

OF

THE PUBLIC ARCHIVES

FOR THE YEAR 1942

During the year that has just ended, the influence of the war has been felt at the Archives in many ways. It should be first pointed out that between 1939 and 1942 the personnel was reduced by 24%. As to the budget in general—salaries and expenses—the reduction amounted to 22% and that of expenses alone reached 57%. In consequence of these restrictions, although the Archives has not been able to acquire materials to the same extent as in the past, it has, however, thanks to the co-operation and goodwill of the staff succeeded in maintaining, almost completely, its usual program and in supplying through its various services the documentation and information requested by Government departments and historical students. In addition, the Department has been able to contribute to the war effort by giving office space to the Wartime Prices and Trade Board.

At the same time, in accordance with the policy of the Government regarding post-war social rehabilitation, the Archives is contemplating a program permitting a wider and more complete use of its historical and sociological materials by the creation of special courses, the publication of pamphlets, and the use of microfilms.

While on the subject of war, it is fitting to add here that the Dominion Archivist during the year 1942, in the capacity of Chairman of the Military Museum Board, has been able to turn over to our war industries, either by sale or through salvage committees, 208 field guns, 89 trench mortars, and 203 machine guns, trophies of the last war, as well as 82 ancient cannons, which had been transmitted by the towns, municipalities, and institutions that owned them. If these figures are added to those of last year it will be seen that the Board has recovered to date, the end of December, 1942, 305 field guns, 111 trench mortars, 270 machine guns, and 85 old cannons. Finally, it should be mentioned that the War Museum, officially opened to the public last January, has already had more than 24,000 visitors to view its collections. This is a remarkable attendance considering the steep drop in tourists during the year.

In its own sphere, the Archives has maintained, despite a reduction in staff, the regular activities of the several divisions. In spite of the growing concentration of the war effort, many historians and students have frequented our rooms and repositories in search of materials contained in our documentary, geographic, and iconographic collections.

This year the Archives held only one historical exhibition, that of the tercentennial of the founding of Montreal, consisting of a considerable number of manuscripts and pictures concerning the early beginnings of the former Ville-Marie. Some of these items were lent, for an exhibition, to the Art Association of Montreal.

Last year, 1941, the Archives had the honour of being visited by Princess Zita, formerly Empress of Austria and Queen of Hungary, as well as Princess Juliana of the Netherlands. In July this year a Yugoslavian delegation, composed of D. Bozidar Markovitch (Minister of Justice), Miloch Trifunovitch and Branko Cubrilovic, paid a visit to the Archives. Several months later the Archives had a visit from the Brazilian Minister to Canada, Mr. Caio de Mello-Franco.

The Manuscript Division received from the Governor General's office an abundant collection of the highest historical interest. It consists of 198 volumes containing the official correspondence of the Governors General with the Colonial Office from 1890 to 1913. Among the other acquisitions of this division we must at least mention the following: twelve diaries and note-books of the Reverend Allan Salt (1865–1906), a Methodist missionary who occupied various posts in the St. Clair and Georgian Bay districts; a file of documents of William McDougall, one of the Fathers of Confederation; a score of letters by Louis Joseph Papineau to Abbé Bourassa, 1844–1866; about thirty letters by Sir John A. Macdonald to Samuel Amsden, of Dunnville, 1858–1865; thirty or so letters and documents of John McIntyre, of the Hudson's Bay Company (1855–1874), among them letters by Wolseley and Donald Smith; a letter by Louis Riel to his wife written a month before his execution.

The Map Division was much occupied during the year looking up materials for the use of numerous students and preparing memoirs in response to requests for information. Thirty-two new items were received, among them three important maps of Montreal in 1801, 1803, and 1825.

The Print Division has continued its important work of cataloguing its items, which illustrate the history of Canada; this catalogue has now reached 65,000 entries. From among this year's acquisitions may be noted two albums of views of British Columbia in 1896 and 1900, a view of Brockville in 1851, two photographs of Fort William in 1870. The division has acquired, thanks to the National Film Board, two large photographic collections; one being 995 negatives and the other 1,259 lantern slides. These photographic items, which formerly belonged to the Department of Immigration and Colonization, represent views of Canada: landscapes, cities, industries, and events of the last thirty years.

The Library received, through the Prime Minister, four volumes of speeches by President Franklin D. Roosevelt, which the President was good enough to present to the Archives with an autographed inscription.

On instructions from the Prime Minister, the Division of Technical Auxiliary Services received from the Department of Public Works the model for the beautification of Ottawa, prepared by Mr. Jacques Greber, the French town planner. This model is now on display in one of the Archives exhibition rooms.

This year the report is accompanied by a number of historical documents and an appendix. Taken from our collections, these documents show, once again, how the present resembles the past. To-day our thoughts are turned somewhat to rationing and the control of prices, although so far no one can nor wishes to complain. It is timely perhaps to recall that this is not a new condition but something very old, even in our brief Canadian history. The limitation of profits, price fixing and ceiling prices, rationing of consumption, prevention of hoarding and exportation of foods, fines for infractions and subsidies for production—all this was practiced in the past, as well as the regulation of housing conditions.

The first rationing in Canada dates back exactly four hundred years, the year 1542, when Roberval, Lieutenant General for Francis I, receiving instructions to found a colony in the Laurentian valley, went to Fort France-Roy at the mouth of the Cap Rouge River, nine miles above Quebec. In the month of September, having made an inventory of his provisions in view of wintering there, he found them so reduced that he deemed it necessary to establish immediately a system of rationing. It was such that "in eche messe they had but two loaves weighing a pound a piece, and a halfe a pound of biefe. They ate Bacon at dinner with a halfe

a pound of butter: and Biefe at supper, and about two handfuls of Beanes without butter." Unfortunately the text does not say into how many messes the garrison of a hundred men under Roberval was divided.

The next case of rationing took place at Quebec, under Champlain in 1628 and 1629, when the St. Lawrence was blockaded by the Kirke brothers at Tadoussac. Since 1627 provisions had become so scarce that they were already at a premium: for instance, a barrel of biscuits sold for seven beaver skins, a record price for that period. The following year the scarcity was even more serious. In June, Champlain wrote that he was reduced to four or five barrels of biscuits, with some peas and beans. Soon famine set in, "each man being reduced to seven ounces of peas per day." At one time they were fortunate enough to obtain eels brought by the Indians, who sold them at the high price of one beaver skin for ten eels.

With the coming of the winter of 1629, the situation became still more acute: the ration of seven ounces of peas a day was cut to less than half of that. To keep from dying of hunger the inhabitants had to "search the woods as far as five or six leagues distant to find roots good to eat, for those in the neighbourhood of Quebec had been all consumed." They gathered in particular a root called Solomon's Seal which "they used mostly as bread, & other times they mixed it with acorns & a little barley flour, bran & straw which they boiled & reduced to a broth." This situation lasted until the arrival of the British Fleet in July, when Champlain had to surrender Quebec after having obtained honourable terms.

At that time Quebec, the only establishment in the colony, was merely a trading post, with the slim population of 94 persons. But Canada, in the middle of the following century, with a population of 70,000 souls, was to experience a veritable famine during the Seven Years' War. At the beginning of 1757, the Administration had to aid, with shipments of food, the Acadians in the French part of Nova Scotia, who were reduced to 10 pounds of peas and 12 pounds of meat a month. In the colony itself the harvest of that year was spoiled by rains and early frost. The wheat that was harvested was dried up and rusted. The ships failed to arrive from France and famine was soon felt in the whole Laurentian valley. On October 1st, the soldier's ration was set at a pound of bread, a quarter of a pound of peas and a quarter of a pound of pork a day. In December, the ration was cut to half a pound of bread, half a pound of beef, half a pound of horse meat, a quarter of a pound of peas with half a loaf of bread paid in money. The civil population also had to accept some horse meat. The Intendant ordered from twelve to fifteen hundred horses to be slaughtered and the meat sold to the people below cost price. To the poor he distributed a quarter of a pound of pork and half a pound of cod a day. During this time the cost of living mounted steadily. The Bishop of Quebec made an appeal to the charity of France asking for cotton, cloth, and food.

In order to camouflage horse meat and make it more acceptable, the soldiers used to subject it to the following treatment: "At night they put on the horse meat to cook, skim it well, throwing away the first water, remove it, making good soup with it in the morning in putting it in the pot with the beef, eating the beef used in the soup in the morning, and the horse meat at night in stew."

In the homes of the superior officers, even in General Montcalm's home, horse meat was served regularly. The cooks prepared it in many elaborate ways: Petits pâtés de cheval à l'espagnole, escaloppe de cheval, filet de cheval à broche, semelles de cheval au gratin, langue de cheval

au miroton, frigousse de cheval, langue de cheval boucanée. And Montcalm declared that horse meat "is very much better than moose, caribou, or beaver."

But this rationing was not carried out without provoking criticism, discontent, and protests. Among the troops in garrison at Montreal there were attempts at mutiny. In November, Chevalier de Lévis, who was in command there, had to intervene several times. He threatened, first to the marines and a few days later to the soldiers, that the first man who refused to accept the prescribed ration would be hanged. There was no more trouble.

As to the people of Montreal, they actually rebelled against the distribution of horse meat. The women took the initiative in the revolt. They gathered in front of Governor Vaudreuil's house and requested an interview. Four were admitted, who told him that they had come to ask for bread. The Governor replied that the King was not obliged to provide bread for the people, but he offered them horse meat at six sous a pound. The women protested they had an aversion to eating horse meat and that they would sooner die than eat it. Vaudreuil replied that it was only a silly notion on their part, that people had always eaten horses and the meat of them was excellent. On saying this he dismissed them with the threat that if they caused further trouble he would have them put in prison and have the half of them hanged. The uprising was not repeated.

The control of prices, as rationing, goes far back into Canadian history. It seems that the first case happened during the French Regime in 1653. The colony then numbered about 2,000 inhabitants. As there was a dearth of metal coins, black and white beads had been used to replace them, following the custom of the Indians. It was therefore necessary to set a uniform value on this medium in order to assure equity in trading. By an ordinance dated November 8, 1653, Governor de Lauzon fixed the value of these beads: the white beads at two deniers, being one sixth of a sou, and the black ones at four deniers, being one third of a sou; for the denier was only worth a twelfth of a sou.

A week later an ordinance of November 15 fixed the prices of wheat, corn, and peas. The reason for this was that, still short of currency, and even beads, the inhabitants had resorted to bartering to make purchases and pay wages. But it happened that certain persons refused to accept these products at the prices paid for them by the others, bringing about a condition of unfairness and loss. Therefore, in order to assure equality in all cases, the Governor established by ordinance that the price of wheat must not exceed one hundred and twenty sous the bushel; that of corn, one hundred sous; and that of peas, eighty sous. This is probably the first example of a price ceiling in Canada.

Some years later in view of protests from the inhabitants, who complained of the increased cost of living, the Quebec Council decided to intervene. On August 25, 1663, it published an ordinance regulating the price of merchandise and fixing the rate of profit for the merchant. This rate was set at 65% of the cost, and the price was established by producing the invoice. The price of grain was also regulated by ordinance.

Also, in 1664, the price of beaver skins, the only product of the country, having dropped in France caused the merchants who received them to raise immediately the price of their merchandise. Thereupon, the Sovereign Council decided to pass a new regulation. A decision of June 30 ruled that on producing invoices, the merchants could sell dry goods at a profit of 55% of the cost price, and liquids at the rate of 100% to 120%, according to quality. Finally, the Council named Louis Rouer de Villeray

and Mathieu d'Amours to execute the law; thus they became the first price controllers in Canada.

The same day, preceding and surpassing even our most recent methods, the Council ordered that the merchants must present to the Council, under penalty of a fine, the invoices of goods that had just arrived and it forbade the captains of ships to unload cargoes of merchandise without verification of the invoices.

In the wake of abuses committed by the merchants, another ordinance dated July 9 decreed that four members of the Council should visit the shops, examine dry goods and mark the selling price on each article. Each merchant had also to keep a record of his sales showing the name of the purchaser, the quantity of goods and the price of the sale, and give to each purchaser a receipt describing the nature and price of the goods. Next, on July 30, the Council ordered that the scale of prices must be adhered to at all times, and that a copy of the price rates, distributed to the merchants, must be posted in the shops and public places. Finally, selling above the scale of prices was punishable by fine, as well as the reimbursement to the customer of the overcharge in price. Thus, for not giving a bill of the price of goods to a customer, Sieur de LaMothe was sentenced to a fine of one hundred livres on November 19, 1664. On December 17 three other merchants, Grignon, La Garenne, and Charron, who had not made a declaration of their merchandise had each to pay a fine of one hundred livres. Finally, on April 22, 1665, for having sold wine at twenty-two sous the pot instead of the fixed price of twenty sous Gabriel Lemieux and his wife Marguerite Leboeuf had to pay a fine of ten ecus. The ecu was worth three livres and the livre, twenty sous.

Practically a necessity at the start of colonization, because of the difficulties of transportation and food supply and on account of the absence of any colonial manufacturing, even domestic, this control of prices soon steadily diminished. Being minute to excess, the regulations became more and more difficult to enforce with the increase in population and might easily have provoked widespread smuggling. Consequently, they soon applied only to the essential foods of meat and bread.

But the principle of fixing prices and controlling commerce by colonial authority was never completely abandoned. It continued to be applied any time the situation made it necessary. Soon after the arrival of a new Intendant, and with his consent, the Sovereign Council introduced something that does not exist even in our time, a democratic element in the control of prices: the consultation of the people themselves. A regulation dated May 11, 1676 stated that in future two meetings would be held each year, one on the fifteenth of November and the other on the fifteenth of April, to which "the principal inhabitants of this city [Quebec] will be called, at which the price of bread will be fixed." Actually, the first meeting was not held until January 14, 1677 and as a result of the deliberations the Council, by its decree of February 15, fixed the price of the loaf of white bread weighing eleven ounces at $1\frac{2}{3}$ sous, and brown bread at 2 sous for a pound loaf and it ordered that there should be only three bakers in the town. As to wine, the Council fixed a price ceiling on it of 16 sous the pot.

Here is another example of price control, this time at Montreal. In 1688, on representations made to him, the Town Magistrate published an ordinance dated May 5. In it he stated that owing to the scarcity of liquor, the sale of wine at 25 and 30 sous the pot and brandy at 3 livres or 60 sous had been tolerated, but the arrival of new stocks had made these prices excessive. Consequently, after having conferred with the "most intelligent inhabitants", he ordered wine to be sold at 22 sous the pot and brandy at 50 sous.

Price control also applied to meat when the occasion arose. For instance, a Sovereign Council regulation intervened on March 24, 1692 to reduce the excessive prices which had prevailed for two years. After having heard the views of the principal inhabitants at a meeting, the Council ordered that the butchers would be obliged to declare how many cattle each of them could slaughter a week. Then it fixed the price of beef at 5 sous a pound from Easter until June 30 and at 4 sous from July 1 until Lent. It was also forbidden to kill calves less than a year old. No person in the town or country could sell meat without having first offered it to the butchers of the town at a sou less than the selling price. Finally, innkeepers and hotel-keepers were forbidden to buy meat, fowl, butter, eggs, and other foods on the market before eight o'clock, in order to permit private citizens to supply themselves with necessary provisions.

The documents described above suffice to exemplify the system of price control under the French Regime—a system that was continued until the Conquest.

In the English period, even with the wars of 1775 and 1812, there seems to have been only one case of rationing; it was a loose sort of rationing that only applied to imported foodstuffs, and took place in Nova Scotia. On February 3, 1752 the Halifax Council decided to intervene in order to prevent the monopolizing and hoarding of provisions and the consequent rise in the cost of living. Therefore, it ordered that provisions imported into the province should be exposed for sale on the market for two days, in order to prevent the monopolizing of them in large quantities by certain individuals and to allow private citizens to get their supplies without any difficulty. During these two days it was forbidden for any person to make purchases beyond the needs of his family, under penalty of a fine of six pounds sterling each for the buyer and seller alike. In short, mild though it was, it was still a rationing of provisions on sale to the public.

On the other hand, there are under British rule several examples of price control and the regulation of commerce, as well as subsidies on production just as they apply to-day on butter, milk, and bacon.

Thus in April 1751, the Nova Scotia Council, in order to encourage the fisheries, the economic basis of the province, established a subsidy of six pence a hundredweight on dried and salt fish and a subsidy of twelve pence the barrel on pickled fish, caught and pickled in the province, as well as a subsidy of two shillings and six pence a barrel on whale oil, seal oil, and fish oil, when these products were exported from the province. In order to provide a fund for the payment of these subsidies, the Council imposed a tax of six pence a gallon on rum and alcoholic liquors.

Another curious measure of the Halifax Council, dated February, 1752, granted a subsidy on the production of beer and fixed a ceiling price on the barrel of beer. With the double aim of reducing the importation of beer and decreasing the consumption of alcoholic spirits, the Council decided to pay the brewer for a year two shillings and six pence for each barrel of beer manufactured and sold in the province, provided that the price did not exceed twenty-seven shillings and six pence a barrel.

Finally, another ordinance of the Halifax Council of September 17, 1754 forbade the exportation of corn without a special permit from the Lieutenant-Governor, under penalty of a fine of fifty pounds sterling, of which half went to the informer and the other half to the Government of the province. That, if not a war measure, was at least an ante-war one, with a view to prevent the exportation of grain needed by the province

and above all to stop the shipment of it to the neighbouring French possessions in Cape Breton and on the coast of the Bay of Fundy. Less than three weeks later another ordinance hurled the same interdiction at the exportation of wheat, rye, barley, oats, peas, and all other cereals.

In chronological order in the British period, under date of January 15, 1760—when in this country Quebec alone was in British hands—an ordinance was issued by General Murray fixing the prices of bread and meat. According to quality, white bread was sold at ten sous a pound, semi-white bread at eight sous and brown bread at six sous. As to meat, beef sold at ten sous a pound and mutton at twelve sous. After the cession of the country by the Treaty of Paris, civil government was formally established in April, 1764 consisting of a Governor assisted by a Council. On September 3, this Council decreed that a four-pound loaf of white bread should sell at six pence and a six-pound loaf of brown bread also at six pence.

Here is another ordinance by the same Quebec Council which had for its aim—a problem to-day—the reduction of the cost of living. Passed on the 9th day of March, 1780, this ordinance prohibited for two years the exportation of wheat, peas, oats, biscuits, meal, flour and also cattle, without a permit from the Governor approved by Council, under pain of a fine and confiscation of the articles exported in order to bring down the cost of living.

Ten years later, August 17, 1790, still another ordinance of the same type forbade for a year the exportation of all grains in order to prevent "a scarcity of bread so necessary for the sustenance of the people" and at the same time an inevitable rise of prices.

Perhaps the most curious thing is that the past also had its housing problem. This crisis occurred at Halifax in 1776 with the arrival of British troops and United Empire Loyalists. Thereupon, in view of the exorbitant rents demanded by landlords, the Council ruled that, on the basis of the rent two months before (which represents our basic period), the rents could be doubled. But it decided also to regulate and moderate the rents of houses not yet leased.

Several months later, because of the higher cost of living due to the presence of the refugees, the Council issued a proclamation, August 13, 1776, fixing a ceiling price on beef of nine pence a pound and on other meats in proportion; the price of butter was set at one shilling a pound.

In Upper Canada only one law has been found designed to prevent the scarcity of food and assure the population of a supply of provisions. It was adopted by the Legislative Assembly in 1813, during the War of 1812. As the text cannot be found, we have to be satisfied with the title, which reads as follows: *An Act to authorize the Governor, Lieutenant Governor or Person administering the Government of this Province to prohibit the Exportation of Grain and other Provisions, and also restraining the Distillation of Spirituous Liquors from Grain.* This title is sufficient to show that it was a case of the control of food similar to that exercised by the Canadian authorities to-day.

In New Brunswick only in 1817 was it necessary to resort to law in order to assure the food supply. Following a poor harvest the Legislature passed a law, February 17, 1817, forbidding the exportation of wheat, rye, barley, oats, flour, and bread as well as potatoes for a period of four months, under penalty of a fine of one hundred pounds sterling. After deducting the costs, half of this fine was payable to the informer or the official who conducted the seizure.

From all these historical documents it can easily be seen that the laws of to-day are indeed very old ones, and that they are just a repetition of past history. There is nothing new under the sun!

The documentary part of the report ends with two items of special interest in this time of war; they refer to the treatment of war prisoners. What a contrast between yesterday and to-day! The first document is a treaty passed by Canada and the United States during the War of 1812. With a humanitarian spirit and a respect for word of honour which the Germans have trampled underfoot, this treaty provided for the liberation and return of prisoners to their country as soon as possible, with the sole restriction that they must not engage in military service until a regular exchange had been made. The American prisoners were to be transported to Boston, the Lower Canada prisoners were to be taken to Saint John, and those from Upper Canada to the nearest port of entry.

The second document is the pledge that a prisoner of war had to make in the old days. In this case it concerned Quartermaster Nathaniel Bell of the 4th Regiment of the Lincoln Militia, captured during the War of 1812. Instead of being shut up in a prison camp, behind a barbed wire fence guarded by soldiers with fixed bayonets, according to the system nowadays, the soldier was assigned to live in the town of Cheshire, Massachusetts. The conditions imposed on him were quite lenient: he must not break stated bounds without a special pass; he must be of good conduct; obey the law; and above all refrain from all communication, directly or indirectly, either written or oral, with anyone whomsoever, except through the intermediary official appointed for that purpose, in order that the latter might have full knowledge of these communications. Subsequently, and this is most astonishing, Bell was ordered to go as soon as possible to the appointed place—but apparently alone and without any guard whatsoever—and present himself to Captain Daniel Brown, who was to help him find lodgings. He was then free to go about within certain town limits fixed by Captain Brown, with only the obligation of reporting personally at Captain Brown's house every Saturday between nine o'clock and noon; but he was forbidden to go into the fields or public places and to be absent from his lodgings after six o'clock in the evening from October to March, and eight o'clock during the other months. Finally, he had to submit for examination all the letters he received or sent and to abstain from all conversation with the citizens in the matter of public questions.

Following the above-mentioned documents will be found as an appendix the continuation and completion of the calendar of State papers containing the official correspondence of the Governors of Lower Canada. The publication of this calendar, commenced in 1890, was suspended in 1903. Resumed last year, it is completed in the present appendix with the years 1839-1841. In the foreword that heads the appendix to last year's Report a schedule indicates the dates of the Reports containing the preceding installments of the calendar, covering the years 1760-1838.

GUSTAVE LANCTOT,
Keeper of Public Records.

MANUSCRIPT DIVISION

ACCESSIONS

Transcripts from Canada

MONTREAL—

Archevêché de: Lettres diverses sur la politique 1871–1886.

Bibliothèque municipale de:

Cession de certains droits par Maisonneuve, 4 avril, 1668.

Remise par Jeanne Mance de 20,000 livres pour l'hôpital de Montréal, 29 mars, 1659.

Palais de Justice: Will of Dulhut and other personal documents, 1697–1710.

Université de Montréal:

Baby Collection.

Documents concernant la famille Lanaudière, 1768–1894.

QUEBEC—

Séminaire de Québec: Journal de Labadie, 1794.

RESTIGOUCHE—

Ste. Anne de Restigouche: Register of births, marriages and deaths, 1759–1795.

SOREL—

Seigneurie de Sorel: Documents concernant la Seigneurie de Sorel, 1683–1854.

Originals from Government Sources

ENGLAND—

House of Commons: Accounts and Papers, 1831–1832.

OTTAWA—

Department of Pensions and National Health, Special Committee. Minutes, etc. 1932.

Governor General's Office:

Register of Despatches to the Secretary of State for the Colonies, 1900–1909.

Register of Despatches from the Secretary of State for the Colonies, 1897–1909.

Despatches from the Secretary of State for the Colonies to the Governor General, 1897–1909.

Secret and Confidential Despatches from Colonial Office, 1874–1909.

Secret and Confidential to Colonial Office, 1871–1911.

Despatches to Washington, 1895–1909.

Despatches from Washington, 1895–1910.

Drafts of Despatches to the Governor General from U.S. Ambassador, 1895–1900.

Drafts of Despatches from the Governor General to U.S. Ambassador, 1895–1914.
Drafts of Despatches from the Governor General to the Colonial Office, 1897–1913.
Secret and Confidential from the Governor General to the Secretary of State, 1871–1908.
Miscellaneous Despatches, 1891–1913.
Letter Books, 1890–1910.
Letters received—general, 1905–1909.
Index to General Register, 1894–1909.
Governor General's Office Register, 1905.

Historic Sites and Monuments Board:
Laurier's birthplace dedication. Letters and clippings, 1941.

Department of National Revenue:
Shipping Register, Kincardine, Ontario, 1924.

Originals from Miscellaneous Sources

Manuscript re Battle of Queenston Heights, by James Crooks, 1812.
Essay "Irish Settlers of Bytown" by Mme. G. J. Desbarats.
Letters of Robert Gourlay, 1821–1845.
Manuscript re History of Leeds and Grenville counties, Rebellion of 1837.
Papers of Wm. McDougall, 1859–1892.
Letters of Sir John A. Macdonald, 1858–1865.
Letters of T. D'Arcy McGee, 1855–1868.
Papineau-Bourassa Letters, 1844–1866.
Typescript re Dummer Powell (Chief Justice of U.C.) 1779–1809.
Photostat of Rélation de Detroit, 1683. (Original in Library of Congress.)
Diaries of Rev. Allan Salt, 1865–1906.
Signatures, Kings of France, etc.
Speech, St. Regis Mohawk Chiefs, 1800.
Letter to Governor General Monck, Manitoulin Island, 3 Aug. 1867.
Letters and Addresses re Leeds Militia, 1834–1846.
History of Princess Louise Fusiliers (photostat).
Index of General Orders, 1811–1815.
Letters to Joseph Brant, 1786 (photostats).
Worsley-MacDonald Collection. Letters, 1869–1889.
List of Medical Supplies, Rivière-du-Loup, October 6, 1841.
Letter, Mathews to Dease re Audit of Public Accounts, Sept. 10, 1798.
Monck—Autograph, March 1, 1864.
Letter, Sir John A. Macdonald to Campbell, Nov. 19, 1884.
Letter, Louis Riel to his wife, September 17, 1885.
War Ration Cards for sugar, 1942.
Letters from Donald McKenzie to W. P. Hunt, Red River, 1825–1830.
Document re Abraham Markle, 1770–1826.

MAP DIVISION

RESEARCH

Requests for information: 104.

Number of students and others who consulted maps in the Map Division: 151.

Photograph and photostat prints supplied: 445.

ACCESSIONS

Maps and Plans

Maps and Charts Accompanying Report of Captain J. E. Bernier on "The Cruise of the Arctic in 1908–9". Department of Marine and Fisheries, Ottawa. Nine Plans.

Plan Officiel de La Paroisse de Charlesbourg, Comté de Québec, Fait conformément aux dispositions du chapitre 37 des Statuts Réfondus du Bas Canada et de l'Acte 27, 28 Victoria Chapitre 40. Bureau des Terres de la Couronne, Québec, 24 Décembre 1873. "Signé", P. Fortin, Commissaire des Terres de la Couronne. Blue print (enlarged).

Municipalité du Village De Charlesbourg, Comté de Québec, Compilé d'après les Plans du Cadastre. Bureau du Cadastre, Québec 22 Décembre 1931. P. A. Picard. Blue print (enlarged). Copy.

Plan Des Fortifications De La Ville De Montréal avec les réserves intérieures et extérieures, &c. par Louis Charland. A true copy of the original hereof remaining of record in my office. Jos. Rielle, P.L.S. Blue print.

Plan de la Ville et Cité de Montréal avec les projets d'accroissement dans l'étendue qui lui a été fixée par proclamation de Son Excell^{ce} Alured Clarke, Ecuier, alors Lieutenant Gouverneur de cette Province, fait en conformité des 26^{me} et 27^{me} clauses d'un Acte du Parlement provincial, de la trente neuvième année du règne de sa présente Majesté, intitulé Acte qui amende un Acte passé dans la trente sixième année du règne de sa présente Majesté, intitulé Acte pour faire, réparer et changer les chemins et points dans cette province et pour d'autres effets, par (signé) Louis Charland, Inspecteur des Ch^{s} Bas Canada 1801. E. P. J. Courval, Dessinateur Géomètre en Chef, Hôtel de Ville, Montréal, 20 octobre, 1919. Archives du Bureau des Dessinateurs—Plan No. 1184. Blue print.

Map of the City Suburbs of Montreal Exhibiting distinctly every property public and private, the Course of the Water Works, the River Line in front of the City and the Lachine Canal from its Junction with the Port to the distance of 1½ Miles above—Constructed from a New Survey 1825 by John Adams. H.P. Roy^{l} Mil^{y} Survey^{r} and Draftsman. Blue print.

Wakefield, Quebec. Diagram of Wakefield, Quebec. With references. Surveyed by Anthony Smallwell in 1835. Photostat copy.

Maps No. 1 to No. 4 Showing the Lands adjacent to the route of the Rideau Canal. By W. Chewett, York. January 29th 1829. Surveyor General's Office York 7th March 1839. W. Chewett Act^{g} Survey^{or} Gen^{l}. 4 sections. True copy. 1829. Blue print.

Map of Section of Rideau Canal shewing the Estimated Expense of the Whole Work, The Amt Expended to The 1 July 1830. The Lands Purchased, The Crown & Clerg Reserves Required &c. L^{t} Col^{n} By. Com^{g} R^{l} Engineers. John By, L^{t} Colonel Roy^{l} Eng^{rs} Com^{g} Rideau Canal 13th July 1830. Blue print.

Plan of the Town of Picton, Upper Canada. Surveyed at the Request of The Rev^{d} W^{m} Macaulay, William McDonald, H. Bonycastle & J. Overend, Del. Gov^{t} Litho^{o} Press, York, U.C. Tazawell, Lith^{r}. Litho.

Plan of the Town of Picton, Ontario. By William McDonald. Blue print.

Manuscript Map of land grants in the Province of New York, possibly the original of the "Chorographical Map of the Province of New York" by Claude Joseph Sauthier, 1779. (Atlas K). Original in Sir Henry Clinton Papers, William L. Clements Library, University of Michigan, Ann Arbor, Mich. Photostat copy. 7 sections.

National Topographic Series, Prepared by The Geographical Section of the General Staff and Published by the Department of National Defence

Sheet 21 E Province of Quebec, Sherbrooke.
" 30 M 11 Province of Ontario, Toronto.
" 30 M 12 Province of Ontario, Brampton.
" 31 H 5 Province of Quebec, Lachine.

National Topographic Series, Compiled, Drawn, and Printed at the Office of the Surveyor General, Ottawa, and Received from Hydrographic and Map Service, Department of Mines and Resources

Sheet 82 1/13 Province of Alberta, Calgary Southeast.
" 83 N.E. Province of Alberta, White Court, Athabasca.

General Topographical Maps

Map of Dominion of Canada, South of Latitude 75° Department of Mines and Resources, Honourable T. A. Crerar, Minister, C. Camsell, Deputy Minister. Surveys and Engineering Branch, J. M. Wardle, Director. Reproduced and printed at the Office of the Surveyor General and Chief, Hydrographic Service, Ottawa, 1937.

In addition to the above maps, thirteen plans of Townships in the Province of Saskatchewan were received from the Department of Natural Resources, Saskatchewan.

NORMAN FEE.

PRINT DIVISION

I. Research

Number of investigations completed: 144.

In addition, much time has been taken in giving information and help to research workers who visited the Division.

II. Paintings, Drawings and Prints

Pictures received: 62.

Illustrated volumes received: 2.

Albums of photographs received: 5.

Number of pictures catalogued: 4,431. About 65,000 pictures have now been catalogued.

III. Photostats and Photographs

Photostat negatives prepared and indexed: 251.
Photograph negatives prepared and indexed: 5.

Photostat prints supplied: 512.
Photographic prints supplied: 222.

Photograph negatives received from the National Film Board: 955.

IV. Lantern Slides

1,259 lantern slides have been received from the National Film Board. The negatives and slides transferred from the National Film Board have been received recently and have not yet been catalogued.

JAMES F. KENNEY.

INDEX AND INFORMATION DIVISION

Index

In the course of the year, the Index section finished classifying the 32,000 index cards of the Acadian Series, which provides an extensive source of information for genealogists.

In order to facilitate the searches necessary to comply with the numerous requests for information regarding the United Empire Loyalists, a card index of names is being made of each volume of the Minutes of the Committee of the Executive Council. As this Council was charged with studying the requests made by those who wished to settle in Upper Canada, its archives contain an important documentation. The years from 1789 to 1826 have been done, about 36,580 cards. The work is continuing.

The index of the Military Series has been increased by 8,350 names of German soldiers who served under the British flag during the American War of Independence.

An increase of 2,800 cards has also been made to the research index.

The indexing of the English and French calendars of the official correspondence of the Governors, Quebec Series, Lower Canada, is continuing; also that of the same series for Upper Canada. This index has been increased by 15,500 cards during the present year.

The staff is also working on the reclassification of the Militia rolls and paylists of the War of 1812—a reclassification which facilitates searches and saves time.

Fifteen volumes of manuscripts of *Series S*, Office of the Governor's Secretary, have been prepared for binding.

Information

During the year this section has continued to give replies and data to students and institutions that have sent in requests for information. The number of searches resulting from these requests reached nine hundred and twenty-three, one of the highest figures for several years.

In the last twelve months, this section acquired one hundred and eleven military registers, containing records of officers between the years 1775 and 1926, as well as many items concerning the history of various regiments. These acquisitions will add still further to the sources of information at the disposal of this section.

LUCIEN BRAULT.

PUBLICATIONS DIVISION

During the present year, the Publications Division translated the *Report of the Public Archives* for the year 1942 and saw it through the press. The Division not only translated the general report of the Department, but also the reports of the divisions and the several appendices.

Since Canada entered the War, to economize has been the word of command that every public service as well as each individual must obey. Continuously since the autumn of 1939, this Division has carefully revised the list of persons and institutions receiving our publications free of charge. As a general rule, all the names of those who do not expressly state the wish to continue receiving the publications of this Department are struck off that list. This reduction in our mailing list has resulted in a considerable saving of time, paper, and money, which has cut in a like proportion the expenditure that does not directly contribute to the war effort of the country.

SERAPHIN MARION.

LIBRARY DIVISION

There was a decrease in the personal visits to the Library for research purposes, yet the volume of written requests for information was well up to the average of pre-war years.

These inquiries concerned, in the main, research for historical, economical, constitutional and political studies. Requests came from widely separated sources and, since the official entry of the United States into the war, especially from American correspondents.

In spite of the imperative restrictions of wartime economies, the routine services of the Library have been performed as adequately and as promptly as possible. Purchases have been confined to current reference works and such new publications as are needed for research.

Substantial additions were made to the collection of pamphlets, which is now one of the largest and most comprehensive of its kind available to students. The total of accessions was 553.

Classes of the Library School of McGill University and Ottawa University on specially arranged tours visited the Library during the year and were conducted through the Archives by members of the staff.

The Library had the good fortune to receive as a special gift the four volumes of *The Public Papers and Addresses of Franklin D. Roosevelt*, compiled and arranged by Samuel I. Rosenman, covering the years 1937, 1938, 1939, 1940, published by Macmillan in 1941. These were expressly autographed by the President and transmitted to the Archives through the Prime Minister in January. Thanks also are extended for gifts of items of particular interest to students of the Canadian scene from: Queen's University, Estate of Sir Robert Borden, Dr. J. C. Webster, Mrs. Frank Egerton, Mrs. S. L. Elliott, Pierre Bédard, Louvigny de Montigny, Arthur G. Penny, G. R. F. Prowse, Emile Vaillancourt, H. LeBreton Ross, Anson McKim and from Historical Records Survey Projects and the William L. Clements Library.

A. F. MACDONALD.

DIVISION OF TECHNICAL AUXILIARY SERVICES

In spite of the director's absence and of certain changes in personnel, the Division has carried out many important duties in the course of the year.

With the co-operation of the other divisions, it arranged an exhibition of historical materials in commemoration of the tercentenary of Montreal. In addition, several items were lent for an exhibition celebrating the same event which was held at the Montreal Art Gallery, October last. It may be added that this Division was at the disposal of several associations and educational institutions that visited the museum during the year. Finally, it should be mentioned that this year more than five thousand persons visited our exhibition rooms.

Thanks to the unfailing interest of the Prime Minister, the Right Honourable W. L. Mackenzie King (it was he who officially opened the new wing of the building in 1925), the museum acquired the model for the beautification of Ottawa, prepared by the French town planner, Mr. Jacques H. Greber. This model was formerly on exhibition in the hall of the House of Commons.

The bindery section repaired 5054 manuscripts, bound 462 volumes of manuscripts and books and mounted 75 maps. In addition, Messrs. W. A. Procter and J. E. Noble completed binding the Book of Remembrance of the Great War, now deposited in the Memorial Chamber in the Peace Tower.

In the course of the year the photographic section made 10,321 prints of pictures and documents.

C. J. DEWAR,
Acting.

DONATIONS, 1942

For all the gifts received in the course of the present year and acknowledged below, as well as the items transmitted by other departments of the Dominion Government, the Public Archives wishes to express its sincerest thanks.

Manuscript Division

Crooks, Mrs. A. D.: Memoir on the Battle of Queenston Heights, by James Crooks, 1812.

Desbarats, Mrs. G. J.: Essay on the Irish of Bytown, 1826.

Elliott, T. C.: Four original letters from Donald McKenzie to W. P. Hunt, Red River, 1825–30.

Jones, Alpheus: Memoir regarding Leeds and Grenville Counties, 1837.

Lanctot, Dr. G.: War Ration Cards for Sugar, 1942.

Macintyre, Lt.-Col. D. E.: The Papers of John McIntyre of Hudson's Bay Company, 1855–1874.

Macklen, Mrs. M. E.: Letters of Sir John A. Macdonald, 1858–65.

Markle, A. R.: Memoir on Abraham Markle, 1770–1826.

Ollivier, M.: Letter of Louis Riel to his wife, dated Sept. 17, 1885.

Robinson, Prof. P. J.: Rélation de Detroit, circa 1683. [Photostat copy from the original in the Library of Congress.]; Notice of the Progress of William Dummer Powell, Chief Justice of the Province of Upper Canada. [Typewritten copy from the original, which belonged to the late Aemilius Jarvis.]

Samuel, Dr. S.: Signatures of Kings of France.

Seaborn, Dr. E.: Speech of the Mohawk Chiefs at St. Regis, 1800; Letter to Governor General Monck, dated 3 August, 1867.

Sherwood, Miss Eleanor: Five letters written by, or received from Col. P. Young relating to the Leeds Militia (1838–1846); Printed addresses: Reply of the Lt.-Gov. to Electors of the Home District, May 28, 1836; Address of Electors of City of Toronto to Lt.-Gov. Sir Francis Bond Head and his reply; Election address of Henry Sherwood, June 8, 1836; Inhabitants to Gov. C. P. Thomson, Oct., 1839; Reply to address from Inhabitants; Address of Montreal Constitutional Society to Inhabitants of British America, Jan., 1836; Address of Jonas Jones to Electors of Leeds Co., June 14, 1836; Address of Electors of Johnstown District to the Lt.-Gov. and his reply, May 24, 1836.

Wainwright, E. P.: Memoir regarding the Princess Louise Fusiliers.

White, E. G.: Index of General Orders of Militia, 1811–1815.

Witton, W. P.: Letters to Joseph Brant, 1786. [Photostat.]

Worsley, W.: Letters of Sir John A. Macdonald, 1869–1889.

Worthington, E.: A list of Medical Supplies at Rivière-du-Loup in 1841.

Print Division

Badgley, Mrs. C. W.: Ten photographs of the last Sun Dance, Battleford, 1895.

Borden, Estate of Sir Robert: Group of military police of the 157th Battalion at Camp Borden. [Photograph.]

Curry, Col. F. C.: Photograph of a view of Brockville in 1851.

Egerton, Mrs. Frank: Old Hudson's Bay Blockhouse, Fort William; Fort William, 1870. [Photographs.]

Hester, Major H. H.: Three photographs of the presentation of the colours of the 2nd Batt. to the War Museum, 26 July, 1942.

Historic Sites and Monuments Commission: Photographs re the birthplace of Sir Wilfrid Laurier.

Ilsley, Hon. J. L.: War Weapons Cavalcade scroll, signed by Mayors of the Province of Quebec during the War Savings campaign.

Matthews, Major J. C.: Menu card of a dinner given in honour of the Hon. Philippe Roy and Mrs. Roy, in Paris, 1936.

National Film Board: Two photographs showing Canadian troops marching; 1259 lantern slides and 955 photographic negatives; Eight photographs of Mr. King, Col. H. C. Osborne, and Col. A. F. Duguid, at the Archives examining the Book of Remembrance, Nov. 5, 1942; Two photographs of the House of Commons in session.

Pell, S. N.: Seven coloured postcards, views of Fort Ticonderoga, N.Y.

Rolland Paper Co., Montreal: Coloured print "By the Hands of all Free Men", an allegorical picture, by Chas. Simpson.

Secretary of State, Dept. of: Album of photographs of the Ottawa and French Rivers, in connection with the Georgian Bay to Montreal navigation survey, 1908.

Wilson, P.R.: *Pictorial Map of Historical Montreal* by P. R. Wilson (artist) and C. P. Wilson (historian).

Library

Anderson, James (Kansas Commission for the Restoration of Fort Osage): *The United States Trading House or Factory at Fort Osage, 1808-1827*, a documentary history. [Typescript.]

Audet, F. J.: "Adam Thom, 1802-1890" by the donor. Reprint from *Transactions of the Royal Society of Canada*, Vol. XXXV, 1941.

Borden, Estate Sir Robert: Pamphlets on various subjects.

British High Commissioner: *50 facts about India* by the British Information Services. [Mimeographed.]

Buffalo Historical Society: *Reports of Joseph Ellicott*, as chief of survey, (1797-1800) and as agent (1800-1821) of the Holland Company's purchase in western New York, edited by Robert Warwick Bingham, Vol. 11 (1941).

Caldwell, N. W.: "Charles Juchereau de St Denys" by the donor. Reprint from *Mississippi Valley Historical Review.*

Canadian Journal of Economics and Political Science: "A Bibliography of Current Publications on Canadian Economics". Reprint from *Canadian Journal of Economics and Political Science*, Feb., 1942.

Clarke, Irwin and Company Limited: *An Act to Incorporate the Upper Canada Academy under the Name and Style of Victoria College, 27 August, 1941* (Toronto, 1941).

Collyer, Francis J.: "Five Fur Trade Posts on the Lower Qu'Appelle River, 1787–1819" by Arthur S. Morton. Reprint from *Transactions of The Royal Society of Canada*, Vol. XXXV, 1941.

Crouse, C. G.: *Memorial to Captain Bradshaw* by Manley Ostrander and C. G. Crouse (Oshawa, 1942).

Curry, Lt.-Col.: Upper Canada Political Posters 1832–38.

Czechoslavak National Council of America: *News Flashes from Czechoslavakia* and other publications.

Debien, G.: *Le Peuplement des Antilles Françaises au XVIIè siècle* by the donor (Cairo, 1942).

de Montigny, Louvigny: *Généalogie de la Famille Testard de Montigny* by the Reverend Father Archange Godbout (Montreal, 1942).

Ecole des Hautes Etudes Commerciales, Montréal: *Notre Milieu: aperçu général sur la province de Québec* by Esdras Minville (Montreal, 1942).

Ecrivains Canadiens, Société des: *Ville ô ma ville* by the donors (Montreal, 1942).

Egerton, Mrs. Frank: *Picton Academies . . .* (Picton, 1850); *The Albion* or *British Colonial and Foreign, Weekly Gazette* (New York, 1836) [Newspaper]; *Palladium of British America* (Toronto, 1838). [Newspaper.]

Elliott, Mrs.: *The Women Pioneers of North America* by S. L. Elliott (Gardenvale, 1941).

Ewart, T. S.: *The British Commonwealth of Nations; Opinions Regarding its Composition, Objects . . .* by the donor (Ottawa, 1942).

Federal Works Agency: Publications of the Historical Records Survey Projects of the Federal Works Agency (49 vols.).

Food Research Institute: *Wartime Food Developments in Germany* by H. C. Farnsworth (Stanford, 1942). [Pamphlet.]

Foulke, Roy A.: *The Sinews of American Commerce* on the occasion of the 100th anniversary of Dun & Bradstreet, Inc., New York, 1841–1941, by the donor, (1941).

Fox, Sherwood: "St. Ignace, Canadian Altar of Martyrdom" by the donor. Reprint from the *Transactions of the Royal Society of Canada*, Third Series, Section 11, Vol. XXXV, 1941.

French Institute in the U.S., Pierre Bédard, director: *Publications de Langue Française aux Etats-Unis et au Canada* (New York, 1942). [Pamphlet.]

Frères Mineurs Capucins de Ste Anne de Ristigouche: *Le P. Pacifique de Provins: le voyage de Perse et Brève Relation de Voyage des Îles de l'Amérique* by P. Godefroy of Paris, and P. Hilaire of Wingène (Assisi, 1939).

Gibbon, John Murray: *The New Canadian Loyalists* by the donor (Toronto, 1941). [Pamphlet.]

Godfrey, Miss. *An Act of Commemoration and Thanksgiving to Mark the Seventy-Fifth anniversary of the Confederation* (1942).

Guillet, E. C.: *An Autobiographical Sketch* by Charles Rubidge (Peterborough, 1870). [Typewritten.]

Harvey, Jean Charles: Odd copies of *Le Jour*. [Newspaper.]

Hôtel Dieu, The Reverend Mother Superior of: "Le Nouveau Pavillon de l'Hôtel Dieu". Reprint from *Journal de l'Hôtel-Dieu* (November-December, 1941).

Lacasse, Senator G.: *Soixante-et-quinze Ans de Vie Catholique et Française en Ontario* (1941). [Pamphlet.]

Lanctot, Dr. Gustave: *Art of Australia* by Sydney Ure Smith, O.B.E. (New York, 1941); *Bulletin Bibliographique de la Société des Ecrivains Canadiens: Années 1937 à 1941* by Rina Lasnier (Montréal, 1941); *L'Enseignement Traditionel de la Race Française* by Albert Cousineau (Montreal, 1942); *Les Annales*, 1924-5; *Revue D'Ottawa*, Nos. 1, 2, 3, (May, June and July, 1926).

Landon, Fred.: *When Laurier Met Ontario* by the donor (Ottawa, 1941). [Pamphlet.]

League for the Defence of Canada: *The Plebiscite* (1942). [Pamphlet.]

Lessard, Richard: *Procès pour le Pain Bénit: Bertrand vs Pierre Lavergne à St. Léon en 1804* by Sarsel. [Pamphlet.]

Libby, O. G.: "The Journal of La Verendrye, 1738–39" by H. E. Haxo (1941). Reprint from *North Dakota Historical Quarterly*, Vol. VIII, 1941.

McKim, A.: *The Story of Advertising in Canada: A Chronicle of Fifty Years* by H. C. Stephenson and Carlton McNaughton (Toronto, 1940).

Macmillans in Canada: *Publishing in Wartime* by Ellen Elliot; *Poetry and Life* by Audrey Alexandra Brown. [Pamphlets.]

Matthews, Mayor (Vancouver): *Killed in Action* by I. E. Mackay (Vancouver, 1942); *I Shall not Cease* by J. F. Bursill (Vancouver, 1942).

Miller, Orlo: *An Address to the Public Introducing a Letter to the Rev. Mr. Pollard . . .* by M. Gunn (1853). [Pamphlet.]

Montreal Standard: *Canada's 75th Birthday* (Montreal, 1942). [Newspaper].

Morse, William I.: *The Chronicle: Mountain Lake Number* by the donor (Boston, 1942).

Munro, William B.: *The Canadian Club of Harvard University* (Cambridge, Mass., 1905). [Pamphlet.]

National Committee of the U.S.A. on International Intellectual Co-operation: *Report to the National Committee of the United States of America . . .* by E. E. Ware (New York, 1942).

New York Public Library: Excerpt from *A History of the Bank of North America*. [Photostat.]

Norwegian Legation, The Royal (Washington, D.C.): *News of Norway*, Vol. 1, Nos. 1–42 (January 17 to November 13, 1941). [Newsprint.]

Nova Scotia Department of Education: *Library Survey of Nova Scotia* by Nora Bateson (1938).

Nova Scotia, Superintendent of Education: *Annual Report of the Superintendent of Education for Nova Scotia* (Halifax, 1942).

Ontario, Department of Lands and Forests: *Dominion Government list, 16th July, 1938, of Public Harbours prior to 30th June 1867* (1938). [Mimeographed.]

Pan-American Section of the International Committee for Bird Preservation, N.Y.: *Bird Migration in the Western Hemisphere* by F. C. Lincoln (New York, 1942). [Pamphlet.]

Parent, Roger D.: *Clément Lerigé, Sieur de La Plante* by the donor (Montreal, 1942). [Pamphlet.]

Patrick, J. S.: *Le Jour*, October 29, 1938 to December 20, 1941. [Newspaper.]

Pennsylvania Historical Commission: *Pennsylvania History and Morale* (Harrisburg, 1942). [Pamphlet]; *Pennsylvania History in Outline* by S. K. Stevens (Harrisburg, 1942). [Pamphlet]; *Some Pennsylvania Leaders* (Harrisburg, 1942). [Pamphlet.]

Penny, Arthur G.: *Souvenir: Plays at Government House 1872 to 1879*. [Pamphlet.]

Pierce, Lorne: *Thoreau MacDonald* by the donor (Toronto, 1942). [Pamphlet.]

Post, W. K.: *Vie Militaire dans le Dakota; Notes et Souvenirs 1867–1869* by Régis de Trobriand (Paris, 1926).

Procter, W. A.: *Requiescant and Other Poems* by W. Q. Ketchum (1919). [Pamphlet.]

Prowse, G. R. F.: *Sebastian Cabot Lied* by the donor (Winnipeg, 1942). [Pamphlet.]

Queen's University, Kingston: *Queen's University: a Centenary Volume, 1841–1941* (Toronto, 1941).

R.M.C., The Editor: *Royal Military College of Canada Review*, Graduating Number, June, 1942.

Roosevelt, Franklin D., President of the United States: *The Public Papers and Addresses of Franklin D. Roosevelt*, Vols. 1937, 1938, 1939, 1940, by the President (New York, 1941).

Ross, H. Le B.: *The British Dominions in North America* by Joseph Bouchette, Vol. 1 (London, 1832).

Sanderson, Charles R.: "Some Notes on Lord Sydenham" by the donor. Reprint from the *Bulletin* of the John Rylands Library, Vol. 25 (1941), Manchester, England. [Pamphlet.]

Scott, F. R.: *The Plebiscite Vote in Quebec* by the donor (Toronto, 1942). [Pamphlet.]

Shufelt, H. B.: *Three Churches* by H. C. Williams (Knowlton, 1941). [Pamphlet.]

Smithsonian Institution: *Problems Arising from the Historic North Eastern Position of the Iroquois* by W. N. Frenton (Washington, 1940).

Sœur Mondoux: *Les Véritables Fondateurs de Ville-Marie* by the donor. (Montreal, 1942). [Pamphlet.]

Talman, J. J.: "The Newspaper Press of Canada West, 1850–60" by the donor (Ottawa, 1939). Reprint from *Transactions of the Royal Society of Canada*, Vol. XXXIII, 1939.

Toronto City Clerk: *Municipal Handbook; City of Toronto, 1942* (Toronto, 1942).

Transport, Department of: Forty-one pamphlets and magazines.

Vaillancourt, Emile: *Guillaume d'Orange* by the donor (Montreal, 1941) [Pamphlet]; *Strange Loyalties: a Practical Lesson in Canadian History* by the donor (1942). [Pamphlet.]

Walton, Jesse M.: *The Loyalist Quaker Settlement, Penfield, N.B., 1783* (Aurora, 1941). [Typewritten, with photographs. Bound.]

Webster, Dr. J. C.: *Memorial on Behalf the Sieur de Boishebert* translated by Louise Manny (Saint John, 1942.). [Pamphlet.]

Western Ontario, University of, London: *The Canada Company and Anthony Van Egmond* by W. B. Kerr (1940). [Scrap-book.]

William L. Clements Library: *Guide to the Manuscript collections in the William L. Clements Library* compiled by H. H. Peckham (Ann Arbor, 1942).

Wykes, E.: *The Hatfield Book* by C. A. Wight (Springfield, 1908).

Map Division

Clements Library: Manuscript Map of land grants in the Province of New York, possibly the original of the "Chorographical Map of the Province of New York" by Claude Joseph Sauthier, 1779.

Egerton, Mrs. Frank: Blueprint of the Town of Picton, by William McDonald; Plan of the Town of Picton, Upper Canada, surveyed by William McDonald, at the request of the Rev. Wm. Macaulay.

Montreal City Archives: Three Plans of the City and Fortifications of Montreal, dated 1801 and 1825. [Blueprints.]

Sherwood, Lady: Maps and Charts Accompanying Report of Captain J. E. Bernier on "The Cruise of the *Arctic* in 1908–9."

Division of Technical Services

Borden, Estate Sir Robert: Several albums and addresses.

Byng of Vimy, Lady: Medal struck in commemoration of the reign King Edward VIII (1936).

MacLean, F. R. (RCA Inc.): Phonograph record containing Prime Minister Churchill's address, House of Commons, Ottawa, Dec. 30, 1941 and President Roosevelt's address, Arlington, Nov. 11, 1941.

HISTORICAL DOCUMENTS

I. EARLY RATIONING IN CANADA

RATIONING IN 1542

Of the Fort of France-Roy, and that which was done there[1]

. . . . . .

And in the moneth of August, and in the beginning of September every man was occupied in such woorke as eche one was able to doe. But the fourteenth of September, our aforesayde Generall, sent backe into France two Shippes which had brought his furniture, and he appoynted for Admirall Monsieur de Saineterre, and the other captaine was Monsieur Guine-court, to carie newes unto the King, and to come backe againe unto him the yeere next ensuing, furnished with victuals and other things, as it should please the King: and also to bring newes out of France how the King accepted certaine Diaments which were sent him, and were found in this countrey.

After these two Shippes were departed, consideration was had how they should doe, and how they might passe out the Winter in this place. First they tooke a view of the victuals, and it was found that they fell out short: and they were scantled so, that in eche messe they had but two loaves weighing a pound a piece, and halfe a pound of biefe. They ate Bacon at dinner with halfe a pound of butter: and Biefe at supper, and about two handfuls of Beanes without butter.

On the Wednesday, Friday, and Saturday they did eate dry Cod, and sometimes they did eate it greene at dinner with butter, and they ate of Porposes and beanes at supper.

About that time the Savages brought us great store of Aloses, which is a fish somewhat redde like a Salmon, to get knives and other small trifles for them.

* * * *

RATIONING AT QUEBEC IN 1628 AND 1629

1628[2]

. . . . . .

The Basques on arriving at Tadoussac gave my letter to General Kirke, whom we were awaiting from day to day. After having made enquiries of the Basques, he assembled all the men of his vessels, and particularly those in command, to whom he read the letter. Thereupon they decided not to waste time, as they saw that there was nothing to be done; for they believed that we were better supplied with provisions and munitions of war than we really were, each man of us at the time being reduced to seven ounces of peas a day, while of gunpowder we had only 50 lbs., with very little in the way of fuse or any other supplies; so that, if they had pushed on, it would have been very hard for us to resist them, because of the wretched condition we were in; which shows that on such occasions it is a good thing to put on a bold countenance. During this time we kept careful watch, my companions being continually on duty.

. . . . . .

While we were awaiting news of this fight with great impatience, we were eating our peas very sparingly, which diminished our strength greatly, most of our men becoming feeble and sickly. And seeing ourselves thus

[1] *The Voyages of Jacques Cartier*. Published from the originals with translations, notes and appendices. By H. P. Biggar, Ottawa, 1924, p. 267.

[2] *The Works of Samuel de Champlain*, The Publications of the Champlain Society, Toronto, 1933, Vol. V, pp. 286-7, 296-8, 300-2.

destitute of everything, not even having any salt, the idea struck me to make wooden mortars, in which the peas could be ground into meal, which we found more profitable than before, but the process being laborious we were a long time in the condition mentioned. I then thought that it would be still easier and more profitable to make a mill to work by hand; and, as we had no millstone (which was the principal thing), I asked our locksmith if he could find a suitable stone to make one. He encouraged me to hope so, and went to look for the kind of stone required, and, having found it, he shapes the stones and a joiner undertakes to set them up. The necessity we were in thus caused us to devise what in the previous twenty years had been considered impossible. The mill was finished with diligence, and each man brought his week's allowance of peas, which was ground for him, and from which he got good pease-meal, which made our soup stronger, and did us much good and put us again in a little better condition than before.

The eel-fishing came on, which helped us considerably; but the savages, who were skilful fishers, gave us very few and sold them very dear, men giving their coats and other possessions for the fish. We bought 1200 with goods from the storehouse, giving new beaver-skins in exchange; for they would not take any but new ones, ten eels for one beaver; and these were distributed to all, but it did not amount to much.

We were hoping that the land belonging to Hébert and his son-in-law might, at the harvest, yield us some grain, and they gave us reason to hope that it would; but when the time to gather it came, it turned out that all the help they could let us have was a small basinful a week of barley, peas, and Indian corn, about nine ounces and a half in weight, which was a very small quantity among so many persons; and so we had to go through a very wretched time.

. . . . . .

1629

Our men had fatiguing work all through the winter in cutting wood and dragging it more than 200 yards over the snow for fuel. It was a necessary evil incurred for the sake of a greater gain. Some savages came to our relief with a few moose, although only a small number for so many persons. The one who assisted us was called Chomina, which means "the Grape", a very well-disposed and serviceable savage. I sent some of our people to the chase, to see if they could imitate the savages in the taking of a few beasts; but they were not as honourable as the natives, for having taken a moose of great size, they spent their time in devouring it like ravenous wolves, without giving us any share beyond about twenty pounds. This caused me on their return to reproach them for their gluttony, reminding them that I had not had a morsel of victuals of which I had not given them their full share; but as they were fellows without honour or manners, they had acted accordingly; and after that I did not send them out again, but employed them in other ways.

The length of the winters very often caused us to think of the disasters that might happen, such as a second capture of our ships, and of the means we could adopt to provide for our necessities, which were now greater than they had ever been, since our vegetables ran out entirely in May, in spite of all the economy I could practise, that being the time when we expected fresh supplies, or, at latest, at the end of the month. And it was better to go on suffering than to eat up everything at once, and then perish of starvation; that is what I was always preaching to all our people: that they should try to have patience while awaiting our relief.

I decided that, if the vessels did not arrive by the end of June, and if the Englishmen came as they had promised, seeing that we were beyond all hope of succour, I would seek to make the best possible composition with

them, since they might then do us the favour of taking us home, and have compassion on our miseries; for otherwise we could not keep alive.

* * * *

THE INHABITANTS WERE OBLIGED TO EAT ROOTS[1]

. . . . . .

The month of May went by without hearing any news from France, which has brought grief to all the wintering inhabitants whose teeth were growing like grass in good soil, for lack of usage, for according to their calculations several ships should have arrived at the beginning of the month, & which would have been very necessary at this time when all foods were running out, for [the ration] of seven porringers of grain that Sieur Champlain had ordered a week since last Christmas for each person in the settlement, had had to be cut by more than half & the woods searched as far as five or six leagues distant to find roots good to eat, for those in the neighbourhood of Quebec had been all consumed.

There is one root among the others which we called Sigillum Salominis, Solomon's Seal, which aided them greatly, for it is good enough, except that it is a little strong eaten raw. I have heard that it is an excellent cure for hemorrhoids, cut in round slices & worn on the neck against the bare flesh as beads, by which a Lady of Paris assured me she was cured of them. They used it mostly as bread, & other times they mixed it with acorns & a little barley flour, bran & straw which they boiled & reduced to a broth, but since the acorn is very bitter in that country, & cannot be eaten without resorting to invention, they boiled the kernel in water with cinders two separate times, then the acorn being well washed & cleaned of cinders, they ground it & mixed it with half-cooked barley flour to thicken the broth, into which was mixed also some shredded fish, when there was any, but without salt, for there was no longer any in Kebec.

* * * *

RATIONING IN ACADIA

M. DE VAUDREUIL — MONTREAL, April 19, 1757.[2]
MONSEIGNEUR

. . . . . .

Although we ourselves are in want nevertheless Monsieur Bigot sent a ship laden with food to Miramichi, but unfortunately it was held up by the contrary winds it met. The misery of the Acadians is so great that Monsieur de Boishébert has been obliged to reduce their ration to 10 pounds of peas and 12 pounds of meat a month and that only because he brought 40 head of cattle from Petkekoudiac, that was the ration for the month of January and he cannot hope to have the same supply for the following months, that of fishing being exhausted.

Finally, the Acadian women see their babes dying at their breasts not being able to give them sustenance; most of them cannot go out, because they have no clothes to cover their nudity.

Many Acadians have died, the number of sick people is considerable and those who are convalescent cannot get built up because of the poor quality of the food they eat, often being forced to eat extremely thin horses, seals and cow hides.

Such, Monseigneur, is the state of the Acadians. Monsieur Bigot is going to send a ship when the ice goes out to carry to them the assistance which it is possible for us to give them.

. . . . . .

VAUDREUIL.

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[1] Sagard, *Histoire du Canada et Voyages que les Frères Mineurs Récollets y ont faicts pour la conversation des infidèles depuis l'an 1615*, Paris, Tross, 1866, pp. 883-6

[2] *Archives des Colonies*, Series C[11]A, Vol. 102, pp. 45-47.

REDUCTION OF THE TROOPS' RATIONS

1757[1]

The Marquis de Vaudreuil on September 28 gave orders to Chevalier de Levis to reduce the rations of the four battalions that were at Saint Jean and Chambly, to start on the first of October: a pound of bread, a quartern of peas and a quartern of pork. Chevalier de Levis had the orders of the Marquis de Vaudreuil in this respect passed on to the battalion commanders and showed them the necessity there was to submit to this reduction in food. It went into effect on October 1st.; the soldiers complied willingly.

OCTOBER

The same reduction was ordered for the Montreal and Quebec garrisons that the Marquis de Montcalm had put into effect with the Berry regiment.

* * * *

THE MARINE TROOPS REFUSE THE NEW RATIONS

1757

1ST NOVEMBER[2]

. . . . . .

Chevalier de Levis received orders from the Marquis de Vaudreuil and Monsieur de Montcalm to reduce further the rations of the soldiers in the Montreal garrison to a half a pound of bread, three quarters of a pound of beef, quarter of a pound of cod and a quartern of peas, with half a pound of bread paid in money, to start November 1st; that of Quebec had been reduced to the same level, which had been effected without difficulty.

. . . . . .

The Marine troops who were to take them at the same time refused to receive them and to submit to this reduction, and left the place where the distribution was being made. Their officers were unable to hold them.

. . . . . .

Chevalier de Levis went there immediately with several officers of the ground troops who had dined at his home; on arriving he found the Marine soldiers crowded in the court without order and grumbling; he silenced them and made them take their arms, showed them the necessity of submitting to the reduction in food, told them that the regular troops had submitted thereto without difficulty, that they must do the same, and that he would hang immediately the first one who hesitated to take food. In consequence, he ordered the first company to take it, which they did the same as the rest of the Marine troops without another murmur.

* * * *

RIOT ON THE SUBJECT OF HORSE MEAT

DECEMBER, 1757.[3]

On the first of December, they cut off entirely the quarter of a pound of bread that was being distributed to the people and in its place wanted to have them given half beef and half horse meat, for which the pound of each of them would cost but six sols. But the people expressed repugnance at horse meat and refused to take it. In the afternoon there was an uprising of women; they assembled in front of the Marquis de Vaudreuil's door; they demanded to speak to him. The Marquis de Vaudreuil had four of them admitted to his house. He asked them what was the reason of this riot. They replied that they came to ask him for bread. The Marquis de Vaudreuil said that he had none to give them; that he had none

[1] *Journal des Campagnes du Chevalier de Lévis*, Montreal, 1889, pp. 105-6.
[2] *Ibid.*, pp. 112-14.
[3] *Ibid.*, pp. 117-19.

even for the troops, whose rations they had been forced to cut; that the King was not obliged to supply bread to the people and that they ought to provide it for themselves; that, however, he had had cattle and horses killed to assist the poor in this time of want; that those who wished to get it could go to the King's slaughter-house and obtain it at six sols a pound. The women replied to Monsieur de Vaudreuil that they had an aversion to eating the flesh of the horse; that he was the friend of man; that religion forbade the killing of horses and that they would sooner die than eat them. Monsieur de Vaudreuil told them that it was a notion and an idle fancy on their part; that people had always eaten them; that they were good and that he had ordered that they be killed carefully and in the same manner as cattle; that it was the only relief he could offer to the people.

Monsieur de Vaudreuil dismissed the women and told them that the first time they should cause a disturbance he would have them all cast into prison and that he would have half of them hanged; he ordered Messrs. de Martel, Commissary of the Marine, and de Monrepos, Police Judge, to conduct the women to the slaughter-house to show them that the horses and cattle were of good quality; they acknowledged this and said that they would not take any, nor would any person, not even the troops. After that they dispersed and went to their homes holding seditious designs. Messrs. de Martel and de Monrepos ought to have had some of them arrested, which they did not do.

Monsieur de Vaudreuil told the Chevalier de Levis, on December 4, that he had just received a letter from the Intendant who pointed out the necessity that existed, that the troops in garrison at Quebec and Montreal must eat horse meat. In consequence, the ration was set at a half a pound of bread, half a pound of beef, half a pound of horse meat, a quarter of a pound of peas and a half a pound of bread paid in money.

* * * *

HOW MONTCALM SERVED HORSE MEAT

QUEBEC, December 4, 1757.[1]

The Intendant told me last night, Sir, to write the General that the garrison at Montreal should be put on horse meat the same as the one here and to inform you of it. Our troops have accepted it willingly, and I have no doubt that it will be the same with the ones under your command. This matter concerns only the town of Montreal. The fort at Chambly is so small that I doubt that it is necessary to extend it there, particularly since the soldiers are not already too content with a difference between them and those at Fort St. Jean in the matter of bread. However, if it is wished that they also be put on horse meat, they must also take it as the others. They are no better than the others nor more difficult to handle. Take note that we have decided that instead of giving a full ration of horse meat and a full ration of beef, we give half of one and half of the other. Our soldiers have liked it better like that. If yours like it better otherwise, they may be given that privilege. Finally, horse meat is eaten at my home in every way, except soup:

Small horse meat patties, Spanish style; horse meat stew; scalloped horse meat; horse meat steak on the spit with a good pepper and vinegar sauce; horses feet baked with bread crumbs; hashed horse tongue with onions; horse meat ragout; smoked horse tongue, better than that of moose; horse meat pie, like hare pie.

This animal is much better than moose, caribou and beaver.

MONTCALM.

[1] *Lettres du Marquis de Montcalm au Chevalier de Lévis*, Quebec, 1894, pp. 88-89.

HOW THE SOLDIERS PREPARED HORSE MEAT

QUEBEC, December 16, 1757.[1]

(For you alone)

I reply by this, my dear Chevalier, to your epistle of the 10th. I read with pleasure of your circumstances, and I see that your presence is as useful in Montreal as mine is here. All is well in the matter of horse meat. The Queen's Grenadiers wriggled a bit; but the Iron Hand, that is d'Hert, wriggled the first corporal; and that is not even known. I must also tell you that the Queen's soldiers who are in barracks, an advantage you do not have in Montreal, are content. At night they put on the horse meat to cook, skim it well, throwing away the first water, remove it, making good soup with it in the morning in putting it in the pot with the beef, eating the beef used in the soup in the morning, and the horse meat at night in stew. The colony does likewise. But in Montreal, Béarn is among the inhabitants, with whom he lives and who show repugnance for that food. In order to destroy it, it would be necessary for the general, you, Messrs. Martel, Deschambault and all the people of means to be willing to eat it; your servants would eat it and, from that it would become the fashion among the people.

* * * *

FAMINE AND HORSE MEAT

QUEBEC, May 19, 1758.[2]

MONSEIGNEUR,

There is nothing more sad and more afflicting than the present state of this colony, after having passed part of the autumn and last winter with a quarter of a pound of bread a day for each person, we have been reduced for six weeks to two ounces, this country has subsisted up until the present only by the wise and prudent economy of our intendant, but all the resources are exhausted and we are on the eve of experiencing the most cruel famine if the help that we expect of the goodness and liberality of our monarch does not arrive in fifteen days at the latest.

Words fail me to describe to you our misery, certain kinds of animals commence to get scarce; the butchers cannot furnish a quarter of the beef necessary for the subsistence of the inhabitants of this town although they charge an exorbitant price; without fowl, without vegetables, without mutton, without veal we are on the verge of starvation.

To supplement the lack of bread, of beef and other foods necessary for life, our intendant has had twelve to fifteen hundred horses bought which he has had distributed to the poor of this town, at a price much less than the price paid for them by the King.

He is at present distributing to these same poor people a quarter of a pound of pork and half a pound of cod per day, but that cannot last long.

The workmen, artisans and labourers weakened by hunger can absolutely no longer work, they are so feeble that they can scarcely stand up.

. . . . . .

(Signed) DAINE.

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[1] *Lettres du Marquis de Montcalm au Chevalier de Lévis*, Quebec, 1894, pp. 92-93.
[2] *Archives des Colonies*, Series C[11]A, Vol. 103, pt. 2, pp. 496-7.

INFLATION AND RISE IN COST OF LIVING

MONTREAL, Nov. 5, 1759.[1]

. . . . . .

The rents in the two towns are at an exorbitant price as well as all foods, for example, a pound of butter 6 livres and a dozen of eggs the same, mutton 70 to 80 livres and the colonists are very unwilling to accept ordinance notes, a quire of paper 24 livres, shoes 30 livres, a pound of soap the same and all cloth in proportion; next year it will be difficult to sow the land because no ploughing has been done.

There are many means of extending charity and each can chose according to taste and inclination. The Superiors of St. Sulpice, the foreign missions, the Jesuits and the abbé of Isle Dieu will be glad to receive alms that anyone can give and will find ways of distributing them. Silk dresses may be sent here to have ornaments made for them. At the seaports, at Brest, Mr. Hocquart, at Bordeaux, Mr. Estebe, at La Rochelle, Mr. Goguet will undertake to transmit cottons, cloth, pork, flour, brandy, wine and in general anything that can be sent.

. . . . . .

H.M. BISHOP OF QUEBEC.

* * * *

ACT RATIONING PURCHASES OF IMPORTED PROVISIONS

An Act to prevent the Monopoly of Dead fresh provisions imported into this Province made and passed in Council at Halifax the 3d of February, 1752.[2]

WHEREAS large Quantity's of Dead fresh Provisions are, in the Winter season, imported from New England and other places, to this Settlement, for sale, and whereas some evil minded persons have endeavoured to engross great Quantity's, and sometimes the whole thereof in Order to Retail the same again at unreasonable prices, to the great Detriment of the Inhabitants, For Remedy whereof. It is by His excellency the Governor with the Advice and Consent of His Majesty's Council of this Province enacted, That from and after the Publication hereof all dead fresh Provisions, imported into this Settlement for sale shall upon the Arrival thereof be carried to the Publick Market House there to be exposed to publick sale, for the term of two Days, that the Inhabitants may thereby have Opportunity to Supply themselves and their family's at the cheapest Rate, And no such Provisions shall be exposed to Sale, bought or contracted for, until it shall have been so brought to the Public Market house, And no person or persons residing within this Settlement shall during the aforesaid Term of two Days, buy, contract, or agree for, any larger Quantity of such Provisions, than for the use of their familys and all and every person and persons either by themselves or others, selling, buying contracting or agreeing, for any Quantity of such Provisions otherwise than is above

[1] *Archives des Colonies*, Series C[11]A, Vol. 104, pt. 2, pp. 555-6.
[2] *Nova Scotia Acts*, Dec. 1749 to Sept. 1753, pp. 214-216.

mention'd at any time before, or During the said Term of two Days of their being exposed to Sale at the Public Markett House, shall upon Conviction before any one of His Majesty's Justices of the peace, by the Oaths of two Witnesses, forfiet, incur the penalty of, and pay the sum of Ten Pounds, Buyer and Seller Each, to be levied by Distress and Sale of the Offenders Goods and Chattles, by Warrant under the hand and Seal of such Justice of the Peace, One moiety thereof to the Informer and the other moiety to the use of the poor of this Settlement, And for want of Sufficient Distress the Offenders to Suffer one Month, Imprisonment.

II. EARLY CONTROL OF PRICES IN CANADA

FIXING A MONETARY VALUE ON CERTAIN FOODS

8 November 1653

Sieur de Lauzon, Councillor of the King in his State and Privy Councils, Governor, etc., Lieutenant-General for His Majesty in New France, extending from the St. Lawrence River.[1]

As there are divers commodities, either domestic or otherwise, of which it is necessary to regulate the price in order that it be not abused: We have Ordained and Ordain that henceforth each white porcelain bead shall be worth two deniers [twelve deniers equalled one sou] and shall be exchanged at this value among the French, the latter, however, will not be constrained to accept them in payment at one time for a greater quantity than to the sum of eight livres [a livre equalled twenty sous]; And as to black porcelain beads, they shall be worth double and shall be accepted at the said value; And the present Ordinance shall be proclaimed and posted in the customary places in order that no person may claim ignorance thereof; Ordained; Done at Fort St. Louis at Quebec this eighth of November, one thousand six hundred and fifty-three; signed: de Lauzon and lower down Monseigneur Durand; all with paraph.

Copy collated with the original proclaimed after High Mass and posted on the doors of the town and of the church at Three Rivers, Sunday, November the twenty-third, one thousand six hundred and fifty-three, by me, Registrar in the jurisdiction of this said place, undersigned;

(Signed) AMEAU,
Registrar.

* * * *

FIRST PRICE CEILING

15 November 1653

Sieur de Lauzon, Councillor of the King in his State and Privy Councils, Governor and Lieutenant-General for his Majesty in New France, extending from the St. Lawrence River[2].

In view of complaints made to Us by several inhabitants to whom being due various considerable sums, where the . . . [effaced, illegible] . . . payed to them in grain at eight livres the bushel or in peas at six livres; even servants are paid in wheat and peas for their pay, and as they have several necessities to buy either to clothe themselves or to establish themselves as inhabitants, are obliged to re-sell the wheat and the peas which they have received in payment, and lose heavily thereby, there not being anyone in the country willing to buy them from them at the prices they had paid. Whereupon without authority, it is permitted to the inhabitants and others to sell domestic commodities by mutual agreement, provided that they maintain good relations with one another; but in case of payment of debts or wages of servants the creditors will not henceforth be obliged to take good genuine and merchantable wheat at a higher price than six livres the bushel, Indian corn at one hundred sous, and peas at four livres

[1] *Registres judiciaires, Trois-Rivières,* 1651-1682.
[2] *Ibid.*

the bushel; Servants shall not be paid in peas, and in case that anyone complains of a reduction in price of the said product, they shall state to him that it will be supplied to him at the said price of four livres, one hundred sous, and six francs in such quantity as he desires;

And the present Ordinance shall be proclaimed and posted in the customary places so that no person may claim ignorance thereof; All this provisionally and until such time as it be otherwise ordained; Ordained; Done at Fort St. Louis at Quebec this fifteenth day of November, one thousand six hundred and fifty-three, signed: de Lauzon, and lower down by Monseigneur Durand,—Collated with the original, proclaimed at Three Rivers, after High Mass and posted on the doors of the town and of the church of this said place, Sunday the twenty-third day of November, one thousand six hundred and fifty-three, by me, Registrar in this said jurisdiction, undersigned:

(Signed) AMEAU,
Registrar.

* * * *

FIXING RATE OF PROFITS AND APPOINTING THE FIRST PRICE CONTROLLERS

Of the XXXth and last of June 1664[1]

The Council assembled, being present Monsieur the Governor, Monsieur the Bishop, Messrs. de Villeray, de la Fierté, de Tilly and Damours, the Attorney General of the King also present.

It is ordered that all persons, Merchants and others to whom Merchandise has arrived in the last two boats shall bring to the Council their bills and invoices of the same tomorrow at eight o'clock in the morning on pain of a fine. And however it is forbidden for the Captains and Masters of the said vessels to unload or have unloaded any Merchandise without having complied with the law. And the present published and posted where necessary and drawn to the attention of the said Captains and Masters in order that they may not be in ignorance of it.

The Council wishing to comply with the decree of the XVIIIth of this month and to proceed with the setting of a Rate of prices on Merchandise, old as well as that which arrived this year, has ordered and orders that this year the Merchants will be granted fifty-five per cent on their dry goods, one hundred per cent on liquids that have the most value, And for those the price of which does not exceed the sum of one hundred livres the cask, one hundred and twenty per cent, And to attend to the said Rate are commissioned and appointed Sieurs de Villeray and Damours, Councillors, who will be guided for the rate by the cost price in France on the invoices of the inhabitants and Merchants which will come on the merchandise from France and which will be the most reasonable buying price, this to be done and judgement to be rendered accordingly.

* * * *

PRICE FIXING OF MERCHANDISE AND ISSUING BILLS OF SALE

Of the ninth of July 1664[2]

. . . . . .

It being necessary to provide for the abuses which have until the present been committed by the Merchants in the sale and retail of merchandise, It is ordered that Sieurs de la Fierté, de Tilly, and Damours, Councillors and Bourdon, Attorney General, Commissioners in this respect shall

[1] *Jugements et Délibérations du Conseil Souverain*, Vol. I, p. 222.
[2] *Ibid.*, p. 228.

go to the stores and shops of the Merchants to see, examine, and valuate, cloths, print goods and linens, And having done this put on each one of them a ticket with the said price, the same to be sealed and stamped with the arms of Our Lord the King on the last yard, which the merchants must show before selling any, They shall keep an exact Journal of all the goods with the prices they are sold at, whether for credit or cash, They shall keep also a special book where they will put on each page the quantity of each merchandise they have in stock, And according as they dispose of it either retail or otherwise they will record underneath the nature of the Merchandise by the article with the date in accordance with their Journal the amount they have sold, the name of the buyer and the price, the said book to be shown to the Council any time and whenever it may be judged necessary, Also they shall give a bill according as they sell to each inhabitant containing the nature and price of the goods they sell to them.

* * * *

ORDER TO OBSERVE PRICE CEILINGS AND POSTING OF PRICE RATES

Of the XXXth of July 1664[1]

It is ordered that there shall be only the price set by the Rate of prices for goods coming from France which will be sold in the country by any person under any pretext whatsoever, Violation of this is forbidden by arbitrary fine, And for this purpose a copy will be delivered to each of the Merchants of the Rate of prices that will have been set for them which they shall be obliged to display in their stores and shops, And further, an Extract shall be made of all the said price rates on each kind of goods separately and which shall be posted in public places, so that no person may be in ignorance thereof, And it is ordered that the said Merchants shall follow the Rate of prices which will be given to them in particular, And in cases in which it has not been sufficiently provided for they will have recourse to the general rule, It is forbidden also for all pedlars to sell or have manufactured any overcoats, suits, socks, shirts, hats and other clothes nor sell any of them excepting those declared by them in their invoices on pain of confiscation and arbitrary fine, And the present shall be read, published and posted etc.

* * * *

FINE IMPOSED FOR FAILURE TO GIVE BILL OF SALE PRICE

Of the nineteenth day of November 1664[2]

The Council rendering judgment on the complaint of the syndic [delegate of the people] that the Merchants do not observe in any manner the Ordinances of this Council in the things therein contained, Requiring that Sieur de la Mothe, Merchant be sentenced to a fine for having sold to one named Rousseau, inhabitant of this country, some linen or woollen goods above the price rate which had been given to him by the Council without having given him a bill of the price of the Merchandise that he sold to him as it is stated in the said Ordinances. The Council before rendering judgment orders that the said Rousseau shall present the said Merchandise sold to him by the said LaMothe if they are still in existence, And because the said LaMothe has failed to give a bill of the price of the said Merchandise that he sold to the said Rousseau in accordance with and

[1] *Jugements et Délibérations du Conseil Souverain*, Vol. I, pp. 246-7.
[2] *Ibid.*, pp. 299-300.

following the ordinances of this Council, has sentenced him to a fine of one hundred Livres without prejudice to the deferred fine by the ordinance of the eighth of November, the present month, the said fine of one hundred Livres to be paid to the King.

* * * *

FINE IMPOSED FOR NOT HAVING DECLARED GOODS ON HAND

Of the 17th of December 1664[1]

Regarding that which has been said and remonstrated by the Attorney General of the King that there have been two ordinances by which the Merchants and other sellers who sell and retail Merchandise have been ordered to make a declaration of their said Merchandise, which not having been carried out by Sieurs Charron, La Garenne and Grignon, He requests that the said Sieurs Charron, La Garenne and Grignon be sentenced each one to a fine of five hundred livres. And as regards Sieur Cailteau he be sentenced to revise his declaration and put in it all his Merchandise with their prices in detail in accordance with the price rates. The Council having seen the last ordinance dated the twenty-second of November of this year posted the twenty-third of the said month and year has sentenced and sentences the said Sieurs Charron, La Garenne and Grignon for not having complied with the said ordinances each one to a fine of five hundred livres that they have incurred, two-thirds of the said fine to be applicable to the construction of a church in the lower town of Quebec and the other third to the treasury of the King which they shall pay without delay into the hands of the Registrar of the Council, and the said Cailteau is Requested to revise his said declaration and put therein the number and quality of all his Merchandise with their prices each one in detail according to the Rate of prices within a week, on pain of a greater penalty, We Order Etc.

LEGARDEUR DE TILLY. DAMOURS.
PERONNE DE MAZE.

* * * *

CONVICTION FOR HAVING SOLD WINE ABOVE CEILING PRICE

Of Wednesday twenty-second day of April 1665.

The Council assembled being present Messrs. de Tilly, Damours, Denis and de Mazé, Councillors, the Attorney General of the King also present.[2]

On the complaint made by the syndic of the inhabitants that notwithstanding the ordinances and interdictions of this Council the innkeepers had not stopped selling wine retail higher than twenty sous the pot, Demanding that those who violate be sentenced to a fine, And having been advised that Gabriel le Mieux and his wife had violated the said ordinances has produced Pierre Creteil witness summoned to give truthful evidence who after swearing said that during the three weeks before he had sought wine by the pot at the said Lemieux place three or four times, for which wine he had paid twenty-two sous the pot as they would not give him it for less. Reading being made Pierre Cretel has affirmed and Signed.

. . . . . .

Having heard the Attorney General of the King, The Council seeing the complaint of the Attorney Syndic of the inhabitants, the evidence

[1] *Jugements et Délibérations du Conseil Souverain*, Vol. I, pp. 305-6.
[2] *Ibid.*, pp. 333-4.

given in consequence and the declarations made by Gabriel Lemieux and his wife of having sold wine at twenty-two sous the pot retail has sentenced and sentences the said Lemieux and his wife to a fine of ten ecus payable to the King, the said Lemieux and his wife are forbidden to repeat the crime on pain of greater penalties And the costs to the said Lemieux, We Order &c.

* * * *

CONSULTATION OF THE PEOPLE IN THE FIXING OF BREAD PRICES

Of Monday the eleventh day of May 1676 in the morning[1]

The Council assembled being present the Intendant, the Sieurs de Villeray, de Tilly, Damours, Dupont, de Lotbiniere, de Peyras and de Vitray, Councillors, the Attorney General being present.

The court having seen its order of the fourteenth of January last, directing what might be inserted into the Police Regulations conformable to the orders given by the King to Sieur Duchesneau, Intendant of Justice, police and finance of this country, contained in his commission signed by Louis, and lower down by Colbert, and sealed at the foot with the great seal of yellow wax given at the camp of Luting the fifth June, one thousand six hundred and seventy-five, registered in the Court the sixteenth September following; Having heard the Attorney General in his conclusions, the Court, after having been shown the Council Registers containing the Orders and Ordinances of Police given at the time of Messrs. de Mezy, Tracy, Courcelle and Comte de Frontenac, Governors of this country, and of Messrs. Talon and Boutroue, Intendants, has made the following Regulations to be executed provisionally until such time as it pleases His Majesty to confirm them.

. . . . . .

41. In the future if it is deemed expedient every year immediately after the arrival of the first Ships coming from France, a rate will be set for the price of every kind and quality of merchandise.

42. Each year two meetings of the General Police shall be held by the said Lieutenant General, one on the fifteenth of November and the other on the fifteenth of April, to which the principal inhabitants of this city will be called, at which the price of bread will be fixed, and means will be devised to increase and enrichen the Colony, and the Council will name two Councillors to preside over them, if it sees fit. And that which is decided at the said meetings will be reported to the said Council by the said Councillors or Lieutenant General to determine what will be put into effect. Which regulations shall be carried out in their form and tenor notwithstanding anything contrary to them on the penalties therein contained, if it is not ordered otherwise by His Majesty; Which shall be Published and posted in this town and everywhere else necessary, and submitted to the attention of the Attorney General, the Lieutenant Generals, and the Attorneys of the King in Quebec and Three Rivers, and the Judge and Public Prosecutor of Montreal, whom the Court orders to have published, posted and executed in the places of their jurisdiction, and to give notice during the month to the said Attorney General of the receiving and publishing of them, who will advise the Court, the Court moreover orders Etc.

DuChesneau.

[1] *Jugements et Délibérations du Conseil Souverain*, Vol. II, pp. 63-73.

PRICE CEILING ON BREAD, WINE AND BRANDY

Of the fifteenth of February 1677 in the morning[1]

The Court assembled being present the Intendant, Sieurs de Villery, de Tilly, de Lotbiniere, Depeiras and de Vittray, Councillors and Dauteuil the Attorney General.

The Court being informed of the result of the general meeting of the inhabitants of this town held for the police in the Provostship office of this town the fourteenth of January last and having been convocated by the Lieutenant General in the said provostship, at which presided Sieurs de Villeray and de Vittray, Councillors in the said Court delegated to this duty, all in accordance with its order of the eleventh of the said month, the result of which having been read, the said Lieutenant General having been called and the same having been heard and his opinion listened to, And he having withdrawn, the articles were brought under discussion, And the conclusions of the Attorney General on the same having been heard. The Court has ordered and orders that until a general test can be made, a loaf of white bread weighing eleven ounces shall be sold at twenty deniers, And brown bread two sols when the bushel of wheat sells from four livres to four livres ten sols and more in proportion or less in proportion; that there shall be but three bakers in this town, to whom will be given permission to sell and retail bread provided that they always keep their shops supplied with bread, on pain of being deprived of the said permission and an arbitrary fine which they will remit to the registry of the said provostship; The said bakers are enjoined to get their supplies of wheat from afar off, being forbidden to buy them in Quebec and within six leagues all around on pain of confiscation and fine. With regard to wine, it shall not be sold at a higher price than sixteen sols the pot if it is not otherwise ordered after the arrival of the ships that will come from Old France this present year. And as to the other articles in the said report, decision will be made according to the merits of the case.

DuChesneau.

* * * *

FIXING THE PRICE OF WHITE AND BLACK BREAD

Of the Eleventh of February 1686[2]

. . . . . .

The Council in conformance with the charge of the said Attorney-General has ordered and orders that from the day of publication of the present, white bread shall be sold and distributed by Bakers at twenty-one deniers the pound, And consequently the loaf selling at one copper sol, valued at sixteen deniers, shall weigh twelve ounces. And for public convenience the said white loaf weighing three pounds shall be worth four copper sols; White-black bread sixteen deniers the pound; And when they are asked to make black bread they will have to make it and sell it for twelve deniers the pound. And to prevent abuses which might occur in the selling, the said bakers are directed to mark on each loaf the number of pounds it weighs. All under pain of confiscation and fine. And to help the said Bakers to some extent the said Council has forbidden and forbids all persons from making hard-tack save for their own use, nor to sell any, under pain also of confiscation and arbitrary fine, And the present shall be sent to the said Lieutenant General through the attention of the said Attorney General to be read, published and posted in the usual places, And held responsible for the execution of this present, so that no one may be in ignorance of it.

Rouer de Villeray.

[1] *Jugements et Délibérations du Conseil Souverain*, Vol. II, pp. 109–110.
[2] *Jugements et Délibérations du Conseil Souverain*, Vol. III, p. 13.

PRICE CEILING ON WINE

In the name of the Magistrate of the Island of Montreal[1]

In consideration of what has just been shown to us by the Public Prosecutor of this Bailiwick, that because of the Scarcity that there was on this island last winter of all kinds of liquor when it was impossible to obtain it elsewhere, it was tolerated for the urgent public necessity for persons to sell and retail it at 25 and 30 sols the pot and brandy at 3 livres, But now that several boats have arrived in this port which have brought a Considerable quantity of it in both kinds, the person and proprietors of the said liquors would like to keep them at an excessive price to the prejudice of the public good for Which it is necessary to bring in several Measures and Regulations to prevent the said persons from taking advantage of past sufferance, We Magistrate civil and criminal judge in the Island of Montreal after having conferred with the persons we thought of and having communicated it to the most intelligent inhabitants, accepting the conclusions of the said public prosecutor and since it is in the public interest Have ordered that from this day the pot of wine shall only be Sold and distributed in the Taverns and elsewhere by the pot and by the quart on the basis of twenty-two sols, brandy on that of 50 sols the pot, very expressly prohibiting tavern-keepers and others from selling or retailing by the pot and by the quart the said liquors at a higher price than the said Rate under any pretext whatsoever under pain to the offenders of a fine of twenty livres payable immediately as a police offence and this on the report of two persons who may complain of having bought it at a higher price, and in order that the present regulation may become known to every one we enjoin that through the diligence of the said public prosecutor it shall be read published and posted forthwith in all the squares and crossroads of this Town so that no one may be able to plead ignorance. Ordered & done and given at Villemarie, The fifth day of May, one thousand, six hundred and eighty-eight in the morning.

MIGEON DE BRANSSAT.
BOURGINE.

ADHEMAR

Read, published and posted at the door of the church of this town as well as on the post in the public place of this town, at the door of the public building and on a post at the crossroad of (name omitted) street in order that no one may remain in ignorance of it by me Bailiff of the bailiwick of the said Montreal undersigned this day, Wednesday fifth day of May, one thousand, six hundred and eighty-eight.

GILLET.

* * * *

REGULATION FOR THE PRICE OF MEAT

March 24, 1692.[2]

On that which has been shown by the Attorney General of the King, that it is proper to see if it is necessary to set the price of butcher meat in order not to allow those who sell it to charge an Excessive price, as has been done the last two years, asking that it should be provided for, And that in accordance with the old Regulations that it should be forbidden to innkeepers and hotel-keepers to supply themselves with it until after eight o'clock has struck in order to allow the citizens and inhabitants of this town to get their supplies, And after having heard some of the principal citizens and inhabitants who had been notified to be at the Council Chamber with the substitute of the Attorney General carrying out the functions in

[1] *Montréal, Ordonnances*, Vol. II, 5 mai 1688.
[2] *Jugements et Délibérations du Conseil Souverain*, Vol. III, pp. 621-22.

the provostship of this town in the absence of the Lieutenant General of the same, And they having withdrawn, And having heard the opinions of the Attorney General, The Council has ordered and orders that the persons who wish to keep butcher shops shall be obliged to make their declaration of it to the Judge of Police eight days from the day of publication of the present regulation, That they must have sufficient meat to supply the public with it each week, And in order that the Judge of Police may know whether there will be enough of it, the butchers will be obliged to declare to him how many cattle each one of them can kill per week; That a pound of meat can only be sold at five sols from Easter until the last of June, And at four sols from the first of July until Lent; permission not being given to sell it after the first of July except to those who commenced by Easter, All on pain of confiscation and arbitrary fine. It is forbidden to kill calves that are not at least a month old, and to all other persons of the town as well as the country to bring meat for sale except after having offered it to the butchers of the town, at a sol less than they would sell it retail according to the rate above; making, however, the inhabitants show certificates from their neighbours that their cattle have not been killed because of disease; the aforesaid butchers taking meat from the said inhabitants shall be obliged to pay them for it in cash, otherwise they [the inhabitants] are permitted to expose it for sale on the market on Tuesdays and Saturdays in Summer, and on Tuesdays and Fridays in Autumn when the weather is cold; it is also forbidden for the said innkeepers and hotel-keepers to buy on the market, meat, fowl, butter, eggs, and other things until after eight o'clock has struck, on pain of confiscation and arbitrary fine; And the present Regulation shall be published and posted in the usual places in care of the said Attorney General, so that no one may be in ignorance of it, And a copy of the same sent also in his care to his substitute in the said Provostship to be Registered and Executed, Which substitute shall Certify to the said Attorney General of his proceedings in fifteen days.

BOCHART CHAMPIGNY.

* * * *

BONUS ON PRODUCTION OF FISH AND FISH OIL

An Act for granting a Bounty upon Fish and Oyl, and for laying a Duty upon Spirituous Liquors as a Fund for the Payment thereof, and for effectually securing the payment of the said Duty made and passed in Council at Halifax the 29th. April 1751.[1]

WHEREAS the Prosperity of this Province greatly depends upon the Success and Increase, of the Fishery for the Carrying on of which it is so commodiously situated, and which was the Principal inducement to Great Brittain to undertake, and Support the Settlement thereof. In order, therefore, to promote and incourage the same, and to render more effectual the Attempts that have been, and that may be made, to carry it on with Vigour. It is by His Excellency the Governor with the Advice and Consent of His Majestys Council of this Province Enacted. That there shall be paid out of the Publick Treasury of the Province, a Bounty of Six pence P. Quintall for every Quintal of Fish salted and dry'd within this Province fit for Exportation, also a Bounty of Twelve pence P Barrel for every barrel of pickled Fish, caught and first pickled within this Province also a Bounty of Two shillings and six pence P Barrel, for every barrel of Whale, Seil, or any kind of Fish Oyl made within this Province.

The said Bounty to be for the sole Benefit of the persons who shall have caught the said Fish so dry'd, or pickled, or from which the said Oyl

[1] *Nova Scotia Acts*, Dec. 1749 to Sept. 1753, pp. 91-98.

was produced To be paid to such person or persons as they shall Appoint to receive the same for them: upon the Shipping thereof for Exportation out of the Province the Person receiving the said Bounty first making Oath to the Quantity so Shipt: and that the said Fish was dry'd or first pickled, within this Province, or that the Oyl was here made, and that the Bounty has not already been paid thereon, nor any part thereof.

That publick notice be given of this Encouragement by His Excellency the Governors Proclamation Promising the said Bounty

That as a Fund for the payment of the aforesaid Bounty a Duty of Six pence P Gallon be laid to be paid on all Rum, and other distill'd/ Spirituous Liquors, sold by Retail, within this Province, (Viz^{t}. in a smaller Quantity than three Gallons, sold and delivered at one and the same time mixt or unmixt

That for Effectually securing the payment of the said Duty, the Order of the Governor and Council of Oct.^{r} 11th. last past, relating to the selling by retail, Rum or other Spirituous Liquors within this Settlement be construed and extended to the other Settlement in the Province, And further, That all persons who are or shall be licenced, by His Excellency the Governor within this Settlement, or by the Commanding Officer of His Majesty's Troops in other Settlements and Garisons within this Province to keep Publick Houses or to Retail Rum and other distill'd Spirituous Liquors, shall become Bound Each with one Surety of known Residence and ability in the Sum of Ten Pounds Sterling Conditioned That the Persons taking Such licence shall deliver in, monthly, to shuch Person as shall, by His Excellency, be Appointed to receive the same, a just Account, upon Oath, of the Quantity of Rum and other distill'd Spirituous Liquors sold, during the Month then last past, by them and any person or persons under them, and Acting for them, and by their Orders, Viz^{t}. in any Quantity less than three Gallons, sold and delivered at one and the same time, mixt or unmixt and shall at the same time, or within three days after, pay to the person Appointed to receive the same, the Duty due thereon.

That, no persons who now are, or hereafter may be licenced to keep publick houses, or to Retail Spirituous Liquours, shall for the future, pay for the said Licences any other Sum than Two Shillings, to be paid to the Clerk, for filling up the said Licence and Bond.

That the Regulations concerning the retailing Rum and other distilled Spirituous Liquors, be construed to extend to all such Liquors, retailed on Board any Vessel or Vessels in any of the Harbours of this Province—The Masters of said Vessels to be Answerable for any Breach thereof, on board their respective Vessels.

That the Conviction of all Breaches of these Regulations, and Orders, shall upon Oath before the Governor and Council at this Settlement, and before the Commanding Officer, for the time being at the other Settlements or Garrisons in the Province.

That in case of failure of immediate payment of the penalty upon Conviction Execution be levied upon the Goods and Chattles of the Offender or his surety and the same (so far as shall be necessary for payment thereof and Charges) to be sold at Publick Outcry by the Officer levying the said Execution provided the same be not replevied within five Days.

That this order of the Governor and Council be in force for three Years from the tenth Day of May next, and until the same be repealed by His Majesty, or the legislative Authority of this Province.

That the person receiving the beforementioned Duty upon Rum &c. shall pay the same Monthly, into the Public Treasury, deducting therefrom so much as his Excellency shall think fit to be allow'd said person for Collecting and keeping Account of the same.

ACT GRANTING BOUNTY TO BREWER

An Act for granting to William Steele Esq^{r}, a Bounty of 2s/6d P Barrel for each Barrell of Malt Beer Brewed by him and Sold for 17s/6d P Barrell. Made and passed in Council at Halifax the 20th Feb^{ry} 1752.[1]

Whereas William Steele Esq^{r} laid before His Excellency and the Council a memorial sitting forth the benifit that might arise to this Colony by having a Quantity of Malt Beer Sufficient for the Consumption thereof, brewed here at a reasonable Rate, as great Quantity's are daily imported from the other Colonies. Also that it might be a means in some measure of putting a Stop to the pernicious practice in this Province of Drinking Spirituous Liquors, And praying that some Encouragement might be given him to enable him to carry on a Brewery of Malt Beer within this Settlement, which Memorial being taken into Consideration. It was by His Excellency the Governor with the Advice and Consent of His Majestys Council of this Province Enacted That the sum of Two Shillings and Six pence, be paid out of the Treasury of this Province to William Steele Esq^{r}. for every Barrell of Malt Beer by him brewed and Sold within this Province, within one year from the Date hereof provided the same be not Sold by him at more than Seventeen Shillings and Six pence P Barrell.

* * * *

FORBIDDING THE EXPORT OF WHEAT

. . . . . .

"By Cha^{s}. Lawrence Esq^{r}. President of the Council, and Commander in "Chief for the time being, of His Majesty's Province of Nova Scotia "or Accadie, Lieutenant Governor of Annapolis Royal, and "Lieutenant Colonel of One of His Majesty's Regiments of Foot.[2]

"A PROCLAMATION."

"Whereas it has been represented to me and his Majesty's Council, that the Exportation of Corn from this Province, is not only of the Greatest ill consequence to the Inhabitants thereof, but that such Corn is frequently carried to Foreign Markets.

"I do hereby, and with the advice and consent of His Majesty's Council, strictly forbid any masters of Vessels trading to this Province, to Ship on board their vessels any Corn, without a Permission in writing signed by myself, under the penalty of Fifty Pounds Sterling, and a Forfeiture of the Corn so shipped, One half to the Informer, the other to the use and Support of His Majesty's Government in this Province, And I do hereby require and enjoin all Officers Civil and Military, to use their utmost Endeavours to prevent any Frauds that may be attempted contrary to the Intent and Meaning of this Proclamation. And I do hereby impower any of His Majesty's Justices of the Peace either upon Information or on their own certain Knowledge, to seize such corn, and to levy the said Penalty of Fifty Pounds. upon the goods & chattles of the Offender, by Distress, unless the said offender shall give good and sufficient Security to take his Trial before His Majesty's Council, and Comply with such Determination as shall be given according to the Tenor of this Proclamation."

[1] *Nova Scotia Acts*, Dec. 1749 to Sept. 1753, pp. 252-253.
[2] *Nova Scotia, Minutes of Executive Council*, Vol. 7, pp. 79-83.

"Given at Halifax this 17th day of Septr. 1754 in the 28th Year of His Majesty's Reign.

"By Order of the
"Commander in Chief
(Signed)
"Wilm Cotterell
Secry.
"God Save the King."

(Signed)
Chas. Lawrence.

(Signed)
Jno. Duport
Sec: Conc:

* * * *

PROCLAMATION FIXING THE PRICE OF MEAT AND BREAD

By His Excellency James Murray, &c.[1]

We had every reason for hoping that the just and equitable price which we had fixed on corn and flour for the relief of the inhabitants would have put a check upon the vexations caused by certain bakers in selling black bread, badly baked, at twenty sous a pound, and even more. The same abuse has crept in, among the butchers who sell their meat at an exorbitant price.

Having nothing so much at heart as to contribute, to the limit of our power, to the relief of the people, and their being no better way than by preventing monopolies, we have, for this purpose, fixed the price and made the regulation which follows.

Bakers and butchers, who desire to sell to the public are not allowed to do so without having a written permit from our secretary, on pain of confiscation, of a hundred livres fine for the first offence, and of corporal punishment in case of repetition.

Bakers and Butchers, who wish to sell must conform, under the same penalties as those above mentioned, to the prices which follow:

Bakers are not permitted to sell flour bread except for ten sous a pound.

Semi-white for eight sous.

Brown bread at six sous. It must be of full weight, well baked, and of good quality.

Butchers are not allowed to sell beef except at ten sous a pound.

Mutton and veal at twelve sous.

We enjoin all bakers and butchers to conform to the present regulation, as also persons of whatever quality and condition they may be, on pain of confiscation and of one hundred livres fine for the first offence, and of corporal punishment for a repetition thereof, one third of which fine will be granted to the informer furnishing the proof.

Done at Quebec January, 15, 1760.

And sealed with the seal of our arms.
(a copy)

H. T. Cramahé,
Secretary.

[1] *Colonial Office*, 5, Vol. 64, pp. 138-9.

ORDINANCE REGULATING THE PRICE OF BREAD

An ORDINANCE, Relating to the Assize of Bread, and for ascertaining the Standard of Weights and Measures in the Province of Quebec.[1]

WHEREAS great Frauds are daily committed in this Province, because no Standards for Weights and Measures, or Assize of Bread, have hitherto been established,

His Excellency, the Governor, therefore, by and with the Advice and Consent of His Majesty's Council for the said Province, and by Virtue of the Power and Authority to him given, by His Majesty's Letters Patent under the Great Seal of *Great-Britain*, hath thought fit to Ordain and Declare, and his said Excellency, by and with the Advice and Consent aforesaid, *Doth hereby Ordain and Declare*, That from and after the Tenth Day of *October*, One Thousand Seven Hundred and Sixty-four, all Weights and Measures used in this Province, shall be according to the Standard of the Exchequer of *England*;

. . . . . .

And for preventing Frauds in the Assize of Bread, *Be it Ordained and Declared*, That the Clerks of the Market be, and are hereby impowered to visit every Bake-House, or the House of any Person selling Bread, and to seize all such as shall be found under the Weights and Assize established by this Ordinance, or under the Weights that may be from Time to Time hereafter regulated and established, by any three of His Majesty's Justices of the Peace, according to the true Intent and Meaning of this Ordinance, viz.

	Avoirdupoize.	
	lb.	oz.
When the Price of Wheaten Flour is at, or under *Fourteen Shillings* the 112 lbs. Avoirdupoize,		
The *Sixpenny* Loaf of the same shall weigh.....	4	0
Ditto Brown Loaf.....	6	0

And in that Proportion, less or more, when the Price of Wheaten Flour is dearer or cheaper than the above Price of *Fourteen Shillings* per 112 lbs. And it shall and may be lawful for said Clerks to stop and examine the Bread that may be carried through the Streets, by Any Person or Persons, either for immediate Sale, or the Supply of his or their Customers, and in the like Manner to seize all such as shall be found under the Weight and Assize; which Assize to be regulated by any three Justices of the Peace in the Districts of *Quebec* and *Montreal*, on the first Monday in every Month, and by them published.

And be it further Ordained and Declared, That every Baker within this Province, shall, and are hereby required, to mark his Bread with the first Letter of his Christian and Sur-name, which upon Failure thereof shall be seized, and such Bread so seized shall be forfeited, and delivered to the Overseers of the Poor of the Town where the Offence is committed, for the Benefit of the Poor or Prisoners.

Provided always, That if any Person shall think himself agrieved by such Seizure, he may apply for Redress to any of His Majesty's Justices of the Peace for the District, who is hereby impowered to determine the same, if Application be made within twelve Hours after the Seizure be made.

And be it further Ordained and Declared, That if any Person, making use of Weights and Measures, or Selling Bread, shall refuse Admittance to any of the said Clerks, declaring the Intent of their coming to discharge the Duty of their Office, he shall for every such Refusal forfeit the Sum of *Twenty Shillings*, to be recovered before any one of His Majesty's Justices of the Peace.

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[1] *Report of the Work of the Public Archives for the year 1913*, pp. 50-52.

GIVEN by His Excellency the Honorable JAMES MURRAY, *Esq.; Captain General and Governor in Chief of the Province of Quebec, and Territories thereon depending in America, Vice Admiral of the same Governor of the Town of Quebec, Colonel-Commandant of the Second Battalion of the Royal American Regiment, &c. &c. In Council, at* Quebec, the *3d of* September, Anno, Domini, 1764, *and in the Fourth Year of the Reign of our Sovereign Lord* GEORGE *the* III. *by the Grace of* God, *of* Great-Britain, France *and Ireland,* KING, *Defender of the Faith, &c. &c.*

JA: MURRAY.

By Order of His Excellency in Council,
J. Gray, D. Secty.

* * * *

HOUSING PROBLEM AND BASIC PERIOD FOR RENTS

At a Council holden at Halifax on the 17th April 1776.[1]

Present:

His Excellency the Governor
The Honourable Charles Morris
Richard Bulkeley
Henry Newton
Arthur Goold
John Butler
} Counsellors.

The Governor laid before the Council a representation from General Howe, setting forth the Exorbitant and high demands made for the hire of Houses, and Buildings taken for the cover and reception of the Kings Troops and the Inhabitants lately arriv'd for shelter in this Province, from Boston proposing that Enquiry shou'd be made by proper persons of the value at which Houses had been rented two months ago, and that double such rent shall be allow'd to the possessors or proprietors. Also that the Rent of all Buildings which have not hitherto been rented or hir'd shou'd be Regulated and Moderated.

On which it was Resolv'd that Mr. Green, Mr. Bridge, Justices of the Peace, & Mr. Allan, Merchant, together with such Regimental Quarter Masters as shall be Appointed by the Commander in Chief of the Troops; do immediately proceed to make enquiry as to the value of Rent, and Hire of Houses and Buildings, Agreeable to the above requisition, and to report thereon in Order that all demands of Rent &c. may thereby be Regulated.

* * * *

CEILING PRICES FOR MEAT AND BUTTER

At a Council Holden at Halifax on the 13th of August 1776.[2]

. . . . . .

Resolv'd that a Proclamation be issued to reduce the price of Provisions Viz.t Beef etc. for the best peices not to exceed nine pence P Pound, and so in proportion for peices of less Value, and that Butter shall not exceed one shilling per pound.

[1] *Nova Scotia, Minutes of Executive Council,* 1776-79. Vol. 17, pp. 36-7.
[2] *Ibid,* p. 69.

ORDINANCE AGAINST EXPORTING IN ORDER TO REDUCE COST OF LIVING

An ORDINANCE to prohibit, for a limited time, the exportation of wheat, pease, oats, biscuit, flour, or meal of any kind; also of horned cattle: and thereby to reduce the present high price of wheat and flour.[1]

BE it enacted and ordained by his excellency the governor, by and with the consent of the legislative council of the province of Quebec, and by the authority of the same it is hereby enacted and ordained.

ART. I

That no person or persons whosoever, after the publication of this ordinance shall directly or indirectly export, carry, or convey, or cause to be exported, carried, and conveyed out of, and from this province; or shall load or lay on board any ship, vessel, or boat, in order to be carried, conveyed, and transported out of this province, or within this province, to the several posts, fisheries, and indian countries below Quebec, any wheat, pease, oats, biscuit, flour or meal of any kind; or horned cattle.

ART. II

Provided whensoever it may be, that his Majesty's service and the public good shall require a quantity of all or any of the above-mentioned articles of provision, or horned cattle, to be exported out of this province, and transported to any other part of his majesty's dominions;—It shall be lawful for his excellency the governor, or commander in chief for the time being, with the advice and consent of the members of his majesty's council, to grant and issue a licence and permit, under his hand and seal, to any of his majesty's subjects, to export and take from this province, any of the above-mentioned articles, therein, in such permit specifying the quantity and quality of the several provisions, or horned cattle so to be exported, and for what service or purpose intended: provided the same can be done without manifestly exposing this province to want; any thing above contained to the contrary notwithstanding.

ART. III

Provided also, that this ordinance or any thing herein contained, shall not extend to prohibit the exportation or carrying out of this province, such or so much of all or any of the several articles of provision above specified, as shall be necessary to be carried in any ship or ships, or other vessel or vessels, for their respective voyages, for the sustenance, diet, and support, of the commanders, masters, mariners, passengers, and others, in the same ships or vessels only; or from transporting and sending to the several fisheries within this province, and the several posts and indian countries, such provisions or horned cattle abovesaid, as may be necessary for support of the same, the masters of such ships, boats and vessels, or the shippers of the several provisions or horned cattle, or the owners thereof, first having complied with the directions respecting such exportation as are hereafter contained.

ART. IV

Be it also enacted and ordained, that all masters of vessels, merchants, and their agents, or whosoever may have the direction of clearing from the custom-house or ports within this province, any ship, vessel, or boat, to depart from the said province, or from any of the ports within the said

[1] *Report of the Work of the Public Archives*, 1914-1915, pp. 100-3.

province, to any of the fisheries and posts as abovesaid; shall before lading on board any ship, vessel, or boat, any of the provisions aforesaid, or horned cattle, to be transported as aforesaid, make an entry with the naval officer, or his deputy, of the several quantities and qualities of all or any of the provisions above specified, or horned cattle, which may be necessary, or permitted to be laden on board, and transported out of this province, or to the fisheries, posts, and indian countries as aforesaid. And before any such ship, vessel, or boat, shall depart with, carry and transport any provisions or horned cattle as aforesaid, the master of such ship, vessel, or boat, the shipper or owner of the provisions or cattle therein laden or to be laden, shall obtain a clearance, licence, and permit, from the naval officer, or his deputy, to take and transport the same.

And moreover that the said master, shipper, or owner, of any of the several provisions or horned cattle as aforesaid, shall, before he or they may be permitted to take and transport the same, make oath before the said naval officer or his deputy (who are hereby authorized to administer the same) that such provisions so laden or to be laden on board such ship, vessel, or boat, are actually necessary for the respective voyage or voyages of the said ship, or vessel, or that all and every such provisions or horned cattle, so laden or to be laden on board any ship, vessel or boat, are for the use of, and to be consumed at, the respective fishery or fisheries, or at the several posts to which the same are destined within this province.

And the master, shipper, or owner of all and every such provisions or horned cattle, so laden or to be laden on board any ship, vessel, or boat, shall, before he or they may have and receive a clearance, licence, and permit, from the naval officer or his deputy, to depart with the provisions or horned cattle as aforesaid, enter into bond, with two good and sufficient sureties, in the penal sum of one hundred pounds, to his majesty, his heirs and successors, that no part of such provisions or horned cattle so laden or to be laden on board such ship, vessel, or boat, shall be exported, taken or carried in the said ship, vessel, or boat, to any other port or place than such, as may be set down and specified in the clearance of such ship, vessel, or boat, so granted, or to be granted by the naval officer or his deputy. The said bond to be taken before, and delivered to, the said naval officer or his deputy. Upon pain and penalty of one hundred pounds, to be levied of the master of every ship, vessel, or boat, or the shipper or owner of such provisions, or horned cattle, who may refuse or neglect to conform to, and perform all and every the abovesaid articles and directions, according to the true intent and meaning of this ordinance. And also upon forfeiture of double the value of all the provisions and cattle which may be so laden on board contrary to this ordinance as aforesaid.— And all and every ship, vessel, and boat is hereby made liable to, and answerable for the abovesaid penalties and forfeitures, so far as they may be of value to answer the same, and may lawfully be taken, seized, and sold by judgment of law, for and toward satisfying the penalties and forfeitures above-mentioned. And the said naval officer or his deputy, for the entry, permit, oath, and bond, as aforesaid, and also the clearance of the provisions or horned cattle as aforesaid, and certificate to the collector or other of his majesty's customs, as mentioned in the 7th article of this ordinance, shall take and receive five shillings for the said business, and no more.

ART V.

That the naval officer or his deputy may at all times, by night or by day, enter on board any ship, vessel or boat, and the same and every part thereof to search and examine, and lawfully may seize and hold in his or their custody, all and every ship, vessel or boat, on board of which may be

laden any provisions or horned cattle, contrary to this ordinance, and the same retain, until judgment of law be made in the premises.

Provided always that the said naval officer, or his deputy, shall release and give up all and every ship, vessel, or boat, which he may seize as aforesaid, upon the owner or master of such ship, vessel or boat, giving two good and sufficient sureties to the said naval officer, or his deputy, to answer the prosecution, hearing, and trial, to make good and perform the judgment of law upon and against such master, owner, or shipper, for having acted contrary, or neglected to comply with, and perform this ordinance.

ART. VI.

That all and every naval officer, his or their deputy or deputies, who shall wilfully neglect or refuse to take the entry, oath, and security abovementioned, or who may grant any clearance of any ship, vessel, or boat, before having taken such entry, oath, and security; or who shall neglect or refuse to perform the several duties of him and them by this ordinance required, shall be liable to, and have judgment against him or them for the same penalties, and the value of all such forfeitures as by this ordinance the master, shipper, or owner of any ship, vessel, or boat, or the provisions or horned cattle therein laden, would be liable to, for a wilful neglect or refusal to conform to this ordinance, or the particular duty necessary to be performed as above-mentioned.

ART. VII.

That no collector of his majesty's customs, his deputy, or other of his majesty's customs within this province, shall, during the continuance of this ordinance, clear or suffer and permit any ship, vessel or boat to be cleared, from any port or custom-house within this province, until after the said collector, his deputy, or other custom-house officer, may have received a clearance and certificate from the naval officer of this province, or his deputy, that the master of such ship, vessel or boat, hath in all things duly complied with, kept and obeyed this ordinance.

ART. VIII.

That all and every person acting contrary, or neglecting to conform, to this ordinance and the penalties and forfeitures imposed as abovesaid, shall and may be prosecuted, sued for, and recovered in any of his majesty's courts of record in this province, according to the course and usage of such courts, for the trial, hearing and judgment of causes. And the forfeitures above-mentioned recovered, and divided, and paid, one moiety to the receiver-general of the province, for the use of his majesty, and the other moiety to the person who shall inform, sue and prosecute for the same.

ART. IX.

That this ordinance, and every article and clause herein contained, shall be and remain in force, from the publication of the same, for and during the space of two years, and unto the end of the sessions of the legislative council of this province, which will be held according to the statute, in the year of our Lord, one thousand seven hundred and eighty-two.

FRED: HALDIMAND.

ORDINANCE AGAINST EXPORTING GRAINS BECAUSE OF BREAD SCARCITY

An ORDINANCE to prevent for a limited Time the Exportation of Biscuit, Flour or Meal of any kind, also of Wheat, Pease, Barley, Rye and Oats.[1]

WHEREAS, from the quantity of wheat and other grain in the Province, a scarcity of bread, so necessary for the sustenance of the people, may be apprehended, if the exportation of wheat, pease, barley, rye, oats, biscuit, flour or meal, be not prevented for a limited time: Be it enacted by His Excellency the Governor, by and with the consent of the Legislative Council of this Province, and by the authority of the same it is hereby enacted and ordained, that after the publication of this Ordinance no person or persons whatsoever, shall directly, or indirectly, export, carry or convey, or cause to be exported, carried or conveyed out of this Province, or shall load on board of any ship, vessel or boat, in order to be carried, conveyed and transported out of this Province, any wheat, pease, biscuit, barley, rye, oats, flour or meal of any kind. Provided always that this Ordinance, or any thing therein contained shall not extend to prohibit the exportation or carrying out of this Province, such or so much of all or any of the several articles of provision above specified, for the victualling of such ships and vessels trading to and from this Province, as shall be necessary for the support of the crew and passengers of the same, or for the support of any horses, cattle, or other live stock on board such ship or vessel for their respective voyages only, or to prevent, hinder or restrain the transporting and sending to the several fisheries within this Province, or to the King's posts, such provisions as may be necessary for the support of the same, the masters of all such ships and vessels that pass sea-ward from the Port of Quebec or the shippers of the several provisions, or the owners thereof, having first complied with the directions respecting such exportation as are hereinafter contained.

Be it enacted by the same authority, that all masters of vessels, merchants or their agents, or whoever may have the direction of clearing from the Custom-House or Ports within this Province any ship or vessel to depart from the same, laden with such provisions as herein before specified, to any of the fisheries or fishing posts below Quebec and within the Province or the posts as aforesaid, or shall have occasion to take in such provisions for the use of the crew and passengers of any ship or vessel trading to or from this Province, that such masters of ships or vessels, or such merchants and others as aforesaid, shall before lading on board any such ship or vessel any such provisions as aforesaid, make an entry with the Naval Officer or his Deputy, of the several quantities and qualities of the provisions above specified which may be necessary or permitted to be laden on board, and that such master of such ship or vessel shall obtain a clearance, Licence and permit from the Naval Officer or his Deputy to take on board and transport the same.

Provided always and it is hereby enacted, that the masters of all such ships and vessels shall previous to their obtaining such permit and clearance, make oath before the Naval Officer or his Deputy (who are hereby authorized to administer the same) that such provisions entered for the ship's use are *bona fide* for the use and support of the crew and passengers of the same, and that for such provisions as may be shipped for the support of the fisheries and fishing-posts dependant on this Province below Quebec, he the said master the owner or shipper shall enter into bond to His Majesty,

[1] *Report on the Work of the Public Archives*, 1914-1915, pp. 243-5.

his heirs and successors, with two good and sufficient sureties, in a penal sum to the full amount of the value of such provisions as to be entered and shipped, on condition that the whole shall be duly carried and conveyed to the port or place specified in the entry and there landed, and that no part thereof shall be exported or landed in any other port or place out of the limits of this Province. And it is hereby ordained and declared, that a service of process against such person or persons shall be liable to the penalties and forfeitures secured by such bond, whether present or absent shall be deemed good service, if left with, or notified to, all or any of the persons so becoming security as aforesaid, and that it shall not be in any respect necessary to proceed to a discussion of the person or persons adjudged to pay such penalties or forfeitures, but that the persons so bound as aforesaid, shall be immediately answerable for the same, any law, usage or custom to the contrary notwithstanding.

And be it enacted by same authority, that whosoever shall contrary to the true intent and meaning of this Act, ship or load or cause to be shipped or loaden, on board of any ship, vessel or boat all or any of the articles of provision herein before mentioned, without having previously complied with the several clauses, terms and condition of this Ordinance shall for every such offence be liable respectively to the penalty and forfeiture of the sum of one hundred pounds, besides the forfeiture of the provisions so shipped or laden, and the ship, vessel or boat, in which such provisions shall be shipped or laden as aforesaid, contrary to this Ordinance, is hereby made liable and answerable *ad valorem* for the penalties hereby imposed, and may be lawfully seized and sold for payment of the same. and be it enacted by the same authority that the Naval Officer or his Deputy shall have full power and authority to enter on board any ship or vessel, and the same and every part thereof, to search and examine, and after having with all diligence ascertained the quantity of provisions so illegally laden and the same cause to be brought on shore, which he is hereby authorized to do, lawfully may seize and hold in his or their custody every ship or vessel on board of which may be laden any provisions contrary to this Ordinance, and the same retain until judgment of law be made on the premises. Provided always that the said Naval Officer, or his Deputy, shall release and give up such ship or vessel so seized upon the Owner or Master entering into bond with two good and sufficient sureties in a sum adequate to the penalties and forfeitures hereby imposed to the said Naval Officer or his Deputy, to answer the prosecution and to make good the judgment of law against such Master, Owner or Shipper for having acted contrary or neglected to comply with this Ordinance.

And be it enacted by the same authority, That the Naval Officer or his Deputy or Deputies; who shall wilfully neglect or refuse to take the entry, oath and security above-mentioned, or who may grant any clearance of any ship or vessel, before having taken such entry, oath, and security, or who shall neglect or refuse to perform the several duties by this Ordinance required, shall be liable to and have judgment against him or them for the same penalties, and the value of all such forfeitures as by this Ordinance the Master, Shipper or Owner of such ship or vessel, or the provisions therein laden, would be liable to, for a wilful neglect or refusal to conform to this Ordinance, or the particular duty necessary to be performed as above-mentioned.

Be it enacted by the same authority, That all and every person concerned acting contrary, or refusing or neglecting to conform to this Ordinance, and the penalties and forfeitures imposed as above, shall and may be prosecuted, sued for and recovered in any of His Majesty's Courts of record in this province, according to the course and usage of such Courts, for the

trial, hearing and judgment of causes, and the forfeitures above-mentioned being recovered, shall be divided and paid one moiety to the Receiver-General of the province for the use of His Majesty, and the other moiety to the person who shall inform, sue for, and prosecute the same.

And be it enacted by the same authority, That this Ordinance shall be and remain in force, from the publication of the same, for and during the space of one year with authority nevertheless to His Excellency the Governor or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Council, at any time from and after the fifteenth day of August next, if they shall think it expedient by proclamation under the Great Seal of the province, to take off the Embargo directed by this Ordinance, on all or any part of such provisions as are therein specified; and the same again in like manner by proclamation, to lay on or continue, reviving the several causes and conditions of this Ordinance thereby in whole or in part, any thing herein contained to the contrary notwithstanding.

DORCHESTER.

* * * *

FORBIDDING THE EXPORT OF WHEAT AND POTATOES

An Act to prohibit the exportation of Corn, Meal, Flour and Potatoes out of the Province for a limited time.[1]

Passed the 17th of February, 1817.

WHEREAS it is expedient under the present circumstances, owing to the failure of the late Crops, to prohibit the exportation of any sort of Corn, Meal or Flour, and other articles made thereof, and of Potatoes from any part of this Province—

I. Be it therefore enacted by the President, Council and Assembly, That from and after the passing of this Act, and until the end of four months to be accounted from the same, it shall not be lawful for any person or persons to export in any Ship, Vessel or Boat from any part of this Province, the necessary Stores and Provisions for such Ship, Vessel or Boat excepted, any Wheat, Rye, Barley, Oats or any Meal, Flour or Bread, or Biscuit made thereof, or any Potatoes.

II. And be it further enacted, That if any person or persons shall export or shall load or lay on board any Ship, Vessel or Boat with an intent to export the same, any Corn or other of the articles aforesaid, the person or persons so exporting or loading or laying on board with intent to export the same, and each and every of them shall forfeit and pay the sum of one hundred pounds to be recovered and applied in the same manner as is provided in and by the third section of an Act made and passed in the forty-seventh year of the Reign of his present Majesty, intituled "An Act for raising a Revenue in this Province."

III. And be it further enacted, That it shall and may be lawful for the Treasurer of this Province and his Deputies or either of them, and they are hereby authorized and required to seize and take any such Ship, Vessel or Boat, and the said Corn or other articles aforesaid loaded and laid on board as aforesaid, and to detain the same, and that information shall and may be thereupon made by His Majesty's Attorney General in the Supreme Court of this Province, and proceedings had to condemnation and sale according to the course of the said Court, and upon such condemnation and

[1] *Acts of His Majesty's Province of New-Brunswick*, 1817, pp. 5–6.

sale, the proceeds thereof shall be paid and applied as follows, that is to say, one moiety thereof, after deducting the costs and charges of prosecution to the officer who shall seize the same or to the person who shall have given information in consequence of which such seizure shall have been made and prosecuted as the Court before which such prosecution may be had shall adjudge, and the other moiety to the Treasurer of the Province for the use of the same.

IV. Provided also and be it further enacted, That it shall and may be lawful for the Governor or Commander-in-Chief of this Province for the time being, by and with the advice and consent of His Majesty's Council at any time to suspend the operation of this Act by Proclamation under his hand and seal for that purpose made and published.

III. TREATMENT OF PRISONERS DURING THE WAR OF 1812

TREATY FOR THE EXCHANGE OF AMERICAN AND CANADIAN PRISONERS

Treaty[1] for the release of Prisoners of War upon their Parole for their eventual Exchange, concluded at Whitehall, U.S. 12th November 1812, between Major General Dearborn Commander of the Forces of the United States in the Northern Department and Robert McDonall Esq.r Captain of the 8th or King's Regiment of Infantry and Aid de Camp to the Governor in Chief of the Canadas, duly authorized by His Excellency Lieutenant General Sir George Prevost.

Article 1st

The American Prisoners of War at present in Canada are to be embarked for Boston with as much Expedition as circumstances will admit, on their Parole not to carry Arms or engage in any active hostility or perform any Military Service whatever, until regularly exchanged. None of these Troops are to be suffered to remain upon the Frontier, or with any Corps Engaged on actual Service.

Article 2nd

Prisoners of War who may be prevented by sickness from returning to their Country, will be sent when sufficiently recovered, by the Post of St. John's, a receipt for the Men by name, being given by the Officer at the advance Post who receives them.

Article 3rd

The Detatchment of Canadian Voyageurs, and all the British Prisoners of War of whatever description, belonging to the British Forces in Canada, are to be immediately sent upon their parole to the nearest advanced Post towards St. John's, apprizing the Commandant of the circumstance, who will give a receipt for the same. They will of course be subject to the same restrictions as those mentioned in the 1st Article.

Article 4th

Should the fortune of war hereafter place British Prisoners, whether Regulars or Militia, in the power of the American Government, they are immediately to be sent back to the nearest British Post, and an equal number of American Prisoners are in consequence to be released and Exonerated from their parole; As far as may be practicable, all exchanges to be kept distinct, Troops of the Line for Regulars; embodied Militia for the Militia taken in Arms; and other Corps according to their respective Engagements and Organisation.

Article 5th

In the Event of the Prisoners of War of either Country who are on parole, being permitted to reside at their respective homes, the utmost precaution to be taken by both Governments, in impressing upon their minds the serious consequences which must result to them should they inconsider-

[1] *Colonial Office, Q. Series, Vol. 119, pp. 105-8.*

ately engage in any Corps or Regiment, or perform any Military duty, until it is officially announced to them, that they are regularly exchanged and released from their parole, And in order than no mistake may arise involving such serious consequences; whenever any men are proposed to be exchanged, Correct authenticated Lists of the Individuals are to be interchanged between the two Governments expressly mentioning the name of each Soldier thus rendered eligible again to bear Arms in the service of his Country.

Article 6th

Should the British Government have omitted to take Lists of the Militia released upon their parole at Detroit and Queenstown, the American Government is to furnish as correct Lists as can be procured, in order to simplify and facilitate their exchange, when circumstances render it practicable.

Article 7th

Such British Prisoners, as are, or may be taken in Upper Canada, are to be sent to the nearest Military Post in that Country, instead of St. John's.

(signed) H. Dearborn
Majr General

Rt McDonall
Capt King's Rt
A.D.C. to the Lt Genl Sir Geo. Prevost.

Head Quarters, Montreal
24th November 1812

Ratified
(signed) George Prevost
Commr of the Forces.

True Copy
Noah Freer
Military Secretary

* * * *

REGULATIONS CONCERNING PRISONERS OF WAR ON PAROLE

Office of the District Marshal of Massachusetts.[1]

United States of America.
District of Massachusetts ss.

Sir,

Having this day admitted you to remain a Prisoner of War to the United States, on Parole in the Town of Cheshire, within the County of Berkshire, I subjoin certain rules and regulations for your government while detained, and which I expect you will conform to with great exactitude.

Thr Melville Deputy Marshal and Agent
Prisoners of War.

To Nathaniel Bell—Quarter Master
4th Regt Lincoln Militia

a Prisoner of War to the United States, having given his word of honor that he will not withdraw himself from the bounds prescribed to him, without first having obtained permission to that effect from this office; that he

[1] *Parole of a British Prisoner, War of 1812-14.*

will behave decently, and with due respect to the laws, and that he will not during his continuance at Cheshire, either directly or indirectly carry on a correspondence, either in writing or verbally, with any person whomsoever, but through the hands of me, the said agent, or such officer as may be appointed for that purpose, in order that they may be read or approved by me, or such officer as aforesaid. And the fourth article of the Cartel established by the respective governments of the United States and his Britannic Majesty, at Washington, on the twelfth day of May last past, having authorized me, as agent under the same, to prescribe the limits to which his Parole shall extend, the hours and other rules to be observed by him, with power in case of wilful disobedience to commit to close custody in Prison the delinquents—I do hereby assign to you the Town of Cheshire, in the County of Berkshire, for your residence, where you are to repair with the least possible delay, and on your arrival there, you will report yourself to Capt. Daniel Brown who will aid you in procuring quarters.—You will then have liberty to walk in the roads to the extremities of the town, the limits of which will be designated to you by Capt. D. Brown—to whom you will report yourself personally each Saturday, between the hours of nine and twelve o'clock, A.M. at his house—but you are not to go into any field or cross-road, or to be absent from your lodgings after six o'clock in the afternoon, from the first day of October to the last day of March, nor after eight, during the other months in the year; nor are you to quit your lodgings in the morning before six o'clock. And I do require, that all letters wrote or received by you, be sent for inspection to this office, and also notify you that conversations on subjects of a public nature, with citizens, are expressly forbidden.

OFFICE OF THE DISTRICT MARSHAL OF MASSACHUSETTS.

I DO hereby certify that the bearer Nath! Bell Q.M. 4th L.M. whose signature is in the margin, is an English prisoner of War, residing under my care at Cheshire, in the County of Berkshire, and that he is bound by his parole of honor to the faithful observance of the above regulations.

Given under my hand this fifteenth day of November, A.D. 1814.

Th: MELVILLE — Deputy Marshal and Agent Prisoners of War.

Signature of the Paroled Prisoner of War.
NATH. BELL

APPENDIX

CALENDAR OF SERIES Q

A series of State Papers composed of the official correspondence of the governors, lieutenant-governors, administrators and other officials of Quebec and Lower and Upper Canada for the years 1760-1841.

(A continuation of the calendar published in the Report for 1941, in which will be found a Foreword indicating the various instalments of the calendar of this series which appeared in the previous annual reports.)

60613—1

SERIES Q

LOWER CANADA

Series Q. Vol. 267

PUBLIC OFFICES, 1839

HUDSON'S BAY COMPANY **1839**

J. H. Pelly [Governor] to Normanby. Requests, on behalf of the Company, a renewal of the lease on the King's Posts in Lower Canada. Explains the nature and resources of this area and the need for protection of the Indians therein. Would be glad to have a modified form of lease. p. 3 March 20, Hudson's Bay House, London.

Unsigned to Pelly. [Draft.] Acknowledges letter of 20 March indicating the willingness of the Hudson's Bay Company to surrender their present lease of the King's Posts for an exclusive right of hunting and trading with the Indians. Although a compliance with this request would not be inconsistent with Glenelg's assurance to the Lower Canadian Assembly on their address of 1836, Normanby feels that no final decision should be reached without a previous communication with Colborne. p. 6 April 22. [Colonial Dept.]

Pelly to Normanby. Transmits copy of a letter from Peter W. Dease and Thomas Simpson enclosing a narrative of the latter; also copy of a letter from F. P. Tracy. p. 8 May 2, Hudson's Bay House.

Enclosed:

(1) Dease and Simpson to the H.B. Co. at London, Fort Confidence, Great Bear Lake, 15 September, 1838, describing an expedition during the summer to the mouth of the Coppermine and along the coast. p. 9

Sub-enclosure:

Narrative by Thomas Simpson of a journey on foot eastward from the above expedition, to a point on the coast 68° 43′ 39″ North 106° 3′ 0″ West. p. 18

(2) F. P. Tracy [secretary of the Oregon Provisional Emigration Society] to the principal officer of the H.B. Co. at Montreal, Lynn, Massachusetts, 4 March, 1839. Describes a proposed migration to the Oregon country, and offers to co-operate with the Company. p. 27

Unsigned to J. Backhouse [Under Secretary, Foreign Office]. [Draft.] Transmits an extract from a letter from the Governor of the H.B. Co. enclosing a communication from a person styling himself "Secretary of the Oregon Provisional Emigration Society." Believes this should have Palmerston's early attention. [For enclosure see above.] p. 29 May 17. [Colonial Dept.]

Unsigned to Pelly. [Draft.] Acknowledges letter of 2 May with its enclosures. The letter from Tracy has been referred to Palmerston p. 30 May 17. [Colonial Dept.]

1839

September 28, Hudson's Bay House. Pelly to Russell. Acknowledges Stephen's letter of 16 September answering his of 20 March on the lease of the King's Posts, and its enclosed despatch from Colborne of 22 July, with the report of the Executive Council of Lower Canada. Asks whether the H.B. Co. would accept the lease on terms given by Colborne. Quotes from his previous letter and from the Council's report. Submits alternative lease proposal. p. 31

October 8, Downing St. Unsigned to Pelly. [Draft.] Acknowledges letter of 28 September. Recapitulates the alternative proposals. The Company's new proposal departs so far from that of the Government that the Governor and his Executive Council will again have to be consulted. p. 37

December 10. [Colonial Dept.] [Russell] to Thomson, No. 51. [Draft.] Transmits, with reference to a correspondence on the lease of the King's Posts, copy of a correspondence between the Hudson's Bay Company and the Department. Asks the Governor's opinion as to whether the offer of the Company ought to be accepted. [For enclosures see above under dates of 28 September and 8 October.] p. 40

POST OFFICE

January 3, General Post Office. Thomas Laurence [Assistant Secretary] to J. Stephen [Under Secretary, C.O.]. States that the bag of despatches accompanying his letter of 31 December for H.M. Consul at New York was put aboard the *St. Andrew* at Liverpool on 1 January. Transmits master's receipt. p. 43

Enclosed:

Receipt by W. C. Thompson, master of the *St. Andrew*. p. 44

January 7, Dead Letter Office. Inspector of dead letters to Stephen. Acknowledges Stephen's reply to letter of 17 December. Repeats request for the report of the Deputy Postmaster General of Quebec. p. 45

January 9, General Post Office. Laurence to Stephen. Acknowledges letter of 5 January. The bag of despatches for H.M. Consul at New York was placed aboard the *Cambridge* on 6 January. Transmits master's receipt. p. 46

Enclosed:

Receipt signed by K. Burrley, master of the *Cambridge*. p. 47

January 11, General Post Office. Lt.-Col. W. L. Maberly [Secretary] to Stephen. Transmits copy of a letter from the postmaster at Liverpool, also a bag of despatches addressed to H.M. Consul at New York which was salvaged from the wrecked *St. Andrew*. p. 48

Enclosed:

W. Banning [postmaster at Liverpool] to Maberly, 10 January, explaining the return, unopened, of the bag of despatches. The *Cambridge* is repaired and sailed today. The *Roscius* sails on 13 January. p. 49

January 15, General Post Office. Maberly to Stephen. States that the bag of despatches for H.M. Consul at New York which accompanied letter of 10 January

was put aboard the *President* at Portsmouth on 11 January. The master refused to sign for it. p. 51 **1839**

Laurence to Stephen. States that the bag of despatches for H.M. Consul at New York which accompanied letter of 18 January was put aboard the *Orpheus* at Liverpool on 19 January. Transmits master's receipt. p. 52 January 21, General Post Office.

Enclosed:

Receipt signed by D. J. Bailey, master of the *Orpheus*. p. 53

Laurence to Stephen. States that the bag of despatches for H.M. Consul at New York which accompanied letter of 26 January was put aboard the *Great Western* at Bristol on 28 January. Transmits master's receipt. p. 54 February 1, General Post Office.

Enclosed:

Receipt signed by James Hosken, commander of the *Great Western*. p. 55

George Welch to Stephen. States that the bag of despatches for H.M. Consul at New York which accompanied letter of 5 February was put aboard the *Liverpool* at Liverpool on 6 February. Transmits master's receipt. p. 56 February 8, General Post Office.

Enclosed:

Receipts signed by R. T. Fayrer. p. 57

Maberly to Stephen. States that the bag of despatches and letter accompanying the note of 9 February were delivered to Dr. Wood at Portsmouth on 11 February. p. 58 February 12, General Post Office.

Laurence to Stephen. States that the bag of despatches for H.M. Consul at New York accompanying letter of 18 February was put aboard the *Europe* at Liverpool on 19 February. Transmits master's receipt. p. 59 February 21, General Post Office.

Enclosed:

Receipt signed by A. C. Marshall. p. 60

Laurence to Stephen. States that the bag of despatches for H.M. Consul at New York accompanying letter of 28 February was put aboard the *Sheffield* at Liverpool on 1 March. Transmits master's receipt. p. 61 March 4, General Post Office.

Enclosed:

Receipt signed by F. P. Allen. p. 62

Maberly to Stephen. Requests instructions as to the disposal of a bag of despatches addressed to H.M. Consul at New York accompanying letter of 6 March, the vessel on which it was to have been placed being unable to sail. Transmits copy of letter from the postmaster at Liverpool. p. 63 March 8, General Post Office.

1839

Enclosed:

W. Banning to Maberly, 7 March, reporting that the *Columbus* has been "neaped". p. 64

March 13, General Post Office.

Laurence to Stephen. States that the bags of despatches, addressed to H.M. Consul at New York, accompanying letters of 6 and 11 March were put aboard the *Columbus* at Liverpool on 12 March. Transmits receipt of chief mate. Also transmits copy of observations from the postmaster at Liverpool suggesting the advisability of sending despatches in time to reach the port the day before that set for the packet's departure. p. 65

Enclosed:

(1) Receipt signed by James Blatch. p. 67

(2) Observations by W. Banning, 12 March. p. 66

March 19, General Post Office.

Laurence to Stephen. States that the bags of despatches on the *Columbus* have been transferred to the *Sheridan*, the former having sprung a leak. Transmits master's receipt and a letter from the postmaster at Liverpool. p. 68

Enclosed:

(1) Receipt signed by De Peyster, master of the *Sheridan* on 15 March. p. 70

(2) Banning to Maberly, 16 March, explaining transfer of mail from *Columbus* to *Sheridan*. p. 69

March 28, General Post Office.

Laurence to Stephen. States that the bag of despatches for H.M. Consul at New York accompanying letter of 22 March was put aboard the *Great Western* at Bristol on 23 March. Transmits master's receipt. p. 71

Enclosed:

Receipt signed by James Hosken. p. 72

April 3, General Post Office.

Maberly to Stephen. States that the bag of despatches for H.M. Consul at New York accompanying letter of 30 March was put aboard the *United States* at Liverpool on 31 March. Transmits master's receipt. p. 73

Enclosed:

Receipt signed by N. H. Holany. p. 74

April 9, General Post Office.

Laurence to Stephen. States that the bag of despatches for H.M. agent for packets at New York accompanying letter of 6 April was put aboard the *South America* at Liverpool on 8 April. Transmits master's receipt. p. 75

Enclosed:

Receipt signed by W. C. Barstud. p. 76

Laurence to Stephen. Acknowledges receipt of letter of 8 April on the proposed stay of the steam packets at Halifax. Postmaster General thinks seven days should normally be allowed for letters to leave Halifax and replies to be returned. Admiralty has been notified of this opinion. p. 77 **1839** April 16, General Post Office.

Laurence to Stephen. States that the bag of despatches for H.M. agent for packets at New York which accompanied letter of 19 April was put aboard the *Liverpool* at Liverpool on 20 April. Transmits master's receipt. p. 79 April 22, General Post Office.

Enclosed:

Receipt signed by R. T. Fayrer. p. 80

Laurence to Stephen. States that the bag of despatches for H.M. agent for packets at New York which accompanied letter of 29 April was put aboard the *Harkaway* at Liverpool on 30 April. Transmits master's receipt. p. 81 May 1, General Post Office.

Enclosed:

Receipt signed by John Y. Nicholson. p. 82

Laurence to Stephen. States that the bag of despatches for H.M. agent for packets at New York which accompanied the letter of 17 May has been put aboard the *Great Western* at Bristol. Transmits receipt. p. 83 May 21, General Post Office.

Enclosed:

Receipt signed by Thomas William Moore, commander. p. 84

Laurence to Stephen. States that the bag of despatches for H.M. agent for packets at New York which accompanied letter of 12 June was put aboard the *Liverpool* at Liverpool on 13 June. Transmits master's receipt. p. 85 June 14, General Post Office.

Enclosed:

Receipt signed by R. T. Fayrer. p. 86

Laurence to Stephen. Transmits copies of reports and enclosures from the Deputy Postmaster General of the Canadas on the evil of illegal transport of letters by steamboats in those provinces. Asks Government's advice on expediency of putting the law into effect to prevent this. p. 87 June 22, General Post Office.

Enclosed:

(1) T. A. Stayner to Maberly, Quebec Post Office, 7 August, 1837. Explains the increasing practice of private transportation of letters by water routes in the Canadas, and its deleterious effect on postal revenues and efficiency. Requests permission to put the law into effect and to supplement land postal routes by water where such can efficiently be arranged. p. 89

1839

(2) Stayner to Maberly, General Post Office, Quebec, 31 January, 1839, explaining his delay in answering the despatch of 5 October, 1837. Law officers of the Crown in the provinces have been greatly distracted. Does not believe there can be any question about the right of the Post Office to prosecute for illegal carriage of mails. Explains the steps taken to complete arrangements with steamship companies for the transport of mails. p. 96

Sub-enclosures:

(i) Stayner to Charles A. Hagerman [Attorney General of Upper Canada], Quebec, 29 August, 1838, referring to him the legality of prosecution for carriage of mails contrary to the terms of the Post Office Consolidation Acts of 1 Victoria. p. 101

(ii) Hagerman to Stayner, Toronto, 7 September, 1838, acknowledging letter of 29 August, expressing the opinion that carriers can be prosecuted for contravention of terms of the Post Office Consolidation Acts of 1 Victoria. Suggests that offenders be first warned. Stayner in a postscript notes that he has given this warning more than once without noticeable results. p. 103

(3) Stayner to Maberly, 18 April, 1839, acknowledging letter of 6 March directing him to send the opinion of the Attorney General of Upper Canada to the Attorney General of Lower Canada and requests his concurrence or dissent. Encloses Ogden's reply. p. 105

Sub-enclosure:

C. R. Ogden [Attorney General of Lower Canada] to Stayner, Montreal, 17 April, 1839, stating his opinion that the provisions of the Act are adequate to prohibit the illegal conveyance of mails within the province. p. 106

June 27. [Colonial Dept.]

[Normanby] to Colborne, No. 50. [Draft.] Transmits copies of a correspondence on the illegal conveyance of mail in the Canadas. Requests him to enter into communication with Stayner with a view to taking what steps may be necessary to protect Post Office revenues. Asks report of steps taken and reasons for taking them. [Enclosures not at this place.] p. 107

June 28. General Post Office.

Laurence to Stephen. Transmits copies of two letters from the Deputy Postmaster General of the Canadas. Stayner has been instructed in case of future mail robberies by American brigands to report it immediately to the Governor-in-Chief. p. 108

Enclosed:

(1) Stayner to Maberly, General Post Office, Quebec, 12 May, 1839, reporting a mail robbery east of Kingston on 25 April by armed American brigands, and the efforts of W. H. Griffin [Surveyor of the Post Office for Lower Canada] to have them brought to justice. Arrangements are now in operation for the conveyance of mails by water on Lake Ontario and the upper St. Lawrence. p. 110

(2) Stayner to Maberly, 22 May, 1839, giving an account of the continued but unsuccessful efforts of Griffin to secure the extradition of mail robbers. Asks instructions as to the protection of the mails below Kingston when navigation closes. p. 114

Unsigned to Laurence. [Draft.] Acknowledges letter of 22 June with its enclosures. Colborne and Arthur will be instructed to report their opinion. Meanwhile Stayner should be guided by their advice. p. 88 **1839** June 29. [Colonial Dept.]

Laurence to Stephen. States that the bag of despatches for H.M. agent for packets at New York which accompanied letter of 5 July was put aboard the *Great Western* at Bristol on 6 July. Transmits master's receipt. p. 118 July 8, General Post Office.

Enclosed:

Receipt signed by James Hosken. p. 119

Unsigned to Laurence. [Draft.] Acknowledges letter of 28 June with its enclosures. Suggests that in case of armed robbery of the mail in Upper Canada Stayner should first report it to the Lieutenant-Governor of Upper Canada. p. 109 July 13. [Colonial Dept.]

Laurence to Stephen. States that the bag of despatches for H.M. agent for packets at New York which accompanied letter of 10 July was put aboard the *British Queen* at Portsmouth on 12 July. Transmits master's receipt. p. 120 July 13, General Post Office.

Enclosed:

Receipt signed by Richard Roberts. p. 121

Maberly to Stephen. States that the bag of despatches for H.M. agent for packets at New York which accompanied letter of 31 July was put aboard the *Liverpool* at Liverpool on 1 August. Transmits master's receipt. p. 122 August 2, General Post Office.

Enclosed:

Receipt signed by T. W. Moore. p. 123

Maberly to Stephen. States that three bags of despatches for Colborne, Arthur, and H.M. agent for packets at New York which accompanied note of 23 August were delivered to Thomas Amiot aboard the *Great Western* at Bristol on 24 August. Transmits Amiot's receipt. p. 124 August 26, General Post Office.

Enclosed:

Amiot's receipt. p. 125

Stephen to Maberly. Transmits bag of despatches for H.M. agent for packets at New York with instructions that it be placed aboard the packet at Portsmouth, and requests the master's receipt. Receipt of Richard Roberts commanding the *British Queen* appended. p. 127 August 31. [Colonial Dept.]

Laurence to Stephen. States that the bag of despatches for H.M. agent for packets at New York which accompanied letter of 31 August was put aboard the *British Queen* at Portsmouth on 3 September. Transmits master's receipt. [Enclosure not at this place.] p. 126 September 4, General Post Office.

1839

September 9, General Post Office. Laurence to Stephen. States that the bag of despatches for H.M. agent for packets at New York which accompanied letter of 6 September was put aboard the *Cambridge* at Liverpool on 7 September. Transmits master's receipt. p. 128

Enclosed:

Receipt signed by G. D. Bailey. p. 129

September 23, General Post Office. Maberly to Stephen. States that the bag of despatches for the Governor of Canada which accompanied the letter of 20 September was delivered to Major G. D. Hall aboard the *Liverpool* at Liverpool on 21 September. Transmits receipt. p. 130

Enclosed:

Major G. D. Hall's receipt. p. 131

September 27, General Post Office. James Campbell to Stephen. States that the bag of despatches for H.M. agent for packets at New York which accompanied letter of 24 September was put aboard the *Independence* at Liverpool on 25 September. Transmits master's receipt. p. 132

Enclosed:

Receipt signed by E. Nye. p. 132

October 21, General Post Office. Laurence to Stephen. States that the bag of despatches for H.M. agent for packets at New York which accompanied letter of 18 October was put aboard the *Great Western* at Bristol on 19 October. Transmits master's receipt. p. 134

Enclosed:

Receipt signed by James Hosken. p. 135

November 1, Colonial Dept. Stephen to Maberly. Transmits bag of despatches for H.M. agent for packets at New York to be put aboard the packet due to sail on 2 November from Portsmouth.

Postscript receipt signed by John Landegreve, agent for the *British Queen*. p. 137

November 4, General Post Office. Laurence to Stephen. States that the bag of despatches for H.M. agent for packets at New York which accompanied letter of 1 November was put aboard the *British Queen* at Portsmouth on 2 November. Transmits master's receipt. [Receipt not at this place. See postscript to Stephen to Maberly. 1 November, above.] p. 136

November 18, General Post Office. Maberly to Stephen. States that the bag of despatches for H.M. agent at New York which accompanied letter of 15 November was put aboard the *Liverpool* at Liverpool on 16 November. Transmits receipt. p. 138

Enclosed:

Receipt signed by Robert Cranford, officer in charge of letter bags on the *Liverpool*. p. 139

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Laurence to Stephen. States that the bag of despatches for H.M. agent for packets at New York which accompanied letter of 6 December was put aboard the *England* at Liverpool on 7 December. Transmits master's receipt. p. 140 December 9, General Post Office.

Enclosed:

Receipt signed by B. L. Waite. p. 141

Laurence to Stephen. States that the bag of despatches for H.M. agent for packets at New York which accompanied letter of 23 December was put aboard the *Patrick Henry* at Liverpool on 25 December. Transmits master's receipt. p. 142 December 26, General Post Office.

Enclosed:

Receipt signed by J. C. Delaus. p. 143

T. W. MOORE, PACKET AGENT, NEW YORK

Thomas William Moore [H.M. agent for packets at New York] to Stephen. States that, following instructions, the despatches which accompanied letter of 24 November, 1838 will be sent by special messengers to Sir John Colborne at Montreal and to Sir George Arthur at Toronto tomorrow morning. p. 145 January 1, Office of H.M. agent for packets, New York.

Moore to Stephen. Acknowledges letter of 30 November. Bags of despatches for Colborne and Arthur were forwarded by special messengers this morning. They also took the despatches that came in care of H.M. Consul here. p. 146 January 7, Agent's Office.

Moore to Stephen. Forwards bag containing seven despatches from Arthur, four from himself, one of which encloses a letter for Durham, and one parcel for Durham. p. 147 January 7, Agent's Office, New York.

Moore to Stephen. Forwards, according to Col. G. Couper's instructions, a packet for Durham containing three parcels. Also sends a letter for Durham for forwarding. p. 148 January 7, Agent's Office, New York.

Moore to Stephen. Forwards bag containing despatches from Colborne, and also from R. I. Routh [Commissary General] to the Commissariat. Forwarded despatches from Upper Canada on 13 January, but the bag expected will not likely arrive on time. p. 149 January 16, Agent's Office.

Moore to Stephen. States that a bag of despatches from Toronto was delayed at Queenston and arrived only yesterday. Forwards it, and another from Toronto, this morning, together with a letter from J. Joseph, Toronto. Fears Colborne's despatches will not arrive in time. p. 150 January 25, Agent's Office.

Moore to Stephen. Forwards today one bag of Colborne's despatches, also a separate despatch from him and a despatch from Harvey. p 151 February 1, Agent's Office.

Moore to Stephen. Forwards three despatches from Arthur. Lord Alexander with despatches from Colborne will likely proceed by the *George Washington* today. p. 152 February 7, Agent's Office.

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February 11, Agent's Office. Moore to Stephen. Forwards this day a despatch from Sir John Harvey and private letters from Colborne. p. 154

February 13, Agent's Office. Moore to Stephen. Forwards three bags of despatches and five duplicate despatches from Arthur. Refers Stephen to Col. G. Couper for an explanation of the reasons why Moore was selected to receive and forward Canadian despatches. p. 153

February 13, Agent's Office. Moore to Col. G. Couper [Military Secretary]. Describes the difference of opinion between himself and H.M. Consul at New York with reference to the responsibility for forwarding Canadian despatches through New York. Recalls his long service. Postscript by Couper expressing Durham's satisfaction with Moore's services. p. 155

March 1, Agent's Office. Moore to Stephen. Forwards today two bags from Arthur, one apparently containing books, the other despatches Nos. 16 to 33, inclusive, also several duplicates from Arthur, and a despatch from Harvey brought by messenger. p. 158

March 9, Agent's Office. Moore to Stephen. Forwards today three bags and one parcel from Arthur. p. 160

March 11, Agent's Office. Moore to Stephen. Forwards today duplicates of despatches Nos. 34 to 39, inclusive from Arthur. p. 161

March 13, Agent's Office. Moore to Stephen. Forwards today from Arthur a bag said to contain despatches Nos. 47, 48, and 49, and one private; also duplicates of Nos. 40, and 42 to 46, inclusive, together with a private one from Hon. John Macaulay. p. 162

March 19, Agent's Office. Moore to Stephen. Forwards today from Arthur a bag of despatches said to contain Nos. 50 to 53, inclusive; also five duplicate despatches. p. 163

March 20, Agent's Office. Moore to Stephen. States that he forwarded a bag of despatches and four duplicates from Arthur yesterday and a duplicate of No. 50 today. p. 165

March 25, Agent's Office. Moore to Stephen. Forwards today a bag of despatches from Colborne; another from Arthur and duplicates from Arthur. p. 164

April 7, Agent's Office. Moore to Stephen. Forwards today a despatch from Harvey marked immediate; four from Arthur and a bag from Colborne. p. 166

April 22, Agent's Office. Moore to Stephen. Forwards today two bags of despatches and certain duplicates from Arthur and one bag from Colborne. p. 167

April 25, Agent's Office. Moore to Stephen. Forwards today a despatch from Harvey. p. 169

May 1, Agent's Office. Moore to Stephen. Forwards today a bag of despatches and a despatch from Arthur, together with certain duplicates. p. 170

May 18, Agent's Office. Moore to Stephen. Forwards today five bags of despatches from Arthur, together with certain duplicates; also two bags of

despatches from Colborne in the care of Major C. F. Head. He also carries a box containing ordinances. p. 171 **1839**

Moore to Stephen. Forwards today two despatches from Harvey brought by messenger. p. 173 May 20, Agent's Office.

Moore to Stephen. Forwards today a bag of despatches from Colborne. Also sends a letter for Major C. F. Head to be forwarded. p. 174 May 25, Agent's Office.

Moore to Stephen. Forwards today a bag of despatches from Arthur. p. 175 June 10, Agent's Office.

Moore to Stephen. Forwards today one bag of despatches from Colborne, three from Arthur, together with certain duplicates from Arthur and two despatches from Harvey. p. 176 June 13, Agent's Office.

Moore to Stephen. Forwards today a bag of despatches from Harvey. p. 178 June 19, Agent's Office.

Moore to Stephen. Forwards today five bags of despatches from Arthur. Two bags from Colborne have been given into the care of A. H. Armour who embarks today. Despatches from the Colonial Department which arrived on 30 June were immediately forwarded by messengers. p. 180 July 6, Agent's Office.

Moore to Stephen. Forwards today a bag of despatches from Arthur, and a despatch from Harvey which missed the *Liverpool*. p. 181 July 8, Agent's Office.

Moore to Stephen. Forwards today a despatch from Harvey with a copy of Harvey's secretary's letter, a copy of Stephen's order for forwarding despatches, and a certificate of exchange rates. Hopes his bill of exchange of 18 July for £173.9.2 sterling may be approved. p. 182 July 19, Agent's Office.

Enclosed:

(1) T. W. Murray [Secretary to Harvey] to Moore, Fredericton, 8 July, enclosing Harvey's certificate of the delivery of despatches by special messenger, but stating that Harvey was unaware that authority had been given for such a method of delivery. Moore's nephew has given in Moore's receipts for $841 for the expenses of five special messengers. p. 184

Sub-enclosure:

Certificate by Harvey stating that the services mentioned in Moore's account of 30 June were duly performed. p. 187

(2) Receipt by Moore for $841 advanced by Harvey in accordance with the accompanying account of Harvey with Moore for delivery of despatches in the quarter ending 30 June, 1839. p. 186

(3) Stephen to Moore, 29 April. Asking that enclosed despatches be delivered by special messengers. p. 188

(4) Certificate of exchange rates by Tooker, Mead & Co., dated New York, 18 July, 1839. p. 189

1839

August 1, Agent's Office. Moore to Stephen. Forwards today three bags of despatches from Arthur and one made up by himself containing a packet and three despatches from Arthur, a duplicate from Harvey, and a letter from Stephen. p. 192

August 1, Agent's Office. Moore to Stephen. Explains that by Harvey's direction he drew on the Colonial Department for £172.9.2 to meet expenses incurred in special delivery of New Brunswick despatches. p. 194

August 7, Agent's Office. Moore to Stephen. Forwards today a bag of despatches from Colborne which had been intended for the *British Queen* p. 196

August 13, [Colonial Dept.] Unsigned to Moore. [Draft.] Regrets the precipitancy with which Moore drew on the Colonial Department for expenses of delivering despatches to New Brunswick by special messenger. The draft will have to be protested and Harvey must be asked to meet the charge. p. 190

August 13, Agent's Office. Moore to Stephen. Forwards despatch, private, from Colborne. p. 197

August 23, [Colonial Dept.] Stephen to Moore. [Signed draft.] States, with reference to Moore's letter of 1 August, that the matter had already been dealt with in Stephen's previous letter of 13 August. p. 195

August 24, Agent's Office. Moore to Stephen. Forwards today two bags of despatches from Colborne, two from Arthur, one despatch from Arthur containing the enclosures belonging to No. 176; and two despatches, one of which is marked duplicate, from Harvey. p. 198

August 26, Agent's Office. Moore to Stephen. Forwards today three duplicate despatches from Arthur. p. 199

September 2, Agent's Office. Moore to Stephen. Forwards a bag of despatches from Colborne. p. 200

September 7, Agent's Office. Moore to Stephen. Forwards today a dispatch from Harvey. p. 201

September 21, Agent's Office. Moore to Stephen. Forwards today two bags of despatches from Colborne, one from Arthur, together with three duplicates from Arthur, a letter from himself to Stephen, and one initialled G.M. p. 202

September 21, Agent's Office. Moore to Stephen. Acknowledges letter of 13 August. Regrets the inconvenience caused by following the suggestion of Harvey that the cost of special messengers be borne by the Colonial Department. p. 204

October 1, Agent's Office. Moore to Stephen. Forwards today a bag of despatches from Colborne; one from Arthur, ten duplicates from Arthur; a despatch from Harvey, and a despatch for Stephen from G.M. of Toronto. p. 207

October 19, Agent's Office. Moore to Stephen. Forwards today a bag of despatches from Colborne, a separate despatch and a duplicate from Colborne; a bag of despatches from Arthur and a despatch for Stephen from G.M. p. 209

1839

Moore to Stephen. Forwards today a bag of despatches from Charles Poulett Thomson. The *Great Western* arrived on 2 November having taken just over fourteen days. p. 210 — November 7, Agent's Office.

Moore to Stephen. Forwards today a bag of despatches from Thomson and one from Arthur; also a despatch from Thomson and a letter from J. Joseph of Toronto. p. 211 — November 16, Agent's Office.

Moore to Stephen. Forwards today a bag of despatches from each of the following: C. P. Thomson, Sir George Arthur, Lt.-Gen. Sir Richard D. Jackson; also a despatch from Arthur and one from J. Joseph of Toronto. p. 212 — December 2, Agent's Office.

Moore to Stephen. Forwards by the *Cambridge* despatches from Arthur listed marginally. p. 213 — December 2, Agent's Office

Moore to Stephen. Forwards today a despatch from Jackson [Administrator of Lower Canada in the absence of Thomson]. p. 214 — December 10, Agent's Office.

Moore to Stephen. Forwards today a bag of despatches from each of the following: Thomson, Arthur and Jackson; also two despatches from J. Joseph. p. 215 — December 14, Agent's Office.

Moore to Stephen. Forwards today a bag of despatches from Thomson and four despatches from J. Joseph, of Toronto. Also transmits two copies of the President's message. p. 216 — December 26, Agent's Office.

Enclosed:

Extract from the *Extra Sun* of 26 December, 1839, containing the message of President M. Van Buren to Congress. p. 217

MISCELLANEOUS OFFICES

G. De B. Attwood to Glenelg. Transmits application from the bank's directors and asks an early appointment for a deputation p. 299 — January 17, Bank of B.N.A., London.

Enclosed:

Attwood to Glenelg, 17 January, 1839. Refers to a previous letter of 2 June, 1837, requesting a Royal charter of incorporation and Sir George Grey's reply of 10 June, 1837. Again urges such incorporation. p. 301

C. Claxton [of the Great Western Steamship Office] to Sir George Grey. States that sailing dates are advertised in the daily newspapers. Grey will be informed of any alteration. p. 309 — January 18, 33 Princes St., Bristol.

Charles Lechmere [Deputy Keeper] to Stephen. Transmits, in accordance with Phillipps's instructions of 21 November, 1838, copies of documents relating to the history of Georgia, 1735 to 1775, made by C. W. Howard, agent for that state. p. 310 — January 23, State Paper Office.

Unsigned to Attwood. [Draft.] Acknowledges letter of 17 January. Glenelg is willing to advise such incorporation if the form of charter can be made acceptable to Treasury and Board of Trade Suggests that draft charter be presented. p. 300 — January 26, [Colonial Dept.]

1839
February 13, Downing St. — Sir George Grey [Under Secretary, C. O.] to Messrs. Hansard. Refers to the unauthorized publication of Durham's Report. Copies of the remainder of the appendix, except proof sheets, should not be delivered without the Department's written order. p. 311

February 16, Bank of B.N.A., London. — Attwood to Glenelg. Quotes in full the letter of Major Thomas Leigh Goldie [Civil Secretary] to the directors and manager of the Bank of B.N.A., Montreal, 9 January, 1839. The directors are preparing a draft charter as suggested in Grey's letter of 26 January. Managers of the bank in Lower Canada have petitioned the Administrator against discrimination. p. 312

March 2, Bank of B.N.A., London. — Attwood to Normanby. States that a draft charter has now been prepared and a copy sent to the Council Office. Urges the need of avoiding delay as explained in his previous letter of 19 February. p. 316

March 11. [Colonial Dept.] — Unsigned to Baring. [Draft.] Transmits copy of a despatch, No. 17 of 22 January, from Colborne on the Ordinance for incorporating the Bank of B.N.A., also the draft of a charter for that bank. Normanby will instruct Colborne to accede to the request of the bank for a delay in the repeal of the Ordinance, 1 Victoria, cap. 25, until the Royal charter of incorporation is completed unless he will previously have heard again from the Treasury. p. 318

[March] Great Western Steamship Co., Bristol. — Christopher Claxton to Normanby. Requests payment of £50 for having transported colonial despatches between New York and Bristol. p. 321

March 25. [Colonial Dept.] — Unsigned to Claxton. [Draft.] States that any request for remuneration for the transport of colonial despatches between New York and Bristol should be addressed to the Postmaster General. p. 323

December 6, Great Western Steamship Co., 35 Princes St., Bristol. — Claxton to Stephen. States that it is intended to put the *Great Western* into dock. Her next probable date of sailing will be 15 February, 1840. p. 342

December 21, 4 Whitehall Place. — Col. William Rowan [Military Secretary] to the Under Secretary of State for the Colonies. Transmits packets containing various acts, reports, and regulations, relating to the metropolitan police and the constabulary of England and Ireland for use of the police recently organized in Canada. p. 325

Index to correspondence of the Hudson's Bay Company; the Post Office; H.M. Packet Agent at New York, and miscellaneous offices, in Q. 267, with some indices repeated from Q. 266, pt. 2, p. 356. p. 327

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MISCELLANEOUS, 1839

A

March 4, 29 South St. — T. Amiot [Clerk of the Crown in Chancery, L.C.] to Lt.-Col. C. Yorke. Draws attention to the rule which allows payment of half salary to officers whose duties have ceased with the suspension of the constitution of that province. Mentions his services to the

Government and the hardship that this loss would impose on him. Requests consideration. [In French.] p. 8 **1839**

Unsigned to Amiot. [Draft.] Declares that the Treasury has authorized payment of half salary to officials during the suspension of the constitution of Lower Canada. p. 12 March 19. [Colonial Dept.]

Amiot to Normanby. Requests extension of his leave of absence. p. 13 April 2. 22 Woburn Place, Russell Sq.

Unsigned to Normanby. [Draft.] Grants extension of leave of absence until 1 July. p. 14 April 10. [Colonial Dept.]

Amiot to H. Labouchere [Under Secretary, C.O.]. Requests that the six months' arrears of his salary as clerk of the Crown in Chancery, should be paid in England. p. 15 April 12. 22 Woburn Place, Russell Sq.

[Labouchere] to Amiot. Acknowledges receipt of letter of 12 April. Regrets that there is no fund from which the arrears of salary could be met in England. p. 16 April 19. [Colonial Dept.]

Amiot to Labouchere. Requests extension of his leave of absence, until 1 September. Offers to take charge of despatches when he returns to Lower Canada. p. 70 July 11. 22 Woburn Place.

Unsigned to Amiot. [Draft.] Grants extension of leave of absence and accepts offer to take charge of despatches. p. 71 July 20. [Colonial Dept.]

W. H. Anderson to Lord John Russell [Secretary of State]. Transmits copy of a correspondence respecting the claim of his brother to the Queen's Plate, won at Quebec in 1838. p. 76 December 9. Newcastle on Tyne.

Enclosed:

(1) Anderson to Earl of Durham, Newcastle, 23 November, 1839. States the difficulties which his brother has met with. Requests to be informed as to the proper channel for the application. p. 78

(2) Durham to Anderson, Lambton Castle, 7 December, 1839. Acknowledges receipt of letter. States that he has represented the correctness of the claim to the Colonial Office. p. 79

Unsigned to A. Y. Spearman [Assistant Secretary of the Treasury]. [Draft.] States the circumstances under which the purse, won by Anderson, was offered. Requests that the Treasury will make provision for payment. Orders have been given to discontinue this expense. p. 80 December. [Colonial Dept.]

Unsigned to Anderson. [Draft.] States that application for payment of the Queen's Plate should be made to the Government of Lower Canada. [See also Q. 269, pt. 1, p. 76: R. Harrison & Co., under date of 3 August.] p. 82 December 31. [Colonial Dept.]

Anonymous [Sr. Mary] to Secretary of State, or Under Secretary. Offers his services as an agent to spy out intrigues in British North America. p. 3 Friday Afternoon.

1839

October 3, London. A. H. Armour to Under Secretary. Reports that he is about to return to Canada and offers to take charge of despatches. p. 72

October 10. [Colonial Dept.] Unsigned to Armour. [Draft.] Acknowledges letter of 3 October. Should Russell have despatches to transmit in Armour's care, they will be placed in his hands at Bristol. p. 73

October 23. [Colonial Dept.] Unsigned to C. P. Thomson [Governor-in-Chief], No. 23. [Draft.] Requests that an inquiry be made respecting the whereabouts of Rev. Auguste Vilain. A certificate should be sent if Vilain is dead. p. 74

December 2, Walbrook. John Atkins & Son to Stephen. Request that the Admiralty should be notified that Hale has been appointed Receiver General. State that they are Hale's agents. p. 75

January 21, Durham. Memorial of Joseph Atkinson, late sergeant of the 49th Regiment, praying for a grant of land or a pension. p. 83

Attached:

(1) Recommendation of Atkinson, signed by Rev. G. M. Ross, Rector of St. George's, Drummondville, 20 September, 1839. p. 90

(2) Recommendation of Atkinson, signed by James Brady, J.P., Durham, Eastern Townships, 18 October, 1839. p. 90

(3) Col. W. Rowan [Military Secretary] to Atkinson, Montreal, 15 December. Regrets that Atkinson's memorial cannot be complied with. p. 91

(4) G. J. Pennington [for the Secretary] to Atkinson, Treasury, 9 July, 1839. States that Atkinson should present his memorial to the Colonial Department. p. 92

December 28. [Colonial Dept.] Unsigned to C. P. Thomson [Governor General]. [Draft.] Orders that Atkinson be informed that, as his claim is founded on the refusal of his commanding officer to grant his discharge, his complaint should be made to the military authorities. p. 93

February 12, 4 Lambeth Road. Mrs. Martha Attrill to Sir George Grey [Under Secretary]. Requests to be informed as to whether the lands owned by Lt. Purchese could be made over to her, in payment of a debt. p. 4

February 27. [Colonial Dept.] H. Labouchere [Under Secretary] to M. Attrill. Acknowledges letter of 12 February. Existing regulations prevent the transfer of land except by an individual who has resided on it for two years. p. 6

No Date [G. Auldjo]. Suggestions for the Legislative Union and Government of the Canadas. (Signed X.) p. 17

June 8, Education Commission Office, Quebec. G. E. Futvoye to Normanby. Transmits a package [for C. Buller]. p. 69

B **1839**

T. Blackwood to Lord Glenelg [Secretary of State]. Transmits a copy of a pamphlet which was printed for distribution and not for sale, dealing with the affairs of Canada. Makes further suggestions. Sends also an address by Rev. John Cook. [Pamphlet not at this place.] p. 95 — Jaauary 16, Montreal.

Enclosed:

Address of the Rev. John Cook, D.D. [Moderator] to the Congregations of the Synod of the Presbyterian Church in Canada, in connection with the Church of Scotland. Deals with the relation between religion and politics, and urges that steps be taken to remove ecclesiastical grievances. p. 99

[Normanby] to Lt.-Gen. Sir John Colborne [Governor-in-Chief], No. 10. [Draft.] States that he has received a communication from Blackwood, and directs that thanks be conveyed to him. p. 111 — March 7. [Colonial Dept.]

C. Buller to Stephen. Requests to be informed as to the amount of salary due to him as Chief Secretary to Lord Durham. p. 112 — February 20, 1 Queen Square Place.

Stephen to Buller. Informs Buller that he must settle the question of his salary with Lord Durham. Offers to return his letter. p. 113 — February 28, Colonial Office.

Lieut. John W. Baird to Glenelg. Offers to carry despatches to Canada. States that he intends to sail on the *Liverpool*. p. 114 — April 2, Bellfield House, Kilmarnock.

Unsigned to Baird. Requests him to call at the Colonial Office prior to departure, in order to ascertain whether there are despatches to be carried to Canada. p. 115 — April 10. [Colonial Dept.]

W. Badgley [Secretary of the Montreal Constitutional Association] to Marquis of Normanby [Secretary of State]. Transmits the draft of a bill for the legislative union of the Canadas, which he prepared for the Constitutional Society and which has been approved by that body. p. 116 — April 12, Montreal.

Enclosed:

(1) Abstract of Union Bill. p. 117

(2) Draft of Bill. p. 126

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MISCELLANEOUS, 1839

B—*Continued*

Continuation of Draft of Bill. [See Q. 268, pt. 1, p. 126.] p. 200

Baird to Normanby. States that private affairs will detain him in England so that he will not be able to sail at the time stated in his letter of 2 April. p. 223 — April 16, Bellfield House.

1839

July 27, *Morning Courier* Office, Montreal. — P. Margaret Smith [per James Baird] to Stephen. States that the account for five years subscription to the *Morning Courier* was presented by James Davies to the Colonial Office and refused until it should be countersigned. Declares that the account bore his signature. Is prepared to send attested account. p. 239

No date. [Colonial Dept.] — Unsigned to ———— Declares that no order for the *Morning Courier* had issued from the Colonial Office. Application should be made to the source from which such subscription has been paid hitherto. p. 240

July 12, 2 Hyde Park. — Lt.-Col. H. W. Barnard to ———— Requests £7 remuneration for expenses incurred in transmission of despatches p. 228

July 20, [Colonial Dept.] — Unsigned to Barnard. [Draft.] Acknowledges letter of 12 July, and states that this claim will be paid. p. 229

July 24, Lisburn, Ireland. — Memorial of Henry Bayly praying for a free passage to Canada. p. 230

August 13. [Colonial Dept. — Unsigned to Bayly. [Draft.] Regrets inability to comply with his request for a free passage. p. 238

October 23, 12 Gray's Inn Square. — Henry Batley to Under Secretary. Requests information as to the addresses of A. K. Johnstone formerly of Montreal; Harper, formerly of St. Kitts; and Watts, formerly of the consular service at Pernambuco. p. 244

January 23, 15 Manchester Buildings, London. — E. Bédard [Judge] to Lord Glenelg [Secretary of State]. [Private.] States that the purpose for which he requested an interview was to express his desire to visit Europe as soon as the question of the Lower Canada judges shall have been decided. Requests a prompt decision. Asks pardon for any inadvertent neglect of regulations. [In French.] p. 247

January 23, 15 Manchester Buildings, London. — Bédard to Glenelg. Defends his conduct as a judge, and that of P. Panet, in refusing to sanction writs of habeas corpus in the case of John Teed. Discusses the question of the suspension of Lower Canada judges. [In French.] p. 248

Attached:

(1) P. Panet [Judge] to Bédard, Quebec, 5 December, 1838. Empowers Bédard to act in his interest. [In French.] p. 260

(2) Law Intelligence. The Habeas Corpus case, Quebec, 20 November, 1838. p. 262

January 24, 15 Manchester Buildings, London. — Bédard to Glenelg. Transmits printed copy of the report on the case of John Teed. This was omitted by accident. [In French.] p. 316

January 26. [Colonial Dept.] — Unsigned to Bédard. [Draft.] Requests that any further explanation which Bédard wishes to make, should be sent with the least possible delay, in order that a decision can be made on the case of the judges. p. 311

1839

Bédard to Grey. Acknowledges receipt of letter of 26 January, and gives further explanations regarding the conduct of the Lower Canada judges. [In French.] p 317 — January 30, 13 Manchester Buildings, London.

Unsigned to Bédard. [Draft.] Transmits documents sent to Glenelg by Colborne, explaining the grounds upon which the Lower Canada judges were suspended. p. 325 — February 2, [Colonial Dept.]

Bédard to Grey. Acknowledges communication. Draws attention to his change of address. [In French.] p. 326 — February 2, 16 Buckingham St.

Bédard to Normanby. Reviews the conduct of the Lower Canada judges and defends their motives and decisions. [In French.] p. 327 — February 20, 22 Woburn Place.

Appendix. [Continued in Q. 268, pt. 3, p. 391.] p. 376

Normanby to Bédard. States that the papers before him have vindicated the conduct of the Lower Canada judges, although he cannot agree with their interpretation of the law. The judges will receive full salary pending the final decision upon their case. p. 313 — March 27. [Colonial Dept.]

Jane Bryan to Normanby. Requests that an enquiry be made in Canada as to the whereabouts of her daughter Mary Dixon, or Dickson. p. 241 — August 5, Dublin.

Unsigned to J. Bryan. [Draft.] States that an enquiry will be made. p. 243 — August 26, [Colonial Dept.]

C. W. Burdett to Normanby. Offers suggestions for the conduct of war with the United States which he regards as inevitable. Urges, in particular, that freedom should be proclaimed for the negroes, who should be armed. p. 224 — June 5, Colombo, Ceylon.

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MISCELLANEOUS, 1839

B—*Continued*

Continutation of Appendix, Bédard to Normanby, February 20. [See Q. 268, pt. 2, p. 376.] p. 391

J. Buchanan [British Consul at New York] to J. Stephen [Under Secretary, C.O.]. Acknowledges a despatch which has been forwarded to Colborne, via Kingston, in consequence of the rebels assembling at Swanton. p. 418 — January 7, Consulate, New York.

Buchanan to Stephen. Acknowledges despatches for Colborne and Arthur. States that these have been forwarded. p. 419 — January 7, Consulate, New York.

Buchanan to Stephen. Acknowledges despatches for Lower and Upper Canada. States that these have been forwarded. p. 420 — January 12, Consulate, New York.

1839

February 13, Consulate, New York. Buchanan to Stephen. Acknowledges despatches for Colborne and Arthur. States that they have been forwarded. Expresses thanks for the return to the system whereby despatches are sent through the Consulate. Requests that this be continued. States that an outrage has been committed on the Vermont frontier. p. 421

February 20, Consulate, New York. Buchanan to Stephen. Acknowledges despatches for Colborne and Arthur. States that these have been forwarded. p. 425

February 21, Consulate, New York. Buchanan to Stephen. Acknowledges despatches for Colborne and Arthur. States that these have been forwarded. p. 426

February 25, Consulate, New York. Buchanan to Stephen. Acknowledges despatches for Colborne and Arthur. States that these will be forwarded together with a letter for Colborne. p. 427

April 1, Consulate, New York. Buchanan to Stephen. Acknowledges despatches for Colborne and Arthur. States that these have been forwarded. p. 428

April 15, Consulate, New York. Buchanan to Stephen. Acknowledges despatches for Colborne, Arthur, and Harvey. States that these have been forwarded. p. 429

April 16. [Colonial Dept.] Unsigned to Buchanan. [Draft.] States that the change in the system of conveying despatches was adopted at the request of Durham, and was not intended to reflect upon Buchanan. As Arthur has made a similar request, despatches for the future will be transmitted by Moore. p. 423

May 7, Consulate, New York. Buchanan to Stephen. Acknowledges despatches for Colborne, Arthur, and Harvey. States that these have been forwarded. p. 430

September 30, Consulate, New York. Buchanan to Lord John Russell [Secretary of State]. Expresses his views on Canadian affairs. States that if allowed leave of absence he would bring important matters before the Colonial Office. p. 431

Enclosed:

Copy of a printed letter to the Earl of Durham, published 1838. p. 444

October 31. [Colonial Dept.] Unsigned to Buchanan. [Draft.] Expresses thanks for letter of 30 September. p. 460

November 1, New York. Unsigned to Stephen. [Draft.] Complains that despatches from the Colonial Office are no longer forwarded through the British Consulate. p. 461

C

February 4, Kingston upon Thames, Surrey. W. Chekley to Stephen. Reports that enquiries have been made for his sister. Believes that it is possible that property has been left to her in Canada. Enquiries as to the whereabouts of Sir John Coffin. p. 468

April 28, 41 Tavistock Sq. John Christopher to Normanby. States that his connection with overseas trade has given him considerable experience in colonial matters. Urges, with respect to Jamaica, that an act should be passed providing that a contumacious colony should be treated as a foreign country for purposes of trade. p. 475

W. Copland to W. Withers. [See below, Q. 269, pt. 2; W. Withers, under date of 1 March.] **1839**

Col. G. Couper to H. Labouchere [Under Secretary]. Transmits a corrected account. [Enclosure not at this place.] p. 473 April 25, Cleveland Row.

Couper to Grey. Explains items included under the heading "Miscellaneous" in Lord Durham's accounts. p. 474 April 26.

Cox & Co. to Grey. Transmit receipt for expenses incurred by Ensign W. H. F. Cavendish in bringing despatches to England. p. 463 January 1, Craig's Court.

Enclosed:

(1) Receipt, New York, 3 October, 1838. p. 464

(2) Statement by Great Western Company, 35 Princess St., 17 October, 1838. p. 465

Unsigned to Cox & Co. [Draft.] States that the expenses of Cavendish will be paid. p. 466 January 17, [Colonial Dept.]

George Coventry to Glenelg. Offers to carry despatches to Canada. p. 467 January 23, Lombard St.

E. Craggs to Marquis of Normanby [Secretary of State]. States his services in Canada, and applies for a free passage. p. 471 March 19, London.

E. Craggs to Secretary of State. States his services in Canada, and requests payment. p. 478 August 1, London.

Unsigned to Craggs. [Draft.] Refers Craggs to the Govenor General. p. 480 August 13, [Colonial Dept.]

D

A. Delisser to Labouchere. Transmits a correspondence respecting his claim to Bonaventure Island, and requests compensation. p. 497 June 12, 1 Woburn Place, Russell Sq.

Enclosed:

(1) Grey to Messrs. Delisser and Crawford, Downing St., 23 March, 1837. Requests that communications should be made in writing. p. 499

(2) Grey to Delisser, Downing St., 10 November, 1837. Requests that points to be raised should be communicated in writing. [For further enclosures see Q. 242.] p. 501

Unsigned to A. Delisser. [Draft.] Acknowledges letter of 12 June. States that as the matter has already been decided by Glenelg, Normanby declines to re-open it. p. 503 June 20, [Colonial Dept.]

Delisser to Labouchere. Acknowledges letter of 20 June. Denies that a final decision was given on his case. p. 504 June 24, 1 Woburn Place Russell Sq.

1839

July 5. [Colonial Dept.] Unsigned to Delisser. [Draft.] Acknowledges letter of 24 June. Declares that the last letter of the correspondence with Grey had requested that if any legal points were raised by Delisser, they would be considered by the law officers. As no answer had been made it was considered that the case was closed. Should Delisser supply them now, reference will be made. p. 507

July 12, 1 Woburn Place, Russell Sq. Delisser to Labouchere. Acknowledges letter of 5 July. Raises points of law in connection with his claim to Bonaventure Island. p. 508

July 23. [Colonial Dept.] Unsigned to Delisser. [Draft.] Acknowledges letter of 12 July. States that the legal points submitted by Delisser are not such as should be referred to the law officers. They should be determined in the Canadian courts. p. 512

July 29, 1 Woburn Place, Russell Sq. Delisser to Labouchere. Acknowledges letter of 23 July. States his disappointment and the hardship wrought upon his family. Requests that his case be reconsidered. p. 513

August 3. [Colonial Dept.] Unsigned to Delisser. [Draft.] Acknowledges letter of 29 July. States that application for redress of any wrong of this nature should be made to the local legislature. p. 519

August 12, 1 Woburn Place, Russell Sq. Delisser to Labouchere. Acknowledges letter of 3 August. Reiterates the legal question which he would like to have referred to the law officers. States that an able legal functionary in Canada has given his opinion that Delisser's case is strong. p. 521

August 26. [Colonial Dept.] Unsigned to Delisser. [Draft.] Acknowledges letter of 26 August. States that as Delisser has obtained a legal opinion in his favour, Normanby will instruct the Governor to take the opinion of the law officers in Canada. It will be necessary to submit the opinion which Delisser has received. p. 527

August 12, 20 Blandford St., Portman Sq. J. E. Devereaux to Marquis of Normanby [Secretary of State.] Offers his services in connection with Canadian affairs. p. 493

Enclosed:

Grey to Devereaux, 10 January, 1839. Declines Devereaux's offer to be of service in Canada. p. 494

August 28. [Colonial Dept.] Unsigned to Devereaux. [Draft.] Acknowledges letter of 12 August, states that Normanby has no need for his services. p. 495

January 31, 68 Augustus St., Regent's Park. W. Deykes to Lord Glenelg [Secretary of State]. Offers his services in connection with the case of the Canadian prisoners. p. 486

February 1, 68 Augustus St., Regent's Park. Deykes to Glenelg. States that his communication of 31 January, has been sent to Lord John Russell. p. 488

August 2, 3 Frederick Place, Mile End Road. Mary Dickson to Glenelg. Wishes to be informed as to whether grants of land are given in Canada. p. 491

August 13, [Colonial Dept.] Unsigned to Mrs. Dickson. [Draft.] States that free grants of land are no longer made in North America. p. 492

Sir John Doratt [Physician to Durham] to Grey. Requests to be informed as to whom he should apply for his salary as arranged by Lord Durham. p. 489 **1839** February 8, Hatchet's Hotel.

Unsigned to Doratt. [Draft.] States that there is no information respecting his appointment, in the Colonial Office. One reference has been found, but there is no mention of a salary. p. 490 February 9, [Colonial Dept.]

A. G. Douglas to Grey. Acknowledges letter of 8 January. Gives further explanation regarding his complaint against the Government. p. 482 January 28, La Butte.

Unsigned to Douglas. [Draft.] States that a Special Committee of the Assembly has investigated Douglas's claim. Normanby sees no reason to question the justice of the Committee's decision. Redress for complaints against officers should be found at law. p. 484 February 26, [Colonial Dept.]

E

George E. Ellis to Stephen. Transmits a list of papers relating to New England, previous to 1670. Requests permission to copy these. p. 530 April 5, 31 Jermyn St.

Enclosed:

List. p. 531

F

Memorial of John Findlater [Assistant Adjutant, Paymaster, and Quarter Master of the late Royal East Perth Militia] praying for half pay or a grant of lands in Canada. p. 537 August 19, Stanley.

Enclosed:

(1) Findlater to Secretary at War, Stanley, 31 July, 1839. States his claims. p. 540

(2) Sulivan to Findlater, War Office, 8 August, 1839. States that applications for land must be made to the Colonial Department. p. 544

(3) Certified Copies of testimonials as to the service of Findlater. p. 546

Unsigned to Findlater. [Draft.] Regrets that claims due in England cannot be met by giving grants of land in Canada. p. 561 September 6, [Colonial Dept.]

W. Fitzpatrick to Normanby. Transmits copy of a letter concerning Capt. John Fitzpatrick. Requests that a search be made for the registration of lands in Canada, owned by Fitzpatrick. p. 534 July 9, Brandon.

Enclosed:

L. Sulivan [Deputy Secretary at War] to W. Fitzpatrick, War Office, 30 June, 1837. Gives a statement of the military services of Capt. John Fitzpatrick. p. 536

1839

September 26, Brandon. Fitzpatrick to Secretary of State. Requests information as to the proper person, in Lower Canada, to whom application should be made relative to land granted to Capt. John Fitzpatrick. p. 562

October 8, [Colonial Dept.] Unsigned to Fitzpatrick. [Draft.] Acknowledges receipt of letter of 26 September, and states that application for information regarding land owned by Capt. J. Fitzpatrick, should be made to the Commissioners of Crown Lands or to the Surveyor General. p. 563

No date, 42 Faith St., Soho Sq. M. A. Fox to Under Secretary. Requests information respecting the death of Governor [*sic*] Gugy, at Quebec. p. 533

G

December 18, 1 Whitehall Place. Col. Hon. Charles Gore to Stephen. [Private]. Requests, at the direction of Lord John Russell, a copy of the Union Resolutions. Intends to send them to the *Chronicle*. p. 572

January 26, Gosford. Earl of Gosford to Glenelg [Secretary of State]. Recommends Judge E. Bédard. p. 565

July 10, 51 Lime St. B. C. F. Gray to Normanby. States that Brian O'Hara, who has established a mercantile house in Puerto Rico, wishes to be appointed consul at that place. p. 567

July 16, [Colonial Dept.] Unsigned to Gray. [Draft.] Acknowledges letter of 10 July. States that applications for appointment of consuls should be made to the Foreign Office. p. 569

November 21, Reigate. Henry Grece to Normanby. States that the Grenville Canal was made through his father's property and requests compensation. p. 570

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MISCELLANEOUS, 1839

H

November 20, Lennoxville, Eastern Twp. James Hackett to Lord John Russell [Secretary of State]. Transmits papers showing his services to the Government. States his failure as an agriculturalist. Requests an appointment, or that he be recommended to Thomson for any suitable vacancy that may occur. He is a Justice of the Peace, and has commanded a troop of volunteer cavalry. p. 61

Enclosed:

Sir George Grey [Under Secretary] to Hackett, Downing St., 27 February, 1836. States that land cannot be given to Hackett on the grounds of militia service, but furnishes him with a copy of a letter from Lt.-Gen. Sir Benjamin D'Urban, relating Hackett's services in British Guiana. p. 65

Sub-enclosure:

D'Urban to Hackett, Portsmouth, 10 November, 1833. p. 66

1839

Major G. D. Hall to Secretary of State. Requests payment of his expenses from Bristol to London, as bearer of despatches from Canada. p. 3 — May 20, I.U.S. Club, London.

Unsigned to Hall. [Draft.] States that payment will be made on application to the senior clerk. p. 4 — May 24, [Colonial Dept.]

Hall to J. Stephen [Under Secretary of State]. Requests an allowance for his passage to Canada to assume the duties of Military Secretary. p. 12 — September 16, I.U.S. Club.

Unsigned to A. Y. Spearman [Assistant Secretary of the Treasury], immediate. [Draft.] Transmits copy of Hall's letter of 16 September and requests that it should be complied with. [Enclosure not at this place.] p. 13 — September 19, [Colonial Dept.]

Hall to J. Stephen [Under Secretary]. Acknowledges receipt of despatches which are to be taken to Canada. p. 50 — September 19, I.U.S. Club.

George Hardy to Russell. Requests a copy of a *Parliamentary Report* on Canada. p. 58 — November 19, 136 Mount Pleasant, Liverpool.

Unsigned to Hardy. [Draft.] States that the *Parliamentary Reports* can be purchased. p. 60 — November 26, [Colonial Dept.]

R. Harrison & Co. to Marquis of Normanby [Secretary of State]. Transmit certificate for the Queen's Plate of 50 guineas, won by Mr. Anderson's mare in 1838, at Quebec. [Enclosure not at this place.] p. 7 — [August 3.]

Unsigned to Durham. [Draft.] Transmits copy of the certificate for the Queen's Plate, received from Harrison & Co. Request information regarding this prize. [Enclosure not this place.] p. 8 — August 15, [Colonial Dept.]

R. Harrison & Co. to Normanby. Transmit copy of a letter addressed to Normanby on 3 August, to which no reply has been received. State that they desire information as to where they should apply for the money. [See above.] p. 9 — August 21, London.

R. Harrison & Co. to Normanby. Request reply to letter of 3 August. State that they had made application to the Master of the Horse who had referred them to Normanby. [See also Q. 268, p. 76, W. H. Anderson, under date of 9 December.] p. 11 — August 28, 18 Philpot Lane.

A. W. Hart to Lord John Russell [Secretary of State]. Recites the hardships to which his father, Benjamin Hart, is exposed on the grounds that he is a Jew. Requests that an enquiry should be made as to why Hart has been refused advancement. p. 51 — November 18, Liverpool.

[Russell] to C. P. Thomson [Governor in Chief], No. 42. [Draft.] Transmits copy of Hart's letter of 18 November, and requests Thomson's observations thereon. [See above.] p. 57 — November 24, [Colonial Dept.]

Unsigned to Hart. [Draft.] Acknowledges receipt of letter of 18 November, and states that it has been referred to the Governor General. p. 56 — November 26, [Colonial Dept.]

1839

June 24, Alfred House, Clapham. Major C. F. Head to Normanby [Secretary of State]. Requests payment of his expenses as bearer of despatches from Canada. p. 5

July 1, [Colonial Dept.] Unsigned to Head. [Draft.] States that payment will be made on application to the senior clerk. p. 6

September 17, Alfred House, Clapham. Head to Russell. Transmits a letter dealing with emigration, which was addressed to Normanby but which never reached its destination. p. 14

Enclosed:

Head to Normanby, Clapham, 3 July. Suggests a scheme whereby the Government would advance money for public works. Those who undertake the work must bring out one emigrant family for every £30 or £40 expended. p. 17

September 27, [Colonial Dept.] Unsigned to Head. [Draft.] Acknowledges receipt of communication respecting emigration. p. 16

No date. Remarks on the Frontier, to accompany a report and survey made for Lt.-Gen. Sir John Colborne by Major C. F. Head. This is a series of observations upon the Eastern Townships. p. 31

J

November 16, Great Holwell, Broomfield. John Jefferys to Under Secretaries, Colonial Office. Wishes to be informed as to whether the Laird of MacNab is in England. States that MacNab had promised him assistance in procuring a grant of Allumette Island. p. 70

December 12, Great Holwell, Broomfield. John Jefferys to R. Vernon Smith [Under Secretary]. Applies for a grant of Allumette Island. p. 71

December 31, [Colonial Dept.] Unsigned to Jefferys. [Draft.] States that Jefferys cannot obtain a lease of Allumette Island under the Great Seal of England. p. 72

K

April 8, Quebec. James H. Kerr to Col. Charles Yorke. Solicits Yorke's assistance to obtain compensation for his father, who is said to have been unjustly deprived of office. Transmits papers dealing with this case. p. 74

Enclosed:

(1) Petition of J. H. Kerr to the House of Commons, Quebec, 20 October, 1836. With appendix and supplement. [Note. This petition could not be received by the House of Commons because it had been printed.] Reviews his case and requests an investigation. p. 78

Appendices to enclosure:

(a) Petition of Kerr to the Treasury, London, 10 March, 1834, praying for payment of £4088.18.1. in compensation for fees lost as a result of the abolition of the prize court. p. 95

(b i) Aylmer to Kerr, 19 November, 1831. [Not transcribed. See Q. 211, p. 425.] 1839

(b ii) Kerr to Aylmer, 20 November, 1831. [Not transcribed. Q. 211, p. 426.]

(b iii) Aylmer to Kerr, 21 November, 1831. [Not transcribed. See Q. 211, p. 427.]

(c) Statement that B. A. C. Gugy examined a witness without the presence of a member of the committee, 16 March, 1831. p. 104

(d) Kerr to G. Elliot, M.P., Blenheim Place, Edinburgh, 16 October, 1834. Complains of the hardship from which he suffers. p. 105

(e i) R. W. Hay to Kerr, Downing St., 13 November, 1834. Advises that Kerr should resign his seat on the bench in order to avoid steps for his removal. p. 109

(e ii) Extract from the speech of Spring Rice, 9 March, 1835. [Not transcribed.]

(f) Receipt of 12 March, 1834. [Not transcribed.]

(g) Dalhousie to Aberdeen, Dalhousie Castle, 13 January, 1835. [Not transcribed. See Q. 242, pt. 4, p. 1026.]

Supplements to enclosure:

(i) Kerr to Gosford, Quebec, 22 October, 1836. Expresses surprise that his salary was not paid to 22 February, 1836, when Bédard succeeded him. p. 114

(ii) Certificate of Perrault and Burroughs, 15 November, 1836. [Not transcribed. See Q. 242, pt. 4, p. 874.]

(iii) S. Walcott [Civil Secretary] to J. Kerr, Quebec, 24 October, 1836. Acknowledges letter to Gosford, of 22 October, and states that as Kerr's tenure of his offices ended on 2 April, 1835, and 24 September, 1834, his salaries could not be paid beyond those dates. p. 117

(iv) Observations on the case of Kerr, Quebec, December, 1836. p. 118

Enclosures—*Continued:*

(2) A short view of the case of J. H. Kerr. [Not transcribed. See Q. 258, p. 84.]

(3) Extract of a report of a Committee of the Whole Council, 27 March, 1839. Recommends that a pension should be granted to Kerr, in compensation for his long services and for his deprivation of office. p. 122

J. H. Kerr to Normanby. Transmits copy of letter addressed to Glenelg, respecting the compensation awarded to the Holland family for the expropriation of the Chateau garden at Quebec. States that he is acting as agent in this matter. p. 124 August 12, Quebec.

1839

Enclosed:

J. H. Kerr to Glenelg, Quebec, 12 November, 1838. Requests that Miss S. Holland's claim should be paid. p. 126

L

January 3, 11 Wigmore St. W. Lloyd to Glenelg. Transmits a minute of the points alluded to in an interview of the previous day. Expresses willingness to submit a few points relative to emigration. p. 130

Enclosed:

Minute of interview. Report on the state of feeling, defence, and roads in Canada. p. 131

January 26. [Colonial Dept.] Unsigned to Lloyd. [Draft.] Acknowledges letter of 3 January. Glenelg would be pleased to receive suggestions on emigration. p. 136

April 23, 12 Albemarle St. J. Lock to H. Labouchere [Under Secretary]. Transmits petition of R. Alexander. p. 137

Enclosed:

(1) Certificate of Major T. Austin, 8 February, 1839, as to the truth of Alexander's statements. p. 138

(2) Petition of R. Alexander, Eastern Townships, 31 January, 1839, praying for compensation for his property which was destroyed by fire during his absence on service with the troops. p. 139

May 1. Unsigned to Lock. [Draft.] Transmits copy of Normanby's despatch to Colborne, respecting the case of Alexander. p. 142

Enclosed:

[Normanby] to Colborne, No. 29, 30 April, 1839. [Draft.] States that as Alexander's loss was not occasioned by his military service, it is impossible to grant compensation to him. p. 143

M

March 14, 201 Piccadilly. R. C. MacDonald [Paymaster, 30th Regiment] to Normanby. Offers his services to raise upward of 800 Highlanders in the maritime colonies, who could be employed in the event of disturbance over the boundary line. States that these people are descended from those who emigrated with his father. Encloses testimonial. p. 172

Enclosed:

Certificate from Lieut.-Gen. Eyre Massey, London, 18 February, 1745. Service of Capt. J. MacDonald. p. 176

September 16, Cavan. Mrs. J. Mackay to Russell. Requests support for her memorial to the Queen. p. 179

1839

Unsigned to Mrs. Mackay. [Draft.] States that permission to commute her pension can only be obtained from the Secretary at War. No particular advantage will be given to her for the acquisition of lands in Canada. p. 180 — September 27. [Colonial Dept.]

Count Mandelsloh to Glenelg. States that no information has been received as a result of the communication between Glenelg and Lower Canada, respecting property left to Charles Maysenhölder, a native of Wurtemberg. Transmits a new application to the Attorney General of Lower Canada, and requests that steps be taken to obtain the property for the rightful owners. p. 150 — January 26, 39 Somerset St.

Unsigned to Mandelsloh. [Draft.] Acknowledges letter of 21 January, and states that application has been forwarded. p. 153 — January 31. [Colonial Dept.]

Count Mandelsloh to Lord John Russell. Draws attention to previous enquiry respecting property inherited by Charles Maysenhölder, and requests that an enquiry should be instituted. p. 181 — September 27, 3 Hill St., Berkley Sq.

D. C. McCarthy to H. Labouchere [Under Secretary]. Requests to be informed as to whether a decision has been reached, respecting the disposal of lands in British North America and the encouragement of emigration. p. 177 — May 1, Cork.

Col. Sir Duncan McDougall to Glenelg. Refers to the death of John Hale, Receiver General of Lower Canada, and to a letter from Sir Ronald Ferguson to Glenelg, 1836. States that he would not wish to accept the office of Receiver General if the Government have any intention of bestowing it on Hale's son. p. 154 — January 30, United Service Club.

Sir Frederick Stovin to [Normanby]. Forwards a letter from McDougall, respecting the office of Receiver General of Lower Canada. [For enclosure see above, p. 154.] p. 155 — No date, U.S. Club.

Unsigned to McDougall. [Draft.] Acknowledges receipt of letter of 30 January, and states that the choice of a Receiver General for Lower Canada, will rest with Glenelg's successor in office. p. 158 — No date, Colonial Office.

McDougall to Normanby. Reviews his claims to consideration for the appointment of Receiver General of Lower Canada. p. 156 — February 18, U.S. Club.

McDougall to Normanby. Offers his gratuitous services to command militia in British North America. States his experience. p. 178 — March 29, U.S. Club.

McDougall to Russell. Transmits copy of a memorandum which was presented to Normanby in March last, respecting the proposed union of Upper and Lower Canada and the need of systematic emigration, together with a representation from the London Highland Destitution Relief Committee. Draws attention to the saving of expense for defence which could be effected by emigration. p. 184 — December 17, U.S. Club.

Enclosed:

(1) Representation of the Highland Destitution Relief Committee, presented 26 June, 1839. Urges assisted emigration. p. 188

(2) Resolution of the Highland Destitution Relief Committee, respecting presentation of the above representation, 26 June, 1839. p. 197

1839

(3) Memorandum of McDougall, objecting to the proposed union of the Canadas. p. 198

December 31. [Colonial Dept.]

Unsigned to McDougall. [Draft.] Acknowledges letter of 17 December. p. 207

January 21, 5 Gould St., London.

L. Moffatt to Sir George Grey [Under Secretary]. States that he incurred an expense of £10 as bearer of despatches. p. 148

January 26. [Colonial Dept.]

Unsigned to Moffatt. [Draft.] States that payment will be made on application to the senior clerk. p. 149

November 27, Roy. Gun Powder Mills, Essex.

Lieut.-Col. T. Moody, R.E., to Russell. Solicits a letter of introduction to C. P. Thomson, for his son, Lieut. H. C. B. Moody, who is proceeding to Canada. p. 182

No date.

Viscount Morpeth to Glenelg. Transmits letter from E. B. Roche, M.P. for Cork Co. p. 146

Enclosed:

E. B. Roche to Morpeth, December 29, 1838. States that Baron Frattelin, chief witness against the Russian Consul at Boston, is a swindler. p. 147

February 26, 3 Wardrobe Place, Doctors Commons.

Hugh Murray to Labouchere. Transmits a paper expressing his views on the government of British America. These have occurred to him in course of preparing an extensive work on that colony. p. 159

Enclosed:

Paper by Murray. p. 160

O

January 5, 17 Red Lion St., Clerkenwell.

Rev. T. Osgood to Glenelg. Transmits an appeal from the Friendly Union of Montreal. Regrets that an unfavourable account of the missions has been given by the late Lieutenant-Governor of Upper Canada. States that the Indians have received great benefit from preacher and teachers. Declares that he travelled to England with the Canadian prisoners and requests permission to visit them in Liverpool prison. Requests an interview with the Queen, whose assistance would be most beneficial to his project respecting seamen and emigrants. p. 210

Enclosed:

"An Affectionate Appeal to Christians and Philanthropists, on behalf of Canada, by the agent of the Friendly Union of Montreal." Requests assistance to establish a place of worship for seamen and emigrants, and to found schools of industry for destitute children. p. 212

January 11. Colonial Dept.]

Unsigned to Osgood. [Draft.] Acknowledges receipt of letter of 5 January. Permission to visit Canadian prisoners in Liverpool prison must be obtained from the Home Secretary. Glenelg cannot promise to obtain an interview with the Queen. p. 216

Osgood to Labouchere. States the object of his mission to Canada. Wishes an interview in order to urge plans for emigration of destitute persons to Canada. Fears the loss of those colonies, unless steps are taken. Declares that the Clergy Reserve question demands serious consideration. Transmits papers relating to Canada. p. 217 **1839** February 27, 17 Red Lion St., Clerkenwell.

Enclosed:

(1) Testimonial signed by prominent persons, respecting the agency of Rev. T. Osgood, Montreal, 12 September, 1838. p. 219

(2) Testimonial from J. J. Gurney, of Earlham, Montreal, 15 November, 1838. p. 222

(3) Resolution of the Friendly Union, Montreal, 16 October, 1838. Appoint Rev. T. Osgood as agent. p. 222

(4) Certificate of Rev. T. Raffles, D.D., Liverpool, 22 December, 1838. Documents have been shown to ministers of religion and persons connected with the Canada trade. p. 223

(5) Testimonial from Rev. R. Alder, Secretary of the Weslyan Missionary Society, 77 Hatton Gardens, 3 January, 1839. p. 224

(6) Memorandum of Rev. T. Osgood, respecting his mission, London, 28 January, 1839. p. 224

(7) Claims of Canada on the benevolence of the parent country. p. 227

(8) Canada protected, and the destitute assisted, signed Philanthropist, London, 4 February, 1839. p. 230

[For further enclosures see Q. 269, pt. 2.]

Series Q. Vol. 269, pt. 2

MISCELLANEOUS, 1839

O—*Continued*

The enclosures to the letter from Rev. T. Osgood to Labouchere, 27 February, 1839, are continued in this volume:

(9) A Plan for the Establishment of the British and Foreign Relief Union. p. 233

(10) Constitution, regulations, resolutions and aims of the Friendly Union for the suppression of vice and the promotion of useful knowledge. p. 237

(11) Petition of Rev. T. Osgood to the Queen, London, February, 1839. Praying for patronage and assistance to the Friendly Union. p. 246

Unsigned to Osgood. [Draft.] States that the petition to the Queen has been presented and was graciously received. p. 249 March 15. [Colonial Dept.]

1839

March 15, 17 Red Lion St., Clerkenwell. Osgood to Labouchere [Under Secretary]. Enquires as to whether any answer has been received to his petition to the Queen. Requests an interview with Normanby. Desires the support of gentlemen connected with the Colonial Department, to further his plans for schools of industry, and for emigration. Transmits papers. p. 250

Enclosed:

Petition to the Legislature on behalf of the destitute, London, 22 February, 1839. p. 251

March 22, 17 Red Lion St., Clerkenwell. Osgood to Stephen. Expresses thanks to Normanby for presenting his petition. Desires an interview with Normanby and with the Queen. p. 254

March 30, 17 Red Lion S t. Clerkenwell. Osgood to Normanby. Sets forth his ideas upon education and religion in Canada. p. 256

April 9. [Colonial Dept.] Unsigned to Osgood. [Draft.] Acknowledges receipt of letter of 30 March. Normanby regrets that there is no fund from which support can be given to the Friendly Union of Montreal. p. 262

April 18, 17 Red Lion St., Clerkenwell. Osgood to Normanby. Expresses thanks for services rendered to him. Requests that Normanby will ask the Queen for some token of benevolence to the seamen's chapel. States that the Friendly Union is in debt and will have to give up its school of industry, unless aid is obtained in England. p. 263

The Friendly Union. Account of its founding and its aims. Testimonials. [See also Q. 269, pt. 1, p. 218.] p. 265

April 23. [Colonial Dept.] Unsigned to Osgood. [Draft.] States that Normanby cannot advise the Queen to grant an interview to Osgood. No funds are available to grant aid. p. 269

October 26, 17 Red Lion St., Clerkenwell. Osgood to Lord John Russell [Secretary of State]. States that he has had no answer to his petition to the Queen. Requests Russell's assistance. Offers his sympathy on the death of the Duke of Bedford. p. 270

Enclosed:

An Appeal on behalf of Canada. [Same as documents in Q. 269, pt. 1, with further testimonials which are copied at this place.] p. 272

November 8. [Colonial Dept.] Unsigned to Osgood. [Draft.] Acknowledges receipt of letter of 26 October, and refers to the decision given by Normanby, as stated in a letter of 23 April. p. 278

November 11, 17 Red Lion St., Clerkenwell. Osgood to Russell. Asks permission to show his subscription book to Russell and to the Queen. p. 279

November 21. [Colonial Dept.] Unsigned to Osgood. [Draft.] Regrets that there is no fund from which a subscription could be given. Application to the Queen should be made to General Sir Henry Wheatley, Keeper of the Privy Purse. p. 280

P **1839**

Rev. H. Parsons to Secretary of State. States that J. Webber, formerly a private in the 64th Foot, had commuted his pension for a grant of land in Quebec. Webber returned to England and wishes to obtain full title to this land, in order to sell it. p. 292 — November 7, Goathurst, Bridgwater, Somerset.

Unsigned to Parsons. [Draft.] States that the application of Webber cannot be complied with, as it would interfere with the land regulations. p. 293 — November 20. [Colonial Dept.]

Joseph Plimsoll to [Secretary of State]. Requests promotion for his son, who is in the medical service of the navy. Gives copies of testimonials as to Plimsoll's ability and services. Rejoices that a new order of laws has been established for Canada. Urges that encouragement be given to Irish emigration to Canada. p. 284 — August 9, St. Charles Borromee St., Montreal

William and Sarah Preece to Secretary of State. Request that an enquiry be made as to the fate of their son, William, who was taken to Canada by the Children's Friend Society and apprenticed to Capt. Fitzgibbon. p. 282 — April 28, 12 Well St., London.

Unsigned to Colborne, No. 36. [Draft.] Transmits copy of above letter of W. and S. Preece, and directs that an enquiry be made. p. 283 — May 18. [Colonial Dept.]

R

N. C. Radiger to Lord Glenelg [Secretary of State]. Transmits copy of part of a letter received from Montreal, dated 10 January, 1839. The writer of this letter states the need of strong government. He comments on the attitude taken by the Lower Canada judges, on the question of habeas corpus. p. 295 — February 4, 1 Upper Spring St., Portman Sq.

Unsigned to Radiger. [Draft.] Acknowledges receipt of letter of 4 February. p. 300 — February 9. [Colonial Dept.]

Baron Redhausen [Swedish and Norwegian Chargé d'Affaires] to Sir George Grey [Under Secretary]. Requests letter of introduction to the Nova Scotia, New Brunswick and Newfoundland authorities, for Dr. Stuewitz, professor of zoology at the University of Christiania, who is proceeding to those colonies for scientific reasons. p. 305 — June 20, 15 Hertford St.

Unsigned to F. Baring [Joint Secretary of the Treasury]. [Draft.] Transmits copy of a correspondence respecting J. A. Roebuck's claim for arrears of salary as agent for the Assembly of Lower Canada, together with the draft of a despatch which Normanby proposes to send to Colborne. Requests that this payment should be sanctioned by the Treasury. p. 322 — No date. [Colonial Dept.]

Enclosed:

(1) Colborne to Glenelg No. 34, 27 February, 1839. [Not transcribed. See Q. 257, p. 237.] p. 320

(2) Unsigned to Colborne, No. 22. 18 December, [1838]. [Draft.] Requests a statement as to the reasons why Roebuck's claim was not paid. p. 321

1839 (3) Unsigned to Colborne, [Colonial Dept.], April, 1839. [Draft.] Acknowledges Colborne's despatch No. 34, of 27 February, explaining the circumstances under which Roebuck's claim was not paid. Gives reasons why Roebuck should receive payment, and directs that an appropriation should be made for this purpose. p. 323

May 7. [Colonial Dept.] Unsigned to Roebuck. [Draft.] States that Normanby has received Colborne's report on the grounds upon which Roebuck's salary was not paid. Reviews the case and declares that as Roebuck's appointment expired on 21 March, 1836, there can be no claim extending beyond that date. p. 329

May 9, Gray's Inn. Roebuck to Normanby. Reviews steps which have been taken with regard to his salary and requests to be informed of the objections to his claim. p. 333

May 10, Gray's Inn. Roebuck to Normanby. Acknowledges communications respecting his claim. Reviews the history of his case and states that £400 of his salary for 1835-36 remains unpaid. Points to his services in 1837-38 and the recognition which he received as agent for the Assembly. Transmits papers and requests that they be returned to him. [Papers not at this place.] p. 336

May 30. [Colonial Dept.] Unsigned to Roebuck. [Draft.] Transmits a memorandum respecting Roebuck's case and requests his observations thereon. Returns enclosures to letter of 10 May. p. 344

Enclosed:

Memorandum. p. 313

June 4, Gray's Inn. Roebuck to Normanby. Returns memorandum which he declares to be a complete statement of the case. Requests a decision thereon. p. 345

June 7. [Colonial Dept.] Unsigned to Colborne, No. 43. [Draft.] Acknowledges Colborne's despatch No. 34, of 27 February, giving reasons why Roebuck's salary had not been paid. States that while the ultimate decision must rest with the Special Council, Roebuck has very strong claims which should be met. Transmits a memorandum on the case. p. 326

Enclosed:

Memorandum. p. 313

June 14. [Colonial Dept.] Unsigned to Roebuck. [Draft.] States that a copy of the above memorandum has been sent to Colborne, who has been instructed to propose the payment of the arrears of Roebuck's salary. p. 348

July 16, Montreal. Colborne to Normanby, No. 95. [Not transcribed. See Q. 259, p. 383.] p. 328

October 5, Raymond Buildings. Roebuck to Lord John Russell [Secretary of State]. States that he has received no answer to the request made to Colborne by Normanby, respecting the arrears of salary due to him. Requests that Russell should give instructions to Colborne on this matter. p. 350

Roebuck to E. B. O'Callaghan. Reviews the political situation in England and the prospects of the Government. States that there is a report that cholera has broken out. Sends a short article from the *Dublin Review*, on the Irish in America. Declares that Nos. 87, 88, and 89 of the *Vindicator* have not been received. Requests duplicates. Will answer Mr. Louis's [Perrault] shortly. p. 358 **1839** October 30, London.

[Roebuck] to O'Callaghan. Transmits a report from the *London Dispatch*, respecting a meeting held at Newcastle on Tyne. Comments on the stand in support of Canada, that has been taken by workmen at that place. [Enclosure not at this place.] p. 354 October 30.

Roebuck to R. Vernon Smith, M.P., [Under Secretary]. States that it would be necessary to examine the papers relating to his case, before he could reply to Smith's enquiries. His only request is that Russell should follow the decision made by Normanby. Refers to the correspondence of May and June last. p. 349 November 5.

Unsigned to Roebuck. [Draft.] States that no further steps can be taken regarding Roebuck's claim, as instructions have already been issued to the Governor of Lower Canada. p. 352 November 14. [Colonial Dept.]

Roebuck to Smith. Requests assistance to procure an interview with Russell. p. 353 December 18, Raymond Buildings.

Major-Gen. Sir H. Willoughby Rooke to Under Secretary. Requests that an extension of time be granted to his son, Charles Rooke, who had obtained a certificate on retirement from the 79th Regiment. Rooke has not been able to proceed to Canada owing to the death of his wife and to family arrangements connected therewith. p. 301 May 21, U.S. Club, Brighton.

Unsigned to Rooke. [Draft.] Grants a six months extension of time to C. Rooke, as requested in letter of 21 May. States that this extension cannot apply to Upper Canada or New Brunswick, where the land regulations are governed by legislative enactment. Land is available in Lower Canada, Nova Scotia and Newfoundland. Instructions will be issued when Rooke has selected the colony to which he wishes to go. p. 303 May 30. [Colonial Dept.]

Rooke to Under Secretary. Applies for a further extension of six months time, in favour of his son. p. 309 October 23, Ryde, Isle of Wight.

Unsigned to Rooke. [Draft.] Grants the extension requested in Rooke's letter of 23 October. States that no further extension can be given. Reminds Rooke that his son must notify the Colonial Department as to which colony he wishes to settle in. p. 311 November 8. [Colonial Dept.]

Patrick Russell to Marquis of Normanby [Secretary of State]. Requests a free grant of land in Lower Canada. p. 306 July 17, Strangford.

Unsigned to Russell. [Draft.] States that free grants of land are no longer given. p. 308 July 25. [Colonial Dept.]

S

John Sharples to Glenelg. Urges that a bounty be paid on colonial corn, in order to encourage the flow of capital and labour to Canada. p. 366 January 5, Sedburgh.

1839

January 11, [Colonial Dept.] Unsigned to Sharples. [Draft.] Acknowledges receipt of letter of 5 January. p. 370

March 23, Clareen Shimrone, Ireland. Ralph Smith to H. Labouchere [Under Secretary]. Enquiries as to whether his previous applications are recorded in the Colonial Department. Discusses need for emigration. Intends to make a new application. p. 371

April 3, [Colonial Dept.] Unsigned to Smith. [Draft.] States that previous communications from Smith are on record. Normanby will not depart from Glenelg's decision regarding free grants of land. p. 374

April 20, Quebec. Memorial of W. Smith, late chairman of the Executive Council of Lower Canada, respecting his deprivation from office and requesting to be restored. p. 375

Enclosed:

Extract from a despatch to Gosford, 22 August, 1837. p. 378

July 10, [Colonial Dept.] Unsigned to Smith. [Draft.] Acknowledges receipt of memorial. States that Normanby cannot take it into consideration until it has been reported upon by Colborne. Smith is directed to furnish Colborne with a copy. p. 379

T

August 10, St. Mary's Mount, Walsall, Staffordshire. Rev. A. J. Tancred, D.D., to Normanby. States that he intends to proceed to Canada in order to open a seminary and to give public lectures. Requests assistance. p. 396

August 26, [Colonial Dept.] Unsigned to Tancred. [Draft.] Acknowledges receipt of letter of 10 August. Regrets that no assistance can be given to Tancred. p. 398

July 25, Charmouth, Dorset. T. J. W. Tane to Normanby. Requests free passages to Canada, for himself and for his family. p. 393

August 2, [Colonial Dept.] Unsigned to Tane. [Draft.] States that there is no fund from which free passages could be provided for Tane and his family. p. 395

May 21, Montreal. F. T. Thomas to J. Stephen [Under Secretary], private. Requests the assistance of Stephen to procure an appointment in the Commissariat for G. W. Thomas, his son. p. 381

July 6, [Colonial Dept.] [Normanby] to Colborne, No. 56. [Draft.] Regrets that he is unable to futher the advancement of F. T. Thomas, or his son George W. Thomas. p. 384

July 16, 16 Montague Place, Bedford Square. James Tullock to Normanby. Presses the claims of the Séminaire de Quebec and the Ursulines de Quebec, to be indemnified for property which was confiscated by the Government of France. p. 385

July 24, [Colonial Dept.] Unsigned to F. Baring [Joint Secretary of the Treasury]. [Draft.] Transmits copy of Tullock's letter and requests a report thereon. p. 392

W

1839

John Walsh to Lord John Russell [Secretary of State]. Requests an appointment on the Canadian constabulary. p. 427 October 11, Ballyshannon, Ireland.

Unsigned to Walsh. [Draft.] Acknowledges receipt of letter of 11 October, and states that applications for appointments in the constabulary should be made to the Canadian authorities. p. 429 October 25. [Colonial Dept.]

John Williamson to Labouchere. Requests information as to the encouragement which will be given under the new system, to persons of capital who emigrate to Lower Canada. p. 418 March 4, Williambrook.

Unsigned to Williamson. [Draft.] Regrets that Williamson's enquiry cannot be answered. p. 420 March 18. [Colonial Dept.]

James Wisconsin to Normanby. States that there is a conspiracy to attack the British colonies in America, by a "gentle rush" across the border. Urges that the military forces be strengthened. States that he is leaving for the American frontier. p. 421 June 21, Bagenalstown, Ireland.

W. Withers to Normanby. Transmits copy of a letter from Canada. p. 400 March 1, Holt.

Enclosed:

W. Copland to W. Withers, Niagara, 9 December, 1838. Gives an account of events in Canada. p. 401

Major-Gen. George Wright, R.E., to Normanby. States that he is going to Canada and offers his services. p. 425 July 20, 12 Waterloo Place, Pall Mall.

Unsigned to Wright. [Draft.] Acknowledges receipt of letter o 20 July. States that Wright's services are not required. p. 426 July 25. [Colonial Dept.]

Petition of James Wright, formerly of the Royal African Corps, praying for permission to give up his land ticket of 1832, and to be restored to his pension. p. 422 July 25, Sittingbourne.

Unsigned to Wright. [Draft.] States that his location ticket of 1832 could not be honoured at this date. Applications respecting pensions must be made to the Secretary at War. p. 424 August 2. [Colonial Dept.]

1840

Address of Assembly, Upper Canada, on the proposed re-union of Upper and Lower Canada. p. 431 January 13.

Series Q. Vol. 269A

DRAFTS OF DESPATCHES TO SIR JOHN COLBORNE, NOVEMBER 1837 TO FEBRUARY 1839

With the exceptions calendared hereunder, the despatches in this volume are to be found in the Calendar of *Series G*, Vols. 37-41. (*Report of the Public Archives of Canada* for the years 1931 and 1932.)

1837

Glenelg to Colborne, private. Gives orders for the employment of volunteers in case of an emergency. Stresses the caution with which such forces should be used. p. 9 December 6, Downing St.

1837

December 6, Downing St. Glenelg to Colborne, private. Transmits despatches, and directs that they be forwarded to Gosford if he should still be in the province. p. 12

December 9, Downing St. Glenelg to Colborne, confidential. Transmits a letter from James Baker, H.M. Consul at Mobile, relative to the shipment of arms to Lower Canada. [Letter not at this place. See Q. 240, pt. 1, p. 100.] p. 15

1838

January 6, Downing St. Glenelg to Colborne, private. States that he has received a private letter from Gosford suggesting that individuals charged with treason should be tried in Britain. Objects to such a course. p. 37

January 19, Downing St. Glenelg to Colborne, confidential. Transmits copy of the opinion of the law officers, on the proclamation of martial law. Draws attention to the opinion that only necessity justifies resort to martial law. Colborne's letter of 7 December, shows that he has taken this stand. [Enclosure not at this place.] p. 43

February 14, Downing St. Glenelg to Colborne, private. Transmits the Act to make Temporary Provision for the Government of Lower Canada. It devolves upon Colborne to proclaim it. Trusts that he will be able to transmit instructions regarding the Special Council by the same ship. If delay occurs they will be sent by the next ship. [Act not at this place.] p. 70

February 19, Downing St. Glenelg to Colborne, No. 28. Transmits the Act for making Temporary Provision for the Government of Lower Canada. Colborne is to proclaim this. Sends instructions regarding the Special Council, which is to be constituted. Colborne is to propose the continuance of acts which will expire on 1 May next. Political prisoners who cannot be liberated should be held until the arrival of Durham, unless they can be tried by the ordinary tribunals. A law for the suspension of habeas corpus should be passed in order that martial law may be revoked. A measure respecting repayment of advances is to be proposed, but no law for appropriation of revenue is to be recommended unless under urgent necessity. Appointments to the Special Council are to be provisional, since Durham's judgment must be unfettered. Form of appointment is to be decided by the provincial law officers, but suggests use of the public seal. Suggests that a code of rules should be adopted by the Special Council. Colborne is to be guided by restrictions imposed in Gosford's instructions. Certain subjects have been placed beyond the cognizance of the Special Council. Where a doubt appears, the opinion of the law officers is to be taken. [Act and instructions not at this place.] p. 74

February 22, Downing St. Glenelg to Colborne, private and confidential. States that the question of the *Caroline* was omitted from despatch No. 31, on the grounds that it was considered inadvisable to refer to it in a public despatch. The subject has been referred to the law officers who have found that the course taken was justifiable. Transmits copy of a confidential despatch addressed to Arthur with respect to this opinion. [Despatch not at this place. See Q. 412A, p. 33.] p. 91

February 28, Downing St. Glenelg to Colborne, private. Points out that certain passages have been omitted in the publication of despatches from Canada. Colborne is advised to adopt a similar course should he have occasion to publish despatches in Canada. p. 97

1838

Glenelg to Colborne, No. 48. Transmits copy of a letter from Captain Bowen, respecting an injury sustained by his son, who served as a volunteer. Requests a report on this case. [Letter not at this place.] p. 117 March 18, Downing St.

Glenelg to Colborne, private. Acknowledges private and confidential note of 17 March. Assures Colborne that he will be protected from prosecutions for acts done in the course of duty. p. 136 April 23, Downing St.

Glenelg to Colborne. Regrets that Colborne wishes to resign. Arrangements to relieve him will be made as soon as possible. p. 137 July 7, Downing St.

Series Q. Vol. 269B

DRAFTS OF DESPATCHES TO THE EARL OF DURHAM, JANUARY 1838 TO MARCH 1839

With the exceptions calendared hereunder, the despatches in this volume are to be found in the Calendar of *Series G*, Vols. 38-41. (*Report of the Public Archives of Canada* for the years 1931 and 1932.)

Glenelg to Earl of Durham [Governor-in-Chief and High Commissioner], No. 1. States that specific instructions cannot be given until Durham is ready to proceed to Canada. Outlines policy. Thinks that tranquillity will be restored before Durham reaches Canada. The task will then be to restore order by constitutional means. More extensive amendments to the constitution than those recommended in 1835 will have to be sought. Durham is to conduct an enquiry. Outlines a plan for the constitution of an advisory council which is to be composed of members from Upper and Lower Canada. This council should consider a means of regulating matters of common interest. Constitutional Act is to be studied. Other matters suggested as topics for discussion are: the expenses of civil government, the system of land tenure in Lower Canada, and the constitution of a court for the trial of appeals and impeachments. Suggestions are to be sent home for the consideration of the British Government. Such a council could only meet if tranquillity were restored. Provision is to be made for election of some part of it. This council need not be convoked should Durham think that the same results could be obtained by other methods, which would be more pleasing to the people. His judgment must not be fettered. p. 2 January 29, Downing St.

Glenelg to Durham, No. 2. Transmits copy of a letter from Lord Hill recapitulating the force to be stationed in North America and suggesting a method of distribution. This has been approved and instructions have issued. [Letter not at this place. See Q. 249, pt. 2, p. 382.] p. 15 March 10, Downing St.

Glenelg to Durham, No. 3. Transmits copy of a report from Capt. Charles Campbell, on the accommodation available in Quebec and Montreal, and of a letter from the Treasury on this subject. Draws attention to the suggestion that a member of Durham's suite should be sent on in advance to make necessary preparation. [Letter and report not at this place. See Q. 252, pt. 2, p. 185; Q. 254, pt. 2, p. 556.] p. 16 March 10, Downing St.

1838
March 13, Downing St. Glenelg to Durham, No. 4. Transmits copy of a despatch from Gosford, No. 70, of 12 July, with a memorial from Messrs. Bruce Shillitoe, McIntyre and Martin, praying for confirmation of title to 66,242 acres of land in Gaspé. Due to the disturbed conditions, the instructions to Gosford were delayed. The matter is now referred to Durham. Thinks that the memorialists acted in good faith. Draws a distinction between contracts made between private persons and those made with the Government. For this reason greater significance is attached to admitted irregularities in the land granting department. Discusses these irregularities. Approves of the decision made by Gosford, but as the memorialists have based their case on questions of public interest, Durham is to review the case. [Despatch and memorial not at this place.] p. 18

March 24, Downing St. Glenelg to Durham, No. 6. Requests a statement of Durham's establishment. p. 25

April 3, Downing St. Glenelg to Durham, No. 8. Transmits Durham's commissions as Governor and Captain General for each of the provinces, and another commission as Governor General and High Commissioner. Points to the departure in principle involved therein. Hitherto this officer, while bearing the title of Governor General, has been in reality only the Governor of Lower Canada. Inconvenience has been suffered by leaving provinces destitute of the commission. Former commissions had superfluous wording which has been eliminated. Each province now has its own commission. On arrival at Quebec, the commission for Lower Canada will be deposited among the provincial archives. The commission as Governor General is to be kept by Durham and carried to each province. Durham is to reside chiefly in Lower Canada. The functions of the Lieut.-Governor in each province, will be suspended while Durham is in residence there. Co-operation is enjoined. Correspondence is to be conducted with Lieut.-Governors for purposes of general interest, but is not to interfere with communications between those officers and the Colonial Office. A copy of this despatch will be sent to each Lieut.-Governor. [Commissions not at this place.] p. 27

April 5, Downing St. Glenelg to Durham, No. 9. States that the *Hastings* will be ready on the 9th or 10th instant. Requests to be informed as to the date on which Durham would be ready to embark. p. 34

April 18, Downing St. Glenelg to Durham, No. 11. Transmits two copies of rules and regulations compiled in the Colonial Office. [Rules not at this place.] p. 36

April 22, Downing St. Glenelg to Durham, No. 22. Requests a report on the disputed territory east of the Connecticut River, and along the 45th parallel. This report which is for Palmerston, is to cover settlement and cultivation. p. 61

April 29, Downing St. Glenelg to Durham, No. 29. Reviews the provision made for the support of a Protestant clergy, and the dispute between the churches of England and Scotland. The matter is reviewed also in a despatch to Gosford of 7 September. Clause 31 of 1 Victoria, cap. 9, precludes legislation on this subject, but a study of the question is to be made as part of the duty of the special mission. Encloses papers. [Papers not at this place.] p. 69

1838

Glenelg to Durham, confidential. Transmits copy of a Foreign Office memorandum dealing with instances in which the Government of the United States have pursued criminals on neutral territory. [Memorandum not at this place.] May 9, Downing St. p. 80

Glenelg to Durham, No. 37. Transmits copy of a petition from Mrs. Sophia S. Holland, claiming compensation for land granted to her grandfather, Major Holland, and resumed by the Government. Durham is to enquire into this claim. Should it prove to be well founded, he is to estimate the compensation due, and to suggest the fund from which it should be paid. [Petition not at this place. See Q. 255, pt. 1, p. 119.] May 12, Downing St. p. 91

Glenelg to Durham, No. 38. Requests a return of Indian presents remaining in the store in Canada, which would be available for 1839. May 14, Downing St. p. 92

Glenelg to Durham, No. 40. Transmits copy of a letter from S. Bailey and orders that an enquiry be made respecting T. Griffith, recently appointed Lieut.-Colonel of the 3rd Battalion, Lower Canada Militia. [Letter not at this place. See Q. 254, pt. 1, p. 94.] May 17, Downing St. p. 95

Glenelg to Durham, No. 41. Transmits copy of a letter from the Agent General for Emigration recommending the re-establishment of the tax imposed under the Provincial Act 6 Will. IV, cap. 13, and appropriated to the relief of sick and indigent emigrants. Believes that Colborne will have seen to the renewal of this Act. [Enclosure not at this place.] May 21, Downing St. p. 96

Glenelg to Durham, No. 43. Transmits copy of an address from the Upper Canada Assembly, praying for a legislative division of the duties collected at Quebec. Sends also copy of the reply which has been returned. Durham is to consider the matter and to report thereon. [Enclosures not at this place.] May 24, Downing St. p. 98

Glenelg to Durham, No. 45. Transmits copies of addresses from the Assembly and the Legislative Council of Upper Canada respecting the expediency of union with Lower Canada. Sends also copy of replies returned thereto. The subject is to be considered by Durham. [Enclosures not at this place. See Q. 246, pt. 1, p. 37.] May 26, Downing St. p. 101

Glenelg to Durham, No. 58. Transmits copy of an address from the House of Commons, praying for a return of all acts for the preservation of peace and for the trial of political offenders, and for the names of all persons arrested. [Address not at this place.] June 9, Downing St. p. 115

Glenelg to Durham, No. 59. Orders the early disbandment of militia and volunteer corps. June 12, Downing St. p. 116

Glenelg to Durham, No. 63. Acknowledges Durham's despatches Nos. 1-4. Approves of Durham's proclamation on arrival. Sees no reason to question appointments to the Executive Council. Views with surprise and regret that in spite of the communication from Lord Melbourne, Turton has been given a high official situation. Feels confident that an explanation for this step will be received shortly. July 4, Downing St. p. 124

1838

July 9, London. Glenelg to Durham. States that the Government is gratified by Durham's conduct and the impression which he has made. Informs him that Ellenborough has moved for production of the formal instructions. p. 129

July 25, Downing St. Glenelg to Durham, No. 77. Transmits copy of a report of the law officers on the case of Cadieu, an Indian, sentenced to death for a murder committed in the Indian territories. This sentence is to be commuted to transportation. p. 152

July 26, Downing St. Glenelg to Durham, No. 78. Orders an inquiry and report on the sum of £3969.13.10. which was issued to the Commissary General, for secret service. If this charge should be met from the colonial funds, it is to be immediately repaid into the Military Chest. p. 153

July 29, Downing St. Glenelg to Durham, No. 79. Acknowledges Colborne's despatch No. 25, of 14 April, with a memorial from H. W. Ryland, praying for the usual remuneration when passing the land petitions of militia claimants. Notes that Ryland had voluntarily surrendered two-thirds of his fees, in the cases of militia claimants. References of petitions now pass through the president with the result that this fee has been neglected. Cannot agree with Colborne that he should be compensated from the Crown revenues. If these fees are justly due, the Executive Council should devise means to protect Ryland's interests. The matter is referred to Durham. p. 154

August 15, Downing St. Glenelg to Durham, No. 88. Transmits copy of a correspondence with the Treasury respecting fees for the Vice-Admiralty Court at Quebec. The Treasury is drawing up questions to be submitted to the Judge of that Court. The Registrar is to be paid £250 stg. and the Marshall £125 stg. for the eighteen months' period for which there were no fees. When the new schedule of fees comes into operation, they will receive as salary £150, and £75 respectively. [Enclosure not at this place.] p. 167

August 18, Downing St. Glenelg to Durham, No. 89. Transmits copy of the report of the law officers on Durham's ordinance for providing for the security of Lower Canada. That part which places restrictions on the eight persons while in Bermuda is void, since the power of the Governor and Council cannot extend beyond the province. Many persons of high legal attainments are of opinion that the whole ordinance is illegal, but the Government cannot agree with them. Objections have been raised also to the restrictions against the return of the exiles. Gives an account of the proceedings taken by the House of Lords as a result of which it has been decided to disallow this ordinance. [Report not at this place. See Q. 252, pt. 1, p. 28.] p. 171

August 29, Downing St. Glenelg to Durham, No. 97. Transmits copy of a further correspondence with the British American Land Company respecting an application that half of the purchase money should be employed to assist emigration. [Correspondence not at this place. See Q. 246, pt. 2, p. 362.] p. 211

September 4, Downing St. Glenelg to Durham, No. 102. Acknowledges Durham's despatch No. 34, of 31 July. States that he has recommended the adoption of Durham's proposals for an agreement with the British American Land Company. Will inform him of the decision of the Treasury on this matter. p. 218

1838

Glenelg to Durham. Transmits duplicates of despatches Nos. 118, 125, 126, 133, and 134, which could not have reached him before leaving Quebec. p. 282 November 24, Downing St.

Glenelg to Durham. Offers to transmit copies of despatches to Colborne which have been written in reply to communications made by Durham. p. 283 November 28, Downing St.

Glenelg to Durham. Acknowledges Durham's formal resignation which has been accepted. Expresses a desire to receive Durham's Report as soon as it can be completed. This report should form part of Durham's plan for the future government of British North America. In the meantime Durham should furnish information and suggestions regarding the present state of this province. Regrets that Durham should have disregarded the rule by which a Governor remains at his post until he is relieved. p. 284 December 10, Downing St.

Glenelg to Durham. Acknowledges Durham's letter of 20 December. As his Report will be ready in so short a time, Glenelg will not anticipate it by requesting information on any subject unless Durham should wish to make a communication. p. 286 December 26, Downing St.

1839

Glenelg to Durham. Acknowledges receipt of Durham's Report and expresses thanks for the care and attention which it reveals. This Report will receive grave attention. No recommendation can be made until the appendix is received. Trusts that it may serve to lay the foundation of a permanent settlement of the questions of reference. p. 287 February 5, Downing St.

Glenelg to Durham. Acknowledges receipt of Appendix A to Durham's Report. p. 288 February 7, Downing St.

Glenelg to Durham. Requests detailed accounts and vouchers for the expenses of his mission. [The same letter, signed by Normanby, appears in Q. 269C, p. 64.] p. 289 February 28, Downing St.

Normanby to Durham. Transmits an address from the House of Commons, praying for a return of all appointments made by Durham in Canada. While the return could be compiled from the despatches in the Colonial Office, it has been thought fit to afford Durham an opportunity to make such explanations as he might wish, and to provide further information as to the official instruments by which these appointments were made. [Address not at this place.] p. 290 March 8, Downing St.

Series Q. Vol. 269C

DRAFTS OF DESPATCHES TO THE EARL OF DURHAM, JANUARY 1838 TO MARCH 1839

With the exceptions calendared hereunder, the despatches in this volume are to be found in the calendar of *Series G*, Vols. 42-45. (*Report of the Public Archives of Canada* for 1932.)

Normanby to Durham. Acknowledges receipt of Appendix B to Durham's Report. p. 65 March 1, Downing St.

1839

June 7, Downing St. Normanby to Colborne, No. 43. Acknowledges Colborne's despatch No. 34, of 27 February, explaining the reasons for rejecting J. A. Roebuck's claim for payment of arrears of salary. States that while the ultimate decision must rest with the Special Council, Roebuck has very strong claims to the salary which he earned in a position that was recognized in England. Transmits memorandum on the case. [Memorandum not at this place. See Q. 269, pt. 2, p. 313.] p. 111

July 17, Downing St. Normanby to Colborne, No. 58. Transmits copy of a correspondence with the ordinance respecting arms and accoutrements required for use in Canada. Trusts that the orders which have been issued will be found to be satisfactory. [Correspondence not at this place.] p. 137

August 15, Downing St. Normanby to Colborne. Introduces Capt. A. Mackenzie of the 21st Regt. and recites his claims to consideration in view of distinguished service. p. 146

September 5, Downing St. Russell to Colborne, private. Expresses regret that the public service is about to be deprived of Colborne's able co-operation and assistance. Regards it as unreasonable to ask Colborne to retain command of the forces. Feels sure that Thomson and Lt.-Gen. Sir Richard Jackson will receive information and advice from Colborne. p. 152

December 10, Downing St. Russell to Thomson, No. 51. Transmits copy of a correspondence with the Hudson's Bay Company, relating to the renewal of the lease of the King's Post. Points out that the proposal which he has made to the Company differs materially from the report made by the Executive Council. Thomson is to study this question and report thereon, making such suggestions as may seem advisable. [Correspondence not at this place.] p. 280

Series Q. Vol. 270, pt. 1

GOVERNOR C. P. THOMSON, LATER LORD SYDENHAM, 1840

1840

January 13, Toronto. Rt. Hon. C. P. Thomson [Governor-in-Chief] to Lord John Russell [Secretary of State], confidential. Transmits copy of an address from the Assembly requesting information regarding Hunters' Lodges, together with a copy of his answer thereto. Gives the history of this address. States the necessity of curbing the ultra-Tory party. p. 3

Enclosed:

(1) Address of Assembly. p. 6

(2) Reply to Address. p. 7

January 13, Toronto. Thomson to Russell, confidential. States that although he thinks that no border attack needs to be feared, he has taken every precaution against such a contingency. Transmits copy of a despatch from Lieut. J. T. W. Jones whom he had sent to tour the United States. Declares that no such order, as that to which Jones refers, has been issued. Agrees with the opinions expressed by Jones. p. 10

Enclosed: 1840

Lieut. J. T. W. Jones to T. W. C. Murdock, [Chief Secretary], Washington, 27 December, 1839. Report on feeling in the United States. p. 15

Thomson to Russell, confidential. [Duplicate.] Transmits a further letter from Lieut. Jones, who has returned to Toronto. Reports the arrest of persons at Toronto who were distributing blank commissions in the Patriot Army, signed by "General" Hardy and countersigned by Montgomery. This step has caused no excitement. p. 26 January 17, Toronto.

Enclosed:

Further report of Lieut. J. T. W. Jones respecting his mission to the United States, Toronto, 15 January, 1840. p. 30

Thomson to Russell, No. 26. Acknowledges Russell's despatch No. 22, of 18 October. Transmits copies of two reports of A. B. Hawke, Chief Emigrant Agent for Upper Canada, respecting emigrants sent out by Col. Wyndham. Points out that all but three have left the province, which has derived no benefit from this emigration. Discusses the question of emigration and stresses the need for a plan. p. 38 January 18, Toronto.

Enclosed:

(1) A. B. Hawke to T. W. C. Murdock [Chief Secretary], Toronto, 31 December, 1840. Report. p. 46

Sub-enclosures:

(i) John Brown to Hawke, Port Hope, 26 December, 1839. States that he gave employment to thirty of the emigrants, at £5 a month. All but three have left for the United States. p. 51

(ii) A. McDonell to Hawke, Toronto, 17 December, 1839. States that in his opinion very few of the emigrants have remained in Canada. Points to the fact that even settlers of long standing have left to secure work on the railways and canals in the United States in order to get the money to pay for their land. Single men are required as farm labourers. p. 52

(2) Memorandum of Hawke on the subject of locating emigrant families on five acre lots, addressed to S. B. Harrison, Toronto, 9 July, 1839. [Marked No. 1.] p. 54

Sub-enclosure:

Memorandum of Hawke, Toronto, 11 September, 1839, respecting the abandonment of five acre lots which had been granted to settlers in Sunnidale, and as to the possible extension of the system of grants. p. 58

(3) Statement of the number of emigrants landed at Quebec, 1831-39, and of the expense of transporting, locating and employing them. Signed A. B. Hawke, 23 December, 1839. [Marked No. 2.] p. 62

1840
January 18, Toronto. Thomson to Russell, No. 27. Transmits a memorial from the widow of a warrant officer in the navy, praying for the restoration of her pension, which she lost on her re-marriage. p. 63

Enclosed:

Petition of Mrs. Elizabeth Walker. p. 65

January 18, Toronto. Thomson to Russell, No. 28. [Printed.] Transmits an address from the Assembly, respecting the proposed union of the Canadas. States that the recommendations made therein were discussed and defeated by large majorities, but that it was held advisable to bring them forward for consideration in this modified form. Thomson favours adoption of the English language only, in matters of record. Advises setting a qualification for members, and the introduction of municipal institutions into Lower Canada. The seat of government must be determined by circumstances. p. 69A

Enclosed:

Address of Assembly. [Printed.] [For the manuscript copy of this address. See Q. 269, pt. 2, p. 431.] p. 69A

January 20, Toronto. Thomson to Russell, No. 29. Transmits a petition from the trustees of the university proposed to be established at Kingston, in connection with the Church of Scotland, praying to be designated as Queen's College, and for the grant of a Royal charter. Urges that this request be granted. p. 71

Enclosed:

Petition, Toronto, 21 January, 1840. p. 75

January 20, Toronto. Thomson to Russell, No. 30. Transmits a petition from Mrs. Harriet Sewell, widow of the late Chief Justice J. Sewell, of Lower Canada. p. 78

Enclosed:

Petition of Mrs. Harriet Sewell, praying for a pension, Quebec, 6 January, 1839. p. 80

Sub-enclosure:

Duke of Kent to Sewell, Kensington Palace, 30 September, 1814. Comments on Sewell's plan for the proposed union of the British American colonies. p. 84

January 20, Toronto. Thomson to Russell, No. 31. Acknowledges Russell's despatch No. 32, of 24 November. States that in his opinion A. W. Hart has been under a misapprehension in complaining that Benjamin Hart, his father, has been excluded from the Special Council on the ground that he was a Jew. p. 86

January 21, Toronto. Thomson to Russell, No. 32. Transmits copy of an address from the Bishop and clergy of Toronto, together with a copy of the answer returned thereto. p. 90

Enclosed: 1840

(1) Address, Toronto, 30 December, 1839. Requests a settlement of the Clergy Reserves disputes. p. 93

(2) Reply of Thomson. States the need for concessions on all sides. Promises assistance towards effecting a settlement. p. 96

Thomson to Russell, No. 33. States the circumstances under which he advanced £2,000 in part liquidation of the claim of Duncan McGregor for the loss of the *Thames*. January 21, Toronto. p. 98

Thomson to Russell, No. 34. Transmits copy of an address from the Assembly, together with copy of his answer thereto. States that he regards it as unadvisable to make any formal communications on this matter, for fear of creating excitement. January 21, Toronto. p. 106

Enclosed:

(1) Address of Assembly [13 December, 1839]. Requests to be informed whether any despatches have been received on responsible government, and of the opinion of the British Government thereon. p. 108

(2) Reply to address, 14 January, 1840. Regrets that he cannot communicate any despatches on this subject. States that he has been instructed to administer the government according to the well-understood wishes of the people. p. 109

Thomson to Russell, confidential. Transmits draft of a bill for the union of the Canadas, which was prepared under his direction by J. Stuart, Chief Justice of Lower Canada. States that explanatory notes have been appended to such clauses as seem to require it. Hopes that this may be of value in determining the measure to be adopted. Discusses the bill under the following heads (1) declaration of union; (2) Legislative Council; (3) Assembly; (4) language; (5) laws of Upper and Lower Canada; (6) municipal institutions; (7) revenue, debt and civil list; (8) powers of Governor and Lt.-Governors. January 22, Toronto. p. 111

Enclosed:

(1) Draft of Governor's Bill. p. 140

(2) Statement on revenue and expenditure. [Printed.] p. 135

Attached:

Extract from Captain J. W. Pringle's report on land tax, roads, and municipal institutions. [Printed.] p. 136

Schedule of Papers on Union:

(1) Thomson to Russell, confidential. Toronto, 24 December, 1839. [Not transcribed. See Q. 262, p. 141.] p. 132

(2) Thomson to Russell, confidential. Toronto, 22 January, 1840. [Not transcribed. See Q. 270, pt. 1, p. 3.] p. 132

(3) Draft of Governor's Bill. p. 140

(4) Draft of Bill laid before Parliament last session. [This draft continues into Q. 270, pt. 2.] p. 236

1840 Schedule of the representation of Upper Canada. p. 138

February 11. [Colonial Dept.] Unsigned to Thomson. [No. 76.] [Draft.] Acknowledges Thomson's confidential despatch of 13 January, and approves of the answer given to the address from the Assembly on the subject of Hunters' Lodges. p. 5

February 19. [Colonial Dept.] Unsigned to J. Backhouse [Under Secretary, Foreign Office]. [Draft.] Transmits copy of Thomson's confidential despatch of 13 January, respecting steps taken to ascertain the truth of rumours as to contemplated border aggressions. [See above, p. 10.] p. 14

March 16. [Colonial Dept.] Unsigned to A. W. Hart. [Draft.] Informs Hart of the report made by Thomson, respecting the case of Benjamin Hart. p. 89

March 20. [Colonial Dept.] Unsigned to Thomson, No. 88. [Draft.] Acknowledges Thomson's despatch of 17 January, and expresses satisfaction at the state of American feeling as described in the report of Lieut. Jones. p. 29

March 23. [Colonial Dept.] Unsigned to Thomson, No. 89. [Draft.] Acknowledges Thomson's despatch No. 32, of 21 January. Approves of the answer given to the address from the Bishop and clergy of Toronto. p. 92

March 24. [Colonial Dept.] Unsigned to C. E. Trevelyan [Assistant Secretary of the Treasury]. [Draft.] Transmits copy of Thomson's despatch, No. 33, of 21 January, and requests that this be laid before the Treasury. States that he intends to approve of the action taken by Thomson, unless the Treasury should be aware of any objection thereto. p. 101

March 31. [Colonial Dept.] Unsigned to Thomson, No. 94. [Draft.] Acknowledges Thomson's despatch No. 29, of 20 January. Accedes to the prayer of the petition enclosed therein, and directs that the trustees should prepare a draft charter and nominate an agent. p. 73

March 31. [Colonial Dept.] Unsigned to Thomson, No. 95. [Draft.] Acknowledges Thomson's despatch No. 30, of 20 January, and states that a pension cannot be granted to Mrs. Sewell. p. 79

April 14. [Colonial Dept.] Unsigned to Thomson, No. 108. [Draft.] States that the Treasury have sanctioned the disbursement made by Thomson towards liquidating the claim of D. McGregor, and will pay the balance on receipt of proof as to the value of the *Thames*. Transmits copies of correspondence with the Treasury. [Correspondence not at this place. Letter of 24 March, given above.] p. 103

April 25. [Colonial Dept.] Unsigned to Thomson, No. 117. [Draft.] States that the Treasury has decided that Mrs. Walker has no claim to be re-instated on the pension list. p. 68

October 27. [Colonial Dept.] Unsigned to Lord Sydenham [C. P. Thomson], No. 248. [Draft.] Refers to a despatch from Arthur respecting land grants, and to Sydenham's despatch No. 26, of 18 January, on the same subject, and directs that any gratuitous grants of land given to emigrants, should be confined to 5 acres, unless local circumstances justify a more liberal appropriation. p. 44

1840
November 3. [Colonial Dept.]

Unsigned to Sydenham [Thomson], No. 253. [Draft.] States that proof has been received as to the value of the *Thames*. The Treasury has therefore sanctioned the payment of a further £2,000 to D. McGregor. Instructions will be issued to the Commissary General to place this sum at Thomson's disposal. p. 105

Series Q. Vol. 270, pt. 2

GOVERNOR C. P. THOMSON, LATER LORD SYDENHAM, 1840

Continuation of draft of a Bill laid before Parliament last session. [See Q. 270, pt. 1, p. 236.] p. 267

(5) Thomson to Russell, No. 28. Toronto, January 18, 1840. [Not transcribed. See Q. 270, pt. 1, p. 69A.] p. 300

(6) Address of Assembly, Upper Canada, on the proposed union of the Canadas, January 13, 1840. [Not transcribed. See Q. 270, pt. 1, p. 69A.] p. 301

1839
December 8.

Sir Richard D. Jackson [Commander of the Forces] to Russell. [Not transcribed. See Q. 262.] p. 481

December 16. [Colonial Dept.]

Unsigned to Thomson, No. 53. [Draft.] Directs that Thomson should consult those on whose judgment he can rely, with respect to the desire to exclude the Roman Catholic clergy from participation in distribution of proceeds from the sale of the Clergy Reserves, and to the commutation of tithes in Lower Canada. p. 515

1840
January 22, Toronto.

Thomson to Russell, No. 35. Acknowledges Russell's private letter of 4 December approving of action taken with regard to the disputed territory. Transmits copy of a correspondence on this question. p. 302

Enclosed:

(1) Sir John Harvey [Lieut.-Governor of New Brunswick] to Thomson, Fredericton, 28 December, 1839. No. 6, confidential. Transmits copy of a confidential communication from G. W. Featherstonhaugh. States that all movements of troops will be suspended until instructions are received from Thomson or from the Commander of the Forces. Arrangements have been made to facilitate movements of troops in any emergency. p. 304

Sub-enclosure:

Featherstonhaugh to Harvey, Washington, 12 December, 1839, private. Outlines the course agreed upon between himself and Fox, with respect to the disputed territory. Urges that movements of troops should be suspended. p. 306

(2) Thomson to H. S. Fox [H.M. Minister at Washington], Toronto, 15 January, 1840. Transmits copy of a correspondence respecting the disputed territory. Requests to be informed as to whether Featherstonhaugh has correctly understood Fox's views on this matter. [Sub-enclosures not at this place.] p. 311

1840

(3) Thomson to Harvey, confidential. Toronto, 15 January, 1840. Outlines course to be adopted with regard to the disputed territory. p. 313

(4) Thomson to Lt.-Gen. Sir Richard Jackson [Commander of the Forces], Toronto, 15 January, 1840. Transmits copy of a despatch to Russell. Sends also a despatch to Harvey [above, enclosure (3)]. Requests Jackson to forward this to Harvey, if he approves of the course outlined therein, or to give Harvey such instructions as may seem better advised. Trusts that the opinion of Fox can be obtained in about 10 days. p. 316

(5) Jackson to Thomson, Montreal, 19 January, 1840. States that he has instructed Harvey to suspend movements of troops. Transmits copy of a correspondence. p. 318

Sub-enclosures:

(i) Jackson to Harvey, Montreal, 13 January, 1840. Issues instructions respecting movements of troops and occupation of the Madawaska settlement. p. 319

(ii) Jackson to Harvey, Montreal, 19 January, 1840. Forwards Thomson's despatch to Harvey, 15 January, 1840, and orders that no further movements of troops shall take place without instructions from Thomson. Transmits copies of a despatch to Russell, 16 [*sic*] January, and of a letter to Fox, 19 January. States that Sir Colin Campbell has been instructed to support Harvey in any emergency. p. 322

Enclosed in sub-enclosure:

(a) Jackson to Russell, Montreal, 19 January, 1840. Transmits copies of letters to Fox and Thomson. p. 323

(b) Jackson to Fox, Montreal, 19 January, 1840. States that he has ordered suspension of military movements in the disputed territory. Transmits croquis of blockhouses erected and being erected by the people of Maine, at the junction of the Fish and the St. John rivers. [Croquis not at this place.] p. 324

January 22, Toronto.

Thomson to Russell, No. 36. [Printed.] Stresses the necessity of finding a solution to the problem of the Clergy Reserves. Transmits copy of an Act of the Legislature and explains the principles upon which it was founded. Reviews the history of the dispute over these reserves. [This despatch, with its enclosures, published in *Parliamentary Papers*, Command No. 148. It has been collated with the original and the necessary corrections have been made.] p. 327

Enclosed:

(1) Message from Thomson to Assembly of Upper Canada, respecting the Clergy Reserves, Toronto, 6 January, 1840. [Printed.] p. 330

(2) Draft of a Bill. [Printed.] p. 330

(3) Bill as passed. [Printed.] p. 332

(4) Address from the Legislature of Upper Canada, to Thomson, 21 January, 1840. [Printed.] Urges that the Clergy Reserve Bill should be transmitted to England for the approval of Parliament. p. 333 **1840**

(5) Thomson to the Legislature of Upper Canada. [Printed.] Promises to transmit the Clergy Reserve Bill, without delay. p. 333

Thomson to Russell, No. 37. Discusses the need of an Imperial act, in order to give effect to the Upper Canada bill respecting the Clergy Reserves. p. 335 January 22, Toronto

Thomson to [Russell], private. Recommends that J. Stuart, Chief Justice of Lower Canada, should be given some mark of distinction. Draws attention to the service performed by Stuart in drafting the Act of Union. p. 338 January 23, Toronto.

Thomson to Russell, private. Discusses the need of supplementary legislation in connection with the Clergy Reserves Bill. Points out that no bill which should leave untouched the investments in the English funds, would have a chance of success in Canada. p. 341 January 24, Toronto.

Thomson to Russell, No. 38. Transmits an application from A. B. Hawke, chief emigrant agent for Upper Canada, requesting remuneration for the agent for the distribution of relief to commuted pensioners. Explains the circumstances under which this agent was appointed. p. 344 February 4, Toronto.

Enclosed:

Hawke to S. B. Harrison [Private Secretary], Toronto, 13 January, 1840. p. 348

Sub-enclosure:

A. McDonell to Hawke, House of Assembly, 7 January, 1840. States that he has had to employ an agent to distribute relief to the pensioners. Requests an allowance for this individual. p. 349

Thomson to Russell, No. 39. [Printed.] Transmits copy of an address from the Bishop of Toronto to the clergy of the diocese, with reference to the Clergy Reserves legislation. This address has appeared in the public prints. Regrets the adoption of this course by the Bishop, whose sentiments are not shared by the majority of the communicants of that church. p. 351 February 5, Toronto.

Enclosed:

Address, Toronto, 15 January, 1840. [Printed.] p. 351A

Sub-enclosure: Form of petition in behalf of the Colonial Church. [Printed.] p. 351B

Thomson to Russell, No. 40. Transmits a report from S. Derbyshire, respecting the state of feeling in Maine. p. 356 February 10, Toronto.

1840

Enclosed:

Report of Derbyshire, addressed to Sir John Harvey, Portland, Maine, 12 December, 1839. p. 357

February 10, Toronto.

Thomson to Russell, No. 41. Corrects a statement made in his despatch of 18 January, in which he had said that all but three of the emigrants from Colonel Wyndham's estates had left the province. This remark should only apply to the emigrants employed by J. Brown. As the result of information received from C. Rubridge, he has ordered further enquiries to be made on this subject. Sees no grounds to change his views. p. 434

February 11, Toronto.

Thomson to Russell, No. 42. Transmits copy of a memorial from T. Parke, M.P.P., respecting his claim for indemnification for loss sustained in the erection of public buildings in Toronto. Explains the circumstances of the case, and requests permission to cancel Parke's bond. p. 437

Enclosed:

(1) Parke to Colborne, Toronto, 4 April, 1839. Memorial. p. 449

(2) Report of Executive Council, Toronto, 17 May, 1839. Recommends that Parke should be paid £250. p. 444

February 11, Toronto.

Thomson to Russell, No. 43. [Printed.] Transmits copy of his speech on proroguing the Legislature of Upper Canada. Urges establishment of the union of the Canadas, on the conditions which have been accepted in both provinces. Stresses the need to confirm the Bill respecting the Clergy Reserves. p. 462A

Enclosed:

Speech, 11 February, 1840. [Printed.] p. 463

February 12, Toronto.

Thomson to Russell, No. 44. Transmits copy of a letter from Rev. Egerton Ryerson, respecting the financial position of the Wesleyan Conference. Points out that if the Clergy Reserves Bill should pass, the Wesleyans will be entitled to a share in the proceeds of those Reserves. This sum will be paid to the Methodist Church of Canada. Urges that the grant from Crown revenues should also be paid to the Methodist Church of Canada, and that some portion of it should be appropriated for the support of Upper Canada Academy. p. 465

Enclosed:

Rev. E. Ryerson to Governor General, Toronto, 17 January, 1840. p. 472

February 12, Toronto.

Thomson to Russell, No. 45. States that he has received two despatches from H. S. Fox [H.M. Ministry at Washington] dated 26 January and 3 February, respectively. As Fox has transmitted copies of these despatches to the Secretary of State for Foreign Affairs, Thomson has not thought it necessary to send further copies. Transmits copy of his letter to Harvey, instructing that officer not to re-occupy the posts on the St. John, unless further action should be taken by the Maine authorities. p. 479

Enclosed: **1840**

Thomson to Harvey, Toronto, 14 February, 1840. p. 483

Thomson to Russell, No. 46. Transmits copy of an account of a meeting held at Quebec, for the purpose of preparing an address against the union of the Canadas. States that this step has been taken under the leadership of John Neilson. Discusses the personnel of the anti-union party and denies that this party has any extensive support among persons of influence. p. 485 February 12, Toronto.

Enclosed:

Report of meeting. p. 490

Thomson to Russell, No. 47. Acknowledges Russell's despatch No. 53, of 16 December. States that this despatch was written under the erroneous impression that the prevailing opinion in Canada is that the proceeds of the sale of Clergy Reserves should be divided among all Protestant ministers. Stresses the fact that, on the contrary, the opinion is that these proceeds should be devoted to education and general improvement and not to the support of the ministers of any religion. Upholds the right of the Roman Catholics of Upper Canada to share in any such arrangement. Draws a distinction between Upper and Lower Canada, with respect to tithes and to the Clergy Reserves. States that tithes are paid without a murmur in Lower Canada. Doubts that tithes could be exacted in Upper Canada. Urges that in Lower Canada, the division of the proceeds of sales of Clergy Reserves should be confined to the Protestant denominations. p. 510 February 13, Toronto.

Thomson to Russell, No. 48. Explains the circumstances under which L. P. Sherwood was permitted to retire from the bench, with a pension of £666.13.4. States that as a result of the vacancy thus created, C. A. Hagerman has been raised to the bench, W. H. Draper has succeeded Hagerman, as Attorney General, and Robert Baldwin has been made Solicitor General, in the room of Draper. p. 518 February 13, Toronto.

Unsigned to Thomson, separate. [Draft.] Acknowledges Thomson's despatch No. 39, of 5 February. States that he had not expected the Bishop of Toronto to adopt such a course. Expresses satisfaction that other members of the Church of England have accepted the bill as a satisfactory solution of the problem of the Reserves. p. 354 March 20. [Colonial Dept.]

Russell to Thomson, No. 90. [Printed.] Expresses approval of the various steps taken by Thomson to adjust difficulties in the Canadas. p. 463A March 20, Downing St.

Unsigned to J. Backhouse [Under Secretary, Foreign Office]. [Draft.] Transmits copy of Thomson's despatch No. 35, with its enclosures. p. 326 March 24. [Colonial Dept.]

Unsigned to C. E. Trevelyan [Assistant Secretary of the Treasury]. Transmits copy of Thomson's despatch No. 38, of 4 February, and requests a decision on the application contained therein. p. 346 March 24. [Colonial Dept.]

Russell to Thomson, No. 91. Acknowledges Thomson's despatch No. 46, of 12 February. p. 509 March 25, Downing St.

1840
March 26. [Colonial Dept.] Unsigned to Thomson, No. 92. [Draft.] Acknowledges Thomson's depatch, No. 43, of 11 February, and approves of speech enclosed therein. p. 464

March 30. [Colonial Dept.] Unsigned to J. Backhouse [Under Secretary, Foreign Office]. [Draft.] Requests copies of despatches from Fox to Thomson, dated 26 January and 3 February, respectively. p. 482

March 31. [Colonial Dept.] Unsigned to Trevelyan. [Draft.] Transmits copy of Thomson's despatch No. 42, of 11 February, and recommends that permission be given to cancel Parke's bond. p. 441

April 2. [Colonial Dept.] Unsigned to the Commissioners of Land and Emigration. [Draft.] Transmits copy of Thomson's despatch No. 41, of 10 February. p. 436

April 10. [Colonial Dept.] Unsigned to Thomson, No. 102. [Draft.] Acknowledges Thomson's despatch No. 48, of 13 February. States that he has recommended approval of the pension granted to Sherwood. Transmits warrants for the appointments made as a result of Sherwood's retirement. Directs that the customary fees should be paid for these warrants. p. 521

April 12. [Colonial Dept.] Unsigned to Thomson, No. 104. [Draft.] States that the Treasury has consented to the cancellation of Parke's bond. p. 443

April 15. Colonial Dept.] Unsigned to Thomson, separate. [Draft.] Acknowledges Thomson's despatch No. 44, of 12 February. States that there is no objection to the course recommended therein, but sanction will not be given to these measures until the fate of the Clergy Reserves Bill shall have been determined. p. 471

May 18. [Colonial Dept.] Unsigned to Thomson, No. 130. [Draft.] States that the Treasury have sanctioned the grant of an allowance to the person employed by A. McDonell, as agent for distributing relief to the commuted pensioners. p. 347

Series Q. Vol. 270, pt. 3

GOVERNOR C. P. THOMSON, LATER LORD SYDENHAM, 1840

February 13, Toronto. Thomson to Russell, separate. States that Lieut. J. T. W. Jones has been frequently employed in confidential missions. Refers to two reports made by that officer, which had been sent to Russell. Urges that some mark of distinction be given to Jones, and that his name should be mentioned for promotion. p. 525

February 13, Toronto. Thomson to Russell, confidential. Refers to his despatch of 22 January, and offers further observations upon the proposed act of union. Discusses the following points (1) tenure of seats in the Legislative Council (2) municipal institutions and by-laws (3) the civil list (4) the importance of confining the power of introducing money bills to the executive government. Enters into an exposition of the difficulties which have been caused by the initiation of money bills by private members. States that the budget and estimates have been referred in the past to a finance committee to which no member of the Government usually belongs. Expects great improvement will result from a provision which would invest the Government with control over money matters. p. 528

1840

Thomson to Russell, No. 49. Transmits copy of the *Gazette*, containing titles of the bills which have passed during the session of the Upper Canada Legislature. States that these bills will be sent home in the regular manner. Explains the circumstances under which he recommended the renewal of the law governing the rate of the currency. This renewal is for a period of two years, in order to allow time to frame satisfactory legislation. States that he will write later with regard to bills which have been reserved. p. 536 February 13, Toronto.

Enclosed:

Upper Canada Gazette, 13 February, 1840. p. 538

T. W. C. Murdock [Chief Secretary] to J. Stephen [Under Secretary]. Transmits a clause which may have been left out of the original bill sent home on 22 January, but which will be found in its proper place in the duplicate which will be sent immediately. p. 563 February 14, Toronto.

Enclosed:

Clause for fixing places and times for holding parliament. p. 564

Thomson to Russell, No. 50. Transmits copy of a memorial from the trustees of Upper Canada Academy, praying for pecuniary relief. States that he has advanced £200 to that institution, and recommends that the prayer of this memorial be acceded to. p. 565 February 14, Toronto.

Enclosed:

Memorial of the trustees of Upper Canada Academy, Toronto, 27 January, 1840. p. 570

Thomson to Russell, No. 51. Refers to the rule laid down by the Treasury, with reference to expenditures for barracks and for the custody and maintenance of prisoners. Points out that of the sum of £432.13.2., which was spent in connection with state prisoners, £50.0.2½ was expended upon repairing casements and constructing a ward in the district hospital. Requests authority to repay this sum to the Military Chest, out of the casual and territorial revenue. p. 575 February 14, Toronto.

Thomson to Russell, No. 52. Transmits copy of a report of John Macaulay, Inspector General, respecting ports of entry in Upper Canada. Advocates the adoption of the remedy suggested therein. Upper Canada should be divided into revenue districts, each with its own custom house and customs administration. p. 579 February 14, Toronto.

Enclosed:

Report of J. Macaulay, Toronto, 5 February, 1840. p. 583

Thomson to Russell, No. 53. Transmits seven addresses which were adopted by the Assembly during the last session, together with a schedule thereof. States that he will communicate later, with regard to some of these addresses. p. 591 February 15, Toronto.

Enclosed:

(1) Schedule of addresses. p. 592

1840 (2) No. 1. Address of Assembly, Upper Canada, 8 February, 1840. Prays for the adoption of a scheme of emigration from Great Britain and Ireland. Refers to the system adopted in 1820 and in 1825. Declares a willingness to concur in the disposal of waste lands for this purpose. States that a feeling of confidence and security prevails in the province. p. 605

(3) No. 2. Address of Assembly, Upper Canada, 24 December, 1839. Requests that the act prohibiting importation of tea from the United States may be amended so as to permit such importation, on payment of a duty. p. 612

(4) No. 3. Address of Assembly, Upper Canada, 4 January, 1840. Complains that the effect of the Canada Trade Act is to give advantages to the growth of wheat in the United States which cannot be realized in Canada. Requests an amendment of that Act. Prays that Canadian wheat and flour should be admitted into Great Britain on the same terms as that of Ireland or other integral parts of the Empire, and that Parliament should amend Clause 46 of the Constitutional Act, so as to empower the local legislature to legislate upon duties. p. 613

(5) No. 4. Address of Assembly, Upper Canada, 27 January, 1840. Prays for compensation for Christopher Leggo, of Brockville, whose shop was forcibly entered and rifled by the Volunteers. p. 620

(6) No. 5. Address of Assembly, Upper Canada, 4 February, 1840. Prays that Great Britain will indemnify those who suffered in the insurrection. p. 624

(7) No. 6. Address of Assembly, Upper Canada, 5 February, 1840. Prays that the commuted pensioners should be restored to the pension list. p. 629

(8) No. 7. Address of Assembly, Upper Canada, 25 January, 1840. Prays that the Royal consent shall not be withheld from the act to empower the Government to acquire Welland Canal stock, owned by private shareholders. p. 632

Papers relating to the foregoing addresses, of subsequent date, found at this place:

(1) Thomson to Russell, No. 98, Montreal, 1 May, 1840. [Not transcribed. See Q. 272, p. 3. Refers to Address No. 2.] p. 596

(2) No. 3. Russell to Lord Sydenham [C. P. Thomson], No. 267, Downing St., December, 1840. Transmits copy of a letter written to R. Gillespie, by a Montreal correspondent, urging that Canada wheat, flour, and other agricultural produce should be admitted free into Britain. Requests that this letter should be taken into consideration. p. 597

Enclosed:

R. Gillespie to Russell, York Place, 28 November, 1840. Transmits an extract from a letter received from Montreal. p. 598

Sub-enclosure: **1840**

Extract of letter, Montreal, 6 November, 1840. p. 599

(3) No. 4. Sydenham to Russell, No. 220, Montreal, 21 January, 1841. Urges that Canadian agricultural produce should be admitted into the United Kingdom free of duty. p. 601

(4) No. 5. Sydenham to Russell, No. 30, Montreal, March 18, 1840. Transmits a memorial to the Queen, from North Sherbrooke, Bathurst District, on the grain trade with the United States. Refers to his despatch to Russell No. 267, and repeats a hope that the proposal to admit free importation of Canadian produce into Britain will receive every consideration. p. 604

Thomson to Russell, No. 54. Transmits a further report from A. B. Hawke, chief emigrant agent, respecting emigrants sent out from Colonel Wyndham's estates. Draws attention to the fact that only 52, or less than one-third, of these persons have gone to the United States. Regrets the mistake that was made in a previous report on this subject. p. 634 February 15, Toronto.

Enclosed:

Hawke to T. W. C. Murdock [Chief Secretary], Emigrant Office, 14 February, 1840. Report. p. 636

Sub-enclosures:

(i) John Brown to Hawke, Port Hope, 11 February, 1840. Explains the circumstances under which he was convinced that all but three of the emigrants had left for the United States. p. 638

(ii) C. Rubidge [late agent for Colonel Wyndham] to [Hawke], Toronto, 1 February, 1840. Transmits a list of emigrants, their ages and place of abode. p. 640

Enclosed in sub-enclosure:

(a) List, 31 January, 1840. p. 641

(b) Rubidge to Hawke, Woodlands, Otonabee, 10 January, 1840. States that 131 emigrants remain near Cobourg, Port Hope, or in Cavan, and that 52 have gone to the United States or left the district. The heads of three families had been without work for a few days. Care will be taken to avoid such a contingency in the future. p. 648

Thomson to Russell, No. 55. Acknowledges Russell's despatch No. 41, of 25 November. Urges that the furniture of Government House, Toronto, should be purchased by the Government, and should be paid for out of the casual and territorial revenue. p. 649 February 15, Toronto.

Thomson to Russell, No. 56. Reports his return to Lower Canada. States that Sir George Arthur has resumed the government of Upper Canada. Expresses confidence in the success of his policy while administering the government of that province, and his intention to keep a close supervision over developments there. Stresses the necessity of an early settlement with regard to the system of government for the Canadas. p. 653 February 20, Montreal.

1840
February 21, Montreal. Thomson to Russell, No. 57. Transmits a petition to the Queen, which has been agreed to by a great majority of the persons of property and station at Quebec. States that he has discouraged tendencies to draw up petitions in favour of union, but has urged people to rely upon the wisdom and justice of Parliament. p. 660

Enclosed:

Petition in favour of union, Quebec, 31 January, 1840. p. 663

February 22, Montreal. Thomson to Russell, No. 58. Acknowledges Russell's despatch No. 37, of 15 November. Requests, at the instance of the Rev. W. Anderson, that his salary as rector of William Henry may be continued to 1 April. Points out that this salary has been voted by Parliament. p. 671

February 23, Montreal. Thomson to Russell, No. 59. Refers to his confidential despatch of 22 January, and states that the grand jury of Gaspé have protested against the proposal to annex that district to New Brunswick. Declares that he regards this as proof that the inhabitants desire to remain a part of Lower Canada. p. 674

February 24, Montreal. Thomson to Russell, No. 60. Transmits copy of a petition from Hugh Earl, late master and commander in the provincial navy, soliciting renewal of the temporary half-pay which he received, 1813-1815. p. 677

Enclosed:

Petition of H. Earl, Kingston, 17 February, 1840. p. 681

February 26, Montreal. Thomson to Russell, No. 61. Transmits copy of a letter from D. C. Napier, Superintendent of Indian Affairs, respecting estimates for that Department. States his conviction that the office of resident interpreter at Caughnawaga should be continued for the present. p. 686

Enclosed:

Napier to T. W. C. Murdock [Chief Secretary], Quebec, 24 February, 1840. p. 688

Sub-enclosure:

Estimate, Quebec, 18 February, 1840. p. 690

February 28, Montreal. Thomson to Russell, No. 62. Transmits copy of a despatch from Sir Charles FitzRoy, Lieutenant-Governor of Prince Edward Island, respecting the proposed annexation of the Magdalen Islands to the government of Prince Edward Island. Agrees with the views expressed by FitzRoy, and urges that these islands should be annexed to Prince Edward Island. p. 692

Enclosed:

FitzRoy to Governor General, Government House, Prince Edward Island, 24 December, 1839. p. 695

Sub-enclosure: 1840

Extract of a letter from Captain R. L. Baynes to Sir Charles FitzRoy, 20 September, 1839. States the advantages which would accrue to the Magdalen Islands if they were annexed to Prince Edward Island. p. 698

Thomson to Russell, No. 63. [Duplicate.] Transmits copy of a correspondence with Lt.-Gen. Sir Richard Jackson, Commander of the Forces, and with Sir George Arthur, respecting the militia and volunteers. Agrees with the view expressed by Arthur, that 87 officers and 1,777 non-commissioned officers and men should be retained in Upper Canada; and with Jackson's view that 45 officers and 1,056 non-commissioned officers and men are required in Lower Canada. States that he cannot recommend any greater reduction of the non-permanent force. Points out that Jackson has urged the formation of a militia force applicable to the protection of the whole of British North America, and declares that he intends to work upon a plan to that effect. States that these troops have been engaged for two years. Requests that the necessary arms and supplies should be sent without delay. p. 700 February 29, Montreal.

Enclosed:

(1) Jackson to Governor General, Montreal, 25 February, 1840 Proposes that militia forces should be available for the defence of the whole of British North America. Outlines militia needs of Lower Canada. p. 705

Sub-enclosures:

(i) Requisition for clothing, etc., Montreal, 25 February, 1840. p. 711

(ii) Requisition of equipment for Volunteer Cavalry, Montreal, 25 February, 1840. p. 712

(2) Arthur to Thomson, Toronto, 15 February, 1840. Transmits a memorandum respecting the reduction of forces, to take effect on 30 April next, and requisition for clothing. Discusses the militia needs of the province. p. 713

Sub-enclosures:

(i) Return of the annual expenses of 4 troops of the 7th Hussars, or Queen's Own, in Canada, Montreal, 20 January, 1840. p. 718

(ii) Statement No. 1. Comparative expense of a troop of regular cavalry, and of provincial dragoons, for one year, shewing where expenditure varies for the first year. p. 719

(iii) Statement No. 2. Comparative expense of a troop of regular cavalry, and of provincial dragoons, for one year, shewing where expenditure varies for the second and following years. p. 720

(iv) Statement No. 3. Suggestions for the reduction of expenses attending a troop of provincial dragoons, and the result of this saving if carried into effect in comparison with the regular forces. p. 721

(v) Explanatory remarks. p. 723

1840
February 20, Montreal. Thomson to Russell, No. 63½. Refers to Colborne's despatch of 1 August, and transmits a further communication from Major-Gen. John Clitherow, requesting an extra allowance to officers who sat in courts martial during the previous year. States that he cannot agree with the request made therein. p. 727

Enclosed:

Clitherow to Chief Secretary, Montreal, 24 February, 1840. p. 728

March 26. [Colonial Dept.] Unsigned to Lord Fitzroy Somerset [Secretary at the Horse Guards]. [Draft.] Transmits copy of Thomson's separate despatch, of 13 February. p. 526

April 7. [Colonial Dept.] Unsigned to Thomson, No. 96. [Draft.] Acknowledges Thomson's despatch No. 59, of 23 February. Directs him to inform the people of Gaspé that in deference to their wishes, that district will not be annexed to New Brunswick. p. 676

April 7. [Colonial Dept.] Unsigned to Thomson, No. 97. [Draft.] Acknowledges Thomson's despatches Nos. 56 and 66, of 20 February and of 9 March respectively. Expresses satisfaction with the work done by Thomson. States that he is aware of the need for an early settlement with regard to the system of government. Declares that he is anxious to receive Thomson's report on emigration. p. 658

April 8. [Colonial Dept.] Unsigned to Thomson, No. 98. [Draft.] Acknowledges Thomson's despatch No. 56, [57] of 21 February, and states that the petition enclosed therein, has been laid before the Queen. p. 662

April 8. [Colonial Dept.] Unsigned to Thomson, No. 99. [Draft.] Acknowledges Thomson's despatch No. 63½, of 29 February. States that this subject has been dealt with in his despatch of 10 February. p. 730

April 9. [Colonial Dept.] Unsigned to Thomson, No. 100. [Draft.] Transmits copy of a letter from General Lord Hill [Commander-in-Chief] respecting the request that promotion should be given to Lieut. J. T. W. Jones. [Enclosure not at this place.] p.527

April 10. [Colonial Dept.] Unsigned to C. E. Trevelyan [Assistant Secretary of the Treasury]. [Draft.] Transmits an extract from Thomson's despatch No. 48, of 13 February, and recommends that the retiring allowance mentioned therein, should be granted to L. P. Sherwood. p. 523

April 16. [Colonial Dept.] Unsigned to Thomson, No. 110. [Draft.] Acknowledges Thomson's despatch No. 62, of 28 February, and states that a clause has been added to the Canada Act, to annex the Magdalen Islands to Prince Edward Island. p. 694

April 18. [Colonial Dept.] Unsigned to Thomson, No. 112. [Draft.] Acknowledges Thomson's despatch No. 58, of 22 February, and consents to the payment of the Rev. W. Anderson's salary, on the stipulation that this will have ceased on 1 April. p. 673

Unsigned to Sir John Barrow [Second Secretary of the Admiralty]. [Draft.] Transmits copy of Thomson's despatch No. 60, of 24 February, and requests the decision of the Admiralty with reference to the petition of H. Earl, enclosed therein. p. 679 **1840** April 22. [Colonial Dept.]

Unsigned to Trevelyan. [Draft.] Transmits copy of Thomson's despatch No. 50, of 14 February, and recommends that the Treasury should sanction the advance made to the Upper Canada Academy. p. 568 April 22. [Colonial Dept.]

Unsigned to Trevelyan. [Draft.] Transmits copy of Thomson's despatch No. 51, of 14 February, and recommends that the Treasury should sanction the repayment of £50.0.2½ to the Military Chest. p. 577 April 22. [Colonial Dept.]

Unsigned to Trevelyan. [Draft.] Transmits copy of Thomson's despatch No. 52, of 14 February, with its enclosure. Recommends that the Treasury should give favourable consideration to the improvements suggested therein. p. 581 April 22. [Colonial Dept.]

Unsigned to Trevelyan. [Draft.] Transmits copy of a correspondence respecting the furniture for Government House, Toronto, and requests the decision of the Treasury thereon. [Enclosures not at this place. For Thomson to Russell, No. 55. See above.] p. 652 April 30. [Colonial Dept.]

Unsigned to Thomson, No. 122. [Draft.] Acknowledges Thomson's despatch No. 63, of 29 February. Approves of the arrangements concerning troops, mentioned therein. Transmits copy of a correspondence with the Treasury, respecting requisitions for those troops, showing that the Ordnance has been requested to make the necessary provision, without delay. [Enclosures not at this place. See Q. 275, pt. 2, p. 327.] p. 703 May 10. [Colonial Dept.]

Unsigned to Thomson, No. 124. [Draft.] Transmits copy of a letter from the Treasury, approving the grant of a retiring allowance to L. P. Sherwood. [Enclosure not at this place.] p. 524 May 12. [Colonial Dept.]

Unsigned to Thomson, No. 125. [Draft.] States that the Treasury has sanctioned the advance which was made to the Upper Canada Academy. p. 569 May 13. [Colonial Dept.]

Unsigned to Thomson, No. 129. [Draft.] States that the Treasury have sanctioned the repayment of £50.0.2½, as suggested in Thomson's despatch No. 51, of 14 February. p. 578 May 17. [Colonial Dept.]

Unsigned to Thomson, No. 134. [Draft.] Transmits copy of a letter from the Treasury in reply to the communication with respect to improvement of the system of ports of entry. [Enclosure not at this place.] p. 582 May 22. [Colonial Dept.]

Unsigned to Thomson, No. 152. [Draft.] Acknowledges Thomson's despatches No. 53, of 15 February, transmitting addresses of Assembly, and No. 98 of 1 May, containing a report on the second of these addresses. States that this report has been referred to the Treasury. Requests that reports on the other addresses should be sent as soon as possible. p. 593 June 12. Downing St.

1840

July 4. [Colonial Dept.] Unsigned to commissioners for Colonial Land and Emigration. [Draft.] Transmits copy of the address from the Assembly of Upper Canada, praying for the promotion of emigration. Requests a report upon means of complying with this request, without making a grant from British funds. p. 595

October 17. [Colonial Dept.] Unsigned to Lord Sydenham [C. P. Thomson], No. 239. [Draft.] States that the Admiralty cannot consent to the renewal of the temporary half-pay, which was formerly granted to H. Earl. p. 680

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GOVERNOR C. P. THOMSON, LATER LORD SYDENHAM, 1840

February 1. [Colonial Dept.] Unsigned to Thomson, No. 67. States that he has directed the Chief Justice of Upper Canada, to return to that colony, before 15 March. p. 209

February 6. [Colonial Dept.] Unsigned to Thomson, separate. [Draft.] Discusses the ambiguity inherent in the agreement respecting the disputed territory. Directs Thomson to attempt to obtain a more satisfactory arrangement. Suggests that after consultation, Thomson may be able to judge how far it may be expedient to avoid pressing claims to occupy those parts of the disputed territory which are not necessary for security. Declares that Great Britain cannot permit continuous encroachments upon her territory. p. 143

February 6. [Colonial Dept.] Unsigned to Thomson, confidential. [Draft.] Relates to the step taken by the State of Maine, in an attempt to force the United States to take action against British troops in the disputed territory. Directs that these troops are not to be withdrawn from the Madawaska settlement. Transmits extract of a private letter from Lord Seaton, on this subject. [Enclosure not at this place. See Q. 277A, p. 31.] p. 146

February 13. [Colonial Dept.] Unsigned to Thomson, No. 78. [Draft.] Transmits copy of a letter from the Treasury, respecting the method of issuing Thomson's salary, and that of his staff. [Letter not at this place.] p. 64

February 14. [Colonial Dept.] Unsigned to Thomson. [Draft.] Discusses the stand taken in the United States and by Maine, with respect to the disputed territory. Points to infractions of the agreement on the part of Maine. Directs that a new agreement should be made under which, at least, the north bank of the St. John will remain in British possession. The erection of a blockhouse opposite the Fish River, is to be considered. In order to avoid conflict, considerable latitude should be given to the terms, "possession and jurisdiction." p. 150

February 14. [Colonial Dept.] Unsigned to J. Backhouse [Under Secretary for Foreign Affairs]. Transmits copies of two despatches marked confidential and separate, which have been addressed to Thomson, with respect to the disputed territory and the agreement relating thereto. [See above.] p. 158

February 19. [Colonial Dept.] Russell to Thomson, confidential, separate. Transmits copy of a despatch which will be sent by Palmerston to Fox, respecting the disputed territory. Fox will receive a copy of Russell's confidential

despatch to Thomson. Fox and Harvey have been instructed to act with Thomson in this matter. Harvey is to take directions from Thomson. p. 159 **1840**

Enclosed:

Unsigned to Harvey, separate [Colonial Dept.], 19 February, 1840. [Draft.] Instructs him to take directions from Thomson, with respect to the disputed territory. p. 161

Thomson to Russell, No. 64. Refers to Glenelg's despatch of 28 February, 1838, and transmits a further memorial of James Kerr, formerly judge at Quebec, praying to be allowed the whole of his salary, from the date of his removal until the date upon which his successor was appointed, 2 April, 1835 to 22 February, 1836. Supports Kerr's contention, on the ground that the rule which allows only half salary to absent officers has never been enforced. Gives as his opinion, that this rule should be made known to public officers and should be enforced in future cases. p. 3 March 2, Montreal.

Enclosed:

Memorial of James Kerr, Quebec, 29 February, 1840. p. 9

Thomson to Russell, No. 65. Transmits copy of a letter from Lt.-Col. Sir John Oldfield, Commanding Royal Engineer, with a digest of receipts and returns of expenditure upon the Rideau Canal, 1838-1839. p. 13 March 4, Montreal.

Enclosed:

Oldfield to T. W. C. Murdock [Chief Secretary], Montreal, 4 March, 1840. p. 15

Sub-enclosure:

Comparative statement of the establishment employed on the Rideau Canal for the years 1838 and 1839. p. 16

Thomson to Russell, No. 66. States that while some division of opinion is manifest in Lower Canada, there is no reason to fear disturbance. Discusses opposition to union on the part of the Roman Catholic clergy. Declares that he has dealt in another despatch with the question of extinction of seigniorial rights. Reports that he intends to summon the Special Council, when he will propose ordinances for the improvement of the judicature, for establishing district courts, for the erection of those courts and prisons, and for the creation of township and parish government. States that he is considering the question of a comprehensive system of education, upon which subject he has received a report. p. 21 March 9, Montreal.

Thomson to Russell, confidential. Discusses the opposition to the proposed union, which he attributes to the clergy and to the party which constituted the majority in the last Assembly. Declares that petitions in opposition to the union should not receive undue importance or be considered as opinion among the moderate and better informed persons of both races. Is in favour of that measure. p. 27 March 9, Montreal.

1840

March 11, Montreal. Thomson to Russell, No. 67. Promises to write a despatch dealing with the financial conditions of the provinces. Discusses the public debt of the two provinces. Divides the subject under (1) debt for general provincial expenditure, (2) public works, (3) advances to private companies, (4) works for which the interest is levyable under acts of the Legislature, by local taxation. Advocates that the debt of the provinces should be united and charged upon the general revenue of the united provinces. p. 39

March 12, Montreal. Thomson to Russell, separate. Represents the inconvenience which is sustained by the fact that private letters to himself and to his staff, have not been forwarded in the bag containing despatches. Offers to pay the customary postage. p. 46

March 13, Montreal. Thomson to Russell, No. 68. [Printed.] Transmits an address to the Queen, and copies of two addresses to himself, on the subject of seigniorial rights in the city and island of Montreal. Declines to re-open this much disputed question, but points out that a commission of enquiry, of 1836, has shown that the seminary has an equitable right to dues. States that he intends to propose an ordinance for the extinction of these rights. p. 52

Enclosed:

(1) Address to the Queen, Montreal, February, 1840. [Printed.] Prays that the Royal assent shall be withheld from the ordinance to extinguish seigniorial rights, on the grounds that the seminary is not entitled to compensation. p. 52A

(2) Petition of the chairman and deputation in charge of the accompanying petition [Enclosure 3], Montreal, 13 March, 1840. [Printed.] Represents that public opinion is in favour of the ordinance, which grants compensation to the seminary. p. 54

(3) Petition from Montreal, 3 February, 1840. [Printed.] Prays that the projected arrangement between the Government and the seminary, will be concluded. p. 54A

March 13, Montreal. Thomson to Russell, No. 69. Refers to Russell's despatch No. 59, of 3 January, and states that Major G. D. Hall was gazetted as military secretary and principal aide-de-camp. Declares that Hall has received no allowances except forage for two horses. Points out that this position was previously held by Col. G. Couper. Hall has written to Couper to discover what allowances are attached to the position. p. 57

Attached:

Unsigned to Thomson, No. 59 [Colonial Dept.]. 3 January, 1840. [Draft.] Requests information as to the position held by Major G. D. Hall, and as to allowances drawn by him. p. 59

March 14, Montreal. Thomson to Russell, No. 70. Acknowledges Russell's despatch No. 55, of 26 December, and states that as Major R. H. Bonnycastle has left Canada, he is unable to acquaint that officer with Russell's determination. p. 60

Thomson to Russell, No. 71. Acknowledges Russell's despatch No. 78, of 13 February, respecting allowances to the Governor and his staff. Comments on the action of R. I. Routh, Commissary General, in communicating with the Treasury, without waiting to receive the information required. p. 62 **1840** March 16, Montreal.

Thomson to Russell, No. 72. Transmits copy of an address from Stansted, Sherbrooke and Shefford, to Colonel R. Nickle, Commanding on Particular Service, together with Nickle's reply thereto. p. 66 March 17, Montreal.

Enclosed:

(1) Complimentary Address. p. 69

(2) Reply of Colonel Nickle, 5 March, 1840. p. 73

(3) J. Hackett, J.P., to T. W. C. Murdock [Chief Secretary], Hatley, 5 March, 1840. Transmits copy of the address to Nickle, and of that officer's reply. Requests that this tribute should be forwarded to Her Majesty's Government. [Signed by members of the deputation appointed to present the address.] p. 78

Thomson to Russell, No. 73. Acknowledges Russell's despatch No. 75, of 10 February, respecting the grant of an allowance of 10s. per day to officers who served on courts martial for the trial of political prisoners. Refers to his despatch of 29 February, stating his views on this question. Presumes that the allowance now granted is to be paid from the Military Chest, which arrangement he feels to be just. His objection had been directed against the proposal to meet this charge from the funds of the province. p. 82 March 18, Montreal.

Thomson to Russell, No. 74. Acknowledges Russell's despatch No. 71, of 4 February, and transmits copy of an instruction to T. A. Stayner, Deputy Postmaster General, directing him to make arrangements for the daily transmission of mail between Quebec and Montreal, by steamboat. This arrangement is to be for the summer months. p. 86 March 20, Montreal.

Enclosed:

T. W. C. Murdock to Stayner, Montreal, 6 March, 1840. p. 89

Attached:

Unsigned to Thomson, No. 71, and to Sir George Arthur, [Lieutenant-Governor of Upper Canada], No. 63 [Colonial Dept.], 4 February, 1840. [Draft.] Transmits copy of a letter and report from the Deputy Postmaster General at Quebec, respecting proceedings taken to prevent illicit conveyance of mails. Directs that assistance should be given to Stayner, in his efforts to combat this practice. [Enclosures not at this place. See *Series G*, Vol. 46, p. 109.] p. 88

Thomson to Russell, No. 75. Refers to despatches of 24 January, 23 and 28 February, and transmits an address to the Queen, from the inhabitants of Gaspé, protesting against the proposed severance of that district, from Lower Canada. p. 92 March 22, Montreal.

1840

Enclosed:

Address. [No date.] p. 94

Attached:

Address from the inhabitants of Gaspé, to Thomson, New Carlisle, 12 December, 1839. Protesting against the proposed severance of that district, from Lower Canada. p. 98

March 23, Montreal. Thomson to Russell, No. 76. Refers to Normanby's despatch No. 65, of 12 August last, and transmits copy of a letter from J. H. Kerr, respecting land sought for by the heirs of the late Chief Justice J. Sewell. Declares that this letter is unsatisfactory, and that Kerr has been informed that the case cannot be recommended to Russell. p. 103

Enclosed:

Kerr to T. W. C. Murdock [Chief Secretary], Quebec, 20 March, 1840. Explains the circumstances under which Sewell did not take advantage of the order for land, given to him in 1829. p. 105

March 24, Montreal. Thomson to Russell, No. 77. Acknowledges Russell's despatch of 27 December, enclosing a correspondence with the British American Land Company, and requesting information respecting the position of that Company and an opinion on the proposals and the course to be adopted. Discusses these points and concludes that indulgence should not be given to the Company. If they fail to accept the terms now proposed, they should be compelled to fulfil the terms of their agreement, under threat of legal proceedings. Urges expedition in settling the matter. p. 109

March 24, Montreal. Thomson to Russell, No. 78. Requests copies of reports and regulations for the government of police. p. 133

March 25, Montreal. Thomson to Russell, confidential. Acknowledges Russell's confidential and separate despatches of 6 and 19 February. States that he has been in consultation with Jackson, respecting the disputed territory, and that no position will be abandoned unless a new arrangement with Maine should make this advisable. Transmits copy of a despatch to Fox, directing him to obtain a new agreement with the United States, which will remove the ambiguity prevailing respecting the agreement now in force. Doubts the efficacy of an agreement with the United States. Discusses terms to be proposed, and measures to be adopted if negotiations fail. Comments upon opinion in Maine. p. 137

Enclosed:

Thomson to H. S. Fox [H.M. Minister at Washington], Montreal, 20 March, 1840. p. 164

March 26, Montreal. Thomson to Russell, confidential. Transmits a memorandum from Sir Richard Jackson, respecting the state of Montreal and its immediate frontier, together with a map, which illustrates the observations contained therein. States that while it would be impossible for him to comment upon the opinions with regard to military matters

which are expressed by Jackson, he recommends the adoption of these proposals, in view of the care and attention which that officer has devoted to the question, and the anxiety that he has evinced to avoid unnecessary expenditure. [Map not at this place.] p. 169 **1840**

Enclosed:

Memorandum. p. 171

Sub-enclosure:

Memoranda respecting the probable expense of defences for Montreal and the frontier between the Richelieu and St. Lawrence rivers. Lt.-Col Sir John Oldfield, Commanding Royal Engineers, 24 March, 1840. p. 186

Thomson to Russell, No. 79. Acknowledges Russell's despatch No. 79, of 17 February, respecting the Upper Canada Act to regulate Payment of Costs in Certain Cases. This despatch has been sent to the Lieutenant-Governor of Upper Canada, in order to enable him to comply with the instructions contained therein. p. 196 March 31, Montreal.

Thomson to Russell, No. 80. Transmits a petition from the Roman Catholic clergy of Lower Canada, deprecating the union and praying for restitution of the constitution. States that he does not think that much weight should be attached to this address. Requests that it should be acknowledged, for some soreness has been felt with regard to some addresses which have been unnoticed. p. 199 April 4, Montreal.

Enclosed:

Address, Montreal, 25 February, 1840. [In French.] p. 202

Russell to Thomson, No. 97. [Not transcribed. See Q. 270, p. 658.] p. 25 April 7, Downing St.

Thomson to Russell, No. 81. Acknowledges Russell's despatch No. 67, of 1 February. Reports that he has since learned that J. B. Robinson, Chief Justice, would not leave England till the middle or end of April. Declares that considerable dissatisfaction has been expressed at the long absence of Robinson, particularly in view of his political activities in England. Requests that no further leave be granted to him. Asks for instructions regarding payment of Robinson's emoluments, during this absence. p. 206 April 9, Montreal.

Unsigned to Thomson, confidential. [Draft.] Acknowledges Thomson's confidential despatch of 9 March, and expresses satisfaction that moderate men are favourable to the proposed union. p. 38 April 9, [Colonial Dept.]

Unsigned to Thomson, No. 103. [Draft.] Acknowledges Thomson's despatch No. 64, of 2 March. Complies with his request that Kerr should be allowed full salary from 2 April, 1835, to 22 February, 1836. Approves of Thomson's suggestion that notice should be given regarding future observance of the rule governing the salary of absent officers. p. 6 April 11, [Colonial Dept.]

Thomson to Russell, No. 82. Applies for a lithographic press for the use of the Board of Works, in Lower Canada. p. 210 April 12, Montreal.

1840
April 14, Montreal. Thomson to Russell, No. 83. Refers to his confidential despatch of 24 December last, in which he had suggested that the proclamation of union should be left to the Governor. Points out the necessity for continuing the suspension of the constitution of Lower Canada until this proclamation is made. Explains circumstances under which he has decided not to issue new writs of election for Upper Canada until he has learned the fate of the Union Bill. p. 216

April 17. [Colonial Dept.] Unsigned to Thomson, No. 111. [Draft.] Acknowledges Thomson's separate despatch of 12 March, and states that he has given orders that private letters directed to Thomson and his suite are to be forwarded in the official bag. p. 50

April 21, Downing St. Russell to Thomson, No. 113. Acknowledges Thomson's despatch No. 75, of 22 March, and states that the address from Gaspé, has been laid before the Queen. Points out that this matter has been disposed of in his despatch of 7 April. p. 102

April 23. [Colonial Dept.] Unsigned to Thomson, No. 115. [Draft.] Acknowledges Thomson's confidential despatch of 25 March, and approves of the course adopted in respect to the disputed territory. p. 163

April 24, Downing St. J. Stephen [Under Secretary for the Colonies] to R. Byham [Secretary to the Board of Ordnance]. Transmits Thomson's confidential despatch of 26 March, together with the memorandum on Montreal and its immediate frontier. Requests that the plan outlined therein should be considered by the Ordnance, and states that Russell is of opinion that a requisition should be made to Parliament for £25,000 to carry out these works, if they should be approved. Requests return of the documents. p. 187

April 25, [Colonial Dept.] J. Stephen [Under Secretary] to Commissioners of Metropolitan Police. Transmits copy of Thomson's despatch No. 78, of 24 March, and requests copies of reports mentioned therein. p. 135

April 28. [Colonial Dept.] Unsigned to Backhouse. [Draft.] Transmits copy of Thomson's confidential despatch of 25 March, with reference to the disputed territory. p. 162

April 29. [Colonial Dept.] Unsigned to Thomson, No. 120. [Draft.] Acknowledges Thomson's despatch No. 78, of 24 March, and transmits a package containing reports on metropolitan and rural police. [Reports not at this place.] p. 136

April 30. [Colonial Dept.] Unsigned to Lord Fitzroy Somerset [Secretary at the Horse Guards]. Transmits copy of Thomson's despatch No. 72, of 17 March, with its enclosures. p. 68

April 30. [Colonial Dept.] Unsigned to Lt.-Col. W. L. Maberly [Secretary to the Post Office]. [Draft.] Transmits copy of Thomson's despatch No. 74, of 20 March, respecting steps taken to establish daily mail service between Quebec and Montreal during the summer months. p. 91

April 30. [Colonial Dept.] Unsigned to C. E. Trevelyan [Assistant Secretary of the Treasury]. [Draft.] Transmits copy of Thomson's despatch respecting the allowances and travelling expenses of officers who served on courts

martial for the trial of political prisoners. Requests to be informed as to whether, in view of the facts stated therein, it may not be right to modify the instructions to pay these expenses from the colonial funds. p. 84 **1840**

Unsigned to C. E. Trevelyan [Assistant Secretary to the Treasury]. [Draft.] Requests that the Treasury should instruct Routh, to communicate directly with the Governor General or through the proper channel, with respect to allowances. p. 65 May 4. [Colonial Dept.]

Byham to Stephen. Acknowledges receipt of letter of 24 April. Discusses the general question of defence and points out the reasons why Jackson's proposals cannot be accepted. Return the despatch and enclosures. p. 189 May 4. Ordnance.

Unsigned to Attorney General. [Draft.] Transmits papers dealing with the affairs of the British American Land Company, and requests opinion on legal points connected therewith. [A similar letter was addressed to the Solicitor General.] p. 119 May 8. [Colonial Dept.]

Enclosed:

(1) Act for granting certain Powers to the British American Land Company. [Printed.] [Agreements with the Company, not at this place.] p. 124

(2) G. R. Robinson [Governor of the British American Land Company] to Russell, 14 December, 1839. [Not transcribed. See Q. 266, p. 67.] p. 130

(3) Russell to Thomson, 27 December, 1839, No. 56. [Not transcribed. See Q. 266, p. 80.] p. 132

(4) Thomson to Russell, 24 March, 1840. [See above, Q. 271, pt. 1, p. 109.]

Attached:

Estate of the British American Land Company. [See Q. 266, p. 77.] p. 131

Russell to Thomson, confidential. Acknowledges Thomson's confidential despatch of 26 March, and transmits copy of the letter from Byham to Stephen, of 4 May. Requests that Jackson should prepare a more specific and detailed report on defence, and that this should be accompanied by a scientific report as to the amount of engineering required and of the expense that would be entailed by such a measure. p. 194 May 9. Downing St.

Unsigned to Thomson, No. 136. [Draft.] Acknowledges Thomson's despatch No. 82, of 12 April, and states that he has requested the Treasury to issue the necessary orders for a lithographic press. p. 214 May 24. [Colonial Dep

Russell to Thomson, No. 141. Acknowledges Thomson's despatch No. 80, of 4 April, enclosing a petition from the Roman Catholic clergy of Lower Canada. p. 205 May 28. Downing St.

1840
May 29. [Colonial Dept.] Unsigned to Trevelyan. [Draft.] Transmits copy of Thomson's despatch No. 82, of 12 April, and requests that the Treasury will issue the necessary orders for a lithograph press for Lower Canada. p. 212

Attached:

(1) Unsigned to Lord Sydenham [Thomson], No. 324 [Colonial Dept.], 6 March, 1841. [Draft.] Transmits copy of a letter from the Treasury, stating that the Comptroller of the Stationery Office had been instructed to procure a lithographic press for Lower Canada. [Letter not at this place.] p. 213

(2) Unsigned to Sydenham, No. 377 [Colonial Dept.], 15 May, 1841. [Draft.] States that the press was sent out on 10 August last, and directs that the cost, £94.4.7, be repaid from the colonial funds. p. 215

June 18, [Colonial Dept.] Unsigned to Thomson, No. 154. Transmits copy of a correspondence respecting the British American Land Company. States that the Law Officers have reported that legal proceedings would probably fail. Directs Thomson to take such steps as may be consistent with law. [Enclosures not at this place. See Q. 271, pt. 1, p. 119; Q. 275, pt. 1, pp. 130, 133; Q. 276, pt. 1, pp. 130, 132.] p. 122

July 3. [Colonial Dept.] Unsigned to Thomson, No. 173. [Draft.] Acknowledges Thomson's despatch No. 67, of 11 March. Trusts that the promised despatch upon the financial condition of the provinces will arrive shortly. p. 45

July 3. [Colonial Dept.] Unsigned to Thomson, No. 174. [Draft.] Acknowledges Thomson's despatch No. 68, of 13 March, and states that the address contained therein has been laid before the Queen. States that he awaits the arrival of the ordinance in question, with some anxiety. p. 56

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GOVERNOR C. P. THOMSON, LATER LORD SYDENHAM, 1840

January 28. [Colonial Dept.] Unsigned to Thomson, No. 65. [Draft.] Requests that the report of the agent for emigrants at Quebec, shall be sent to England prior to 1 January of each year. p. 298

February [12]. [Colonial Dept.] Unsigned to Thomson, No. 77. [Draft.] Transmits copy of a letter from the Treasury directing that pecuniary relief should be substituted for the relief in kind which has been granted to military pensioners in Lower Canada. Directs that these instructions should be complied with. [Enclosure not at this place.] p. 330

March 4. [Colonial Dept.] Unsigned to Thomson, No. 83. [Draft.] Requests to be informed as to the date of the appointment of Lt. Jeffrey Hale, as Receiver General of Lower Canada. p. 391

April 15, Montreal. Thomson to Russell, No. 84. Points out that Lower Canada has borne the expense for the transmission of despatches which relate to the general affairs of British North America, and requests authority

to repay half of this expense from the Military Chest. Urges that for the future only half this expense should be charged against Lower Canada. p. 219 **1840**

Thomson to Russell, No. 85. Transmits a report from the Deputy Postmaster General, respecting the transmission of mails from England to the British North American colonies. Discusses the system in use at the present time and points to the hardships which it entails upon the emigrant who cannot meet the heavy charges, and to features which tend to the adoption of the United States post office as a means of communication. Advocates the abandonment of the present system and the immediate adoption of the uniform rate of one shilling on every letter weighing not more than half an ounce. p. 224 April 16, Montreal.

Enclosed:

(1) T. A. Stayner [Deputy Postmaster General] to T. W. C. Murdock [Chief Secretary], Montreal, 6 April, 1840. Transmits a report, composed of copies or extracts of correspondence and reports, respecting the need to improve postal communication with Great Britain, together with circulars to postmasters. Outlines the steps which he has taken to impress the authorities with the necessity for such improvement. p. 237

Sub-enclosure:

Report, Montreal, 6 April, 1840. p. 244

(2) Stayner to Murdock, Montreal, 15 April, 1840. Transmits copy of a letter from the commissioner of the British American Land Company, complaining of the rate charged on letters from Great Britain. Points out that similar complaints are made on all sides. p. 292

Sub-enclosure:

John Fraser to Stayner, British American Land Company's Office, Sherbrooke, 3 April, 1840. p. 294

Thomson to Russell, No. 86. [Printed.] Transmits copy of the report of A. C. Buchanan, chief emigrant agent, and copy of a proclamation modifying the regulations under which ships are compelled to call at Grosse Isle. Points to an increase in emigration. Urges greater protection for emigrants from frauds committed by captains and persons connected with ships. Disagrees with Buchanan's views on the emigrant tax. Stresses the necessity for a fund such as that created by this tax. Suggests that the commissioners for land and emigration should draw up a series of questions to which he could give the requisite replies. p. 307 April 17, Montreal.

Enclosed:

(1) Report of A. C. Buchanan, Chief Agent for Emigration, 12 January, 1839. [Printed.] p. 308A

(2) Proclamation, laying down rules under which vessels must call at the quarantine station at Grosse Isle, 16 April, 1840. [Printed.] p. 313

1840
April 18, Montreal.

Thomson to Russell, No. 87. Transmits copy of a letter from Lt.-Col. Sir John Oldfield, Commanding Royal Engineer, respecting the need for additional officers for undertaking the necessary works contingent upon the union of the Canadas. Requests that three officers should be sent immediately and that this number should be increased if the establishment of districts, under the Union Act, becomes immediately necessary. p. 316

Enclosed:

Oldfield to Major G. D. Hall [Military Secretary], Montreal, 18 April, 1840. Transmits copy of a correspondence respecting the strength of the engineer establishment. Points to some extra duties performed. Expresses a wish to give all assistance possible. [Enclosure not at this place.] p. 321

April 20, Montreal.

Thomson to Russell, No. 88. Acknowledges Russell's despatch No. 77, of 12 February, and expresses agreement with the decision to grant pecuniary assistance, rather than relief in kind, to military pensioners. States that he has communicated this decision to the Commissary General, and transmits copies of papers received from that officer, together with copy of a letter from Sir George Arthur. Feels that the pensioners at Penetanguishene should be placed on the same footing as other pensioners in Upper Canada, and that the expense should be borne by the Military Chest. p. 327

Enclosed:

(1) Commissary General to Chief Secretary, Commissariat, Montreal, 13 April, 1840. Transmits documents under the authority of which assistance will be given to pensioners by a money grant instead of in kind. p. 333

Sub-enclosures:

(i) General Order, Montreal, 4 April, 1840. p. 335

(ii) Questions to be answered by pensioners. p. 338

(iii) Forms to be filled out in connection with this change: p. 339

Enclosed in sub-enclosure.

(a) List of pensioners. p. 339

(b) Certificate of title to pension. p. 340

(c) Declaration of applicant. p. 341

(d) Receipt for pay. p. 342

(2) Sir George Arthur [Lieutenant-Governor of Upper Canada] to Thomson, Toronto, 14 April, 1840. Acknowledges communication respecting commuted pensioners. Transmits copies of his despatch to Russell, and of a report of A. B. Hawke, emigrant agent. States that he had intended to apply for greater relief, but as the matter has now been settled he refrained from doing so. Hawke will be

instructed to report upon places where Boards should be set up Draws attention to the case of pensioners at Penetanguishene and to the question of the source from which such relief should be paid. Transmits copies of a requisition for payment for this relief, together with the Inspector General's report thereon. [Arthur to Russell not at this place.] p. 343 1840

Sub-enclosures:

(i) F. E. Knowles [Deputy Commissary General] to R. A. Tucker [Provincial Secretary], Commissariat, Toronto, 11 December, 1839. Applies for payment of £498.1.2, being the expense of relief to pensioners at Penetanguishene. p. 349

Enclosed in sub-enclosure:

Account of disbursements. p. 352

(ii) J. Macaulay [Inspector General] to Tucker. Explains the circumstances under which a warrant for payment of relief to pensioners at Penetanguishene cannot be claimed from the Government of Upper Canada. p. 350

(iii) S. B. Harrison [Private Secretary] to A. B. Hawke [Emigrant Agent], Toronto, 18 March, 1840. Transmits copy of Russell's despatch, with respect to commuted pensioners. Requests a report upon the necessary arrangements and as to instances in which the allowance will have to be exceeded. p. 353

(iv) Hawke to Harrison, Emigrant Office, Toronto, 19 March, 1840. Reports on the necessary arrangements with regard to commuted pensioners, and as to the amount of assistance required in certain instances. p. 355

Thomson to Russell, No. 89. Transmits statement of receipts on account of casual and territorial revenues, sales of Crown lands and from licences to cut timber, for three months ending 31 March. p. 361 April 20, Montreal.

Enclosed:

(1) Statement of casual and territorial revenue, Lower Canada, Quebec, 1 April, 1840. p. 363

(2) Statement of receipts for sale of Crown lands and from licences to cut timber, Quebec, 1 April, 1840. p. 364

Thomson to Russell, No. 90. Reports that he has summoned the Special Council and has proposed continuation of ordinances which otherwise would expire on 1 May next. Intends to propose that other ordinances be made permanent, in accordance with instructions given in Russell's despatch No. 28, of 28 October. Intends to refer other important questions to the Council. Reports abatement of excitement in Lower Canada. Thinks that the party agitating against the union will not send an agent to England, at least for some time to come. p. 365 April 21, Montreal.

1840
April 22, Montreal. Thomson to Russell, No. 91. Acknowledges Russell's despatch No. 3, of 23 January, and states that the estimate for the completion of Capt. G. Phillpotts' survey of inland water communications, is £371.18.9. Phillpotts has been instructed to close his accounts as soon as possible. p. 369

April 24, Montreal. Thomson to Russell, No. 92. Acknowledges Russell's despatch No. 85, of 14 March, and transmits copy of a correspondence with the Commander of the Forces respecting a volunteer corps at Quebec, now disbanded. Explains the reason for delay in making a report on this subject. States that he will attend to Russell's instructions with reference to closing the accounts for extraordinary expenditure incurred during the insurrection. p. 373

Enclosed:

(1) Lt.-Gen. Sir Richard Jackson [Commander of the Forces] to Thomson, Montreal, 15 November, 1839. Points to the insufficiency of the forces, and asks leave to enroll 400 volunteers, for general duty in Quebec district. This force is to be engaged for five months. Estimates the expense for such a corps, at £7,543.8.4. p. 378

(2) Thomson to Jackson, Montreal, 15 November, 1839. Sanctions the enrolment of a volunteer corps for five months. p. 380

April 25, Montreal. Thomson to Russell, No. 93. Transmits original addresses received by him, in Upper Canada, together with copies of his replies thereto. p. 381

Enclosed:

List of Addresses. [Addresses not at this place.] p. 383

April 25, Montreal. Thomson to Russell, confidential. Protests against the proposal to deprive Lincoln County of all but one representative, under the union. Urges that two members be allowed to that county. As an additional member is to be given to Upper Canada, Niagara, rather than Cornwall, should retain its representative. Urges, however, that neither of these towns should be represented, but that the extra member be given to Durham County, which could be divided into two ridings. p. 385

April 27, Montreal. Thomson to Russell, No. 94. Reports that Jeffrey Hale's commission, as Receiver General, is dated 28 December, 1838. p. 389

April 28, Montreal. Thomson to Russell, No. 95. Transmits a petition from Mrs. Lucy Rolette, praying for a pension on the grounds of the services of her late husband, an officer in the provincial marine. Requests the return of original documents transmitted therewith. [Documents not at this place.] p. 392

Enclosed:

Petition of Mrs. Lucy Rolette, 11 April, 1840. p. 397

April 29, [Colonial Dept.] Thomson to Russell, No. 96. Transmits a memorial from the Board of Trade of Montreal, praying that this port should be made a free warehousing port. p. 403

Enclosed: **1840**

Petition. p. 407

Unsigned to Thomson, No. 135. [Draft.] Acknowledges Thomson's despatch No. 85, of 16 April, and states that the representations contained therein, have been forwarded for the consideration of the Treasury. p. 234 May 23. [Colonial Dept.]

Unsigned to Thomson, No. 138. [Draft.] Acknowledges Thomson's despatch No. 96, of 29 April, and states that the petition contained therein, has been referred to the Treasury. p. 405 May 26. [Colonial Dept.]

Unsigned to Trevelyan. [Draft.] Transmits copy of Thomson's despatch No. 85, of 16 April, and requests that the Treasury should give immediate consideration to the representation respecting the mails. p. 233 May 27. [Colonial Dept.]

Unsigned to Thomson, No. 140. [Draft.] Acknowledges Thomson's despatch No. 95, of 28 April, and transmits copy of a despatch addressed to Colborne, stating with reference to an earlier petition from Mrs. Rolette, that the Admiralty did not consider that she is eligible for a pension. If Mrs. Rolette has not been informed of this decision, she is to be notified that it represents the only answer that can be given to her petition. p. 395 May 28. [Colonial Dept.]

Enclosed:

Unsigned to Colborne, No. 59. [Draft.] p. 394

Unsigned to Thomson, No. 142. [Draft.] Acknowledges Thomson's despatch No. 90, of 21 April. Expresses satisfaction that excitement has abated in Lower Canada. p. 368 May 29. [Colonial Dept.]

Unsigned to Thomson, No. 143. [Draft.] Acknowledges Thomson's despatch No. 93, of 25 April, and states that the addresses from Upper Canada, together with the answers returned thereto, have been placed in the archives of the Colonial Department. p. 382 May 29. [Colonial Dept.]

Unsigned to Colonial Land and Emigration Commissioners. [Draft.] Transmits copy of Thomson's despatch No. 86, of 17 April, together with Buchanan's report on emigration. Requests observations thereon. Draws attention to Thomson's request that a series of questions on points of interest to emigrants should be framed and sent to him for answer. Requests advice as to the manner in which £1,500 could be expended to the best advantage on the emigrants' agency. p. 303 May 29. [Colonial Dept.]

Unsigned to Trevelyan. [Draft.] Transmits copy of Thomson's despatch No. 92, of 24 April, with respect to the volunteer corps raised at Quebec, and requests that this should be submitted to the Treasury. p. 376 May 30. [Colonial Dept.]

Unsigned to Trevelyan. [Draft.] Transmits copies of despatches from Thomson, No. 91, of 22 April, and from Arthur, No. 22, of 22 April, respecting an estimate of £371.18.9, for Capt. G. Phillpotts' survey of internal water communications. Recommends that the Treasury should sanction this. [Arthur's despatch not at this place.] p. 371 June 3. [Colonial Dept.]

1840

June 4. [Colonial Dept.] Unsigned to R. Byham [Secretary to the Board of Ordnance]. [Draft.] Transmits copy of Thomson's despatch No. 87, of 18 April, and requests the decision of the Ordnance on the need to increase the number of engineer officers in Canada. p. 319

June 5. [Colonial Dept.] Unsigned to Thomson, No. 148. [Draft.] Acknowledges Thomson's confidential despatch of 25 April, and states that he has altered the 15th and 17th clauses of the Union Act, so as to give two representatives to Lincoln County. p. 388

June 5. [Colonial Dept.] Unsigned to C. E. Trevelyan [Assistant Secretary to the Treasury]. [Draft.] Transmits copy of Thomson's despatch No. 84, of 15 April, and requests the decision of the Treasury thereon. p. 222

June 8. [Colonial Dept.] Unsigned to C. E. Trevelyan [Assistant Secretary to the Treasury]. [Draft.] Transmits copy of Thomson's despatch No. 88, of 20 April, expressing concurrence with the regulations respecting commuted pensioners, and urging that pensioners at Penetanguishine should be put on the same footing as those in other parts of Upper Canada, the expense being borne by the Military Chest. p. 331

June 11. [Cofonial Dept.] Unsigned to Thomson, No. 150. [Draft.] States that the Treasury has decided to charge the expense of the volunteer corps at Quebec, upon the vote for special services in Canada. p. 377

June 24. [Colonial Dept.] Unsigned to Thomson, No. 161. [Draft.] Transmits copy of a letter from the Ordnance, stating the impossibility of sending more officers to Canada. The Ordnance have been informed that if fortifications are commenced next year, further assistance will be requisite. [Letter not at this place. See Q. 276, pt. 1, p. 11.] p. 320

Enclosed:

(1) Charles R. Fox [Surveyor General of the Ordnance] to Lt.-Gen. Sir Frederick William Mulcaster [Inspector General of Fortifications, Ordnance Office], 3 March, 1840. Concurs in view taken by Mulcaster, and states that it is impossible to increase the engineer establishment in Canada. p. 323

(2) Minute of Inspector General of Fortifications, 25 February, 1840. p. 324

June 27. [Colonial Dept.] Unsigned to Thomson, No. 164. [Draft.] States that the Treasury have consented to repayment of half the expense borne by Lower Canada for the transmission of despatches and that, for the future, the like proportion is to be paid from the Military Chest. Instructions have been issued to the Commissary General. p. 223

June 27. [Colonial Dept.] Unsigned to Thomson, No. 165. [Draft.] Acknowledges Thomson's despatch No. 86, of 17 April, and states that Buchanan's report has been transmitted to the commissioners for land and emigration, who have been requested to frame a series of questions on points of interest to emigrants. Intends to propose that the Treasury should sanction a payment of £1,500 for the service of the agency in Canada, and has requested the commissioners to report as to the manner in which this sum could be most profitably expended. p. 299

1840

Unsigned to Trevelyan. [Draft.] Requests that the Treasury should sanction the grant of £1,500 for the emigrant service in Canada. July 9. [Colonial Dept.] p. 305

Unsigned to Thomson, No. 180. [Draft.] Transmits copy of a letter from the Treasury, respecting the representation made in Thomson's despatch No. 85, of 16 April. Directs Thomson to appoint a commission to study the state of the post office in British North America, its administration, remuneration of officers, rates of postage, condition of the roads, and every other matter important to a complete enquiry. The personnel of this commission should include a member of the Post Office Department. Transmits copy of a report upon the Metis road. Refers to this despatch No. 12, of 24 September last. [Report not at this place.] July 12. [Colonial Dept.] p. 235

Unsigned to Thomson, No. 182. [Draft.] Transmits copy of a letter from the commissioners for land and emigration, in reply to the communication made to them, respecting emigration. States that no reply has been received from the Treasury, respecting the proposed appropriation of £1,500. [Letter not at this place. See Q. 272, pt. 1, p. 175.] July 13. [Colonial Dept.] p. 301

Unsigned to Thomson, No. 186. [Draft.] Transmits copy of a letter from the Treasury consenting to an appropriation of £1,500 for the emigrant agency in Canada. [Letter not at this place. See Q. 275, pt. 2, p. 425.] July 21. [Colonial Dept.] p. 302

Unsigned to Lord Sydenham [Thomson], No. 332. [Draft.] Acknowledges Thomson's despatch No. 88, of 20 April, and transmits Treasury approval of the plan to place pensioners at Penetanguishine, on the same foot as those in other parts of Upper Canada. [Enclosure not at this place.] August 22. [Colonial Dept.] p. 332

Unsigned to Sydenham [Thomson], No. 240. [Draft.] Transmits copy of a letter from the Treasury, respecting the petition from the Board of Trade of Montreal, praying that this port should be made a free warehousing port. [Enclosure not at this place. See G. 49, p. 409.] October 18. [Colonial Dept.] p. 406

Thomson to Russell, No. 97. [Missing. Sent to the Admiralty, 30 May, 1840, and presumably destroyed with other Admiralty papers of this date.] p. 427

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GOVERNOR C. P. THOMSON, LATER LORD SYDENHAM, 1840

Unsigned to Thomson, No. 73. [Draft.] Directs that an enquiry should be made as to the whereabouts of Henry Morgan, formerly of Old Abbey, Limerick, who is said to have served against the insurgents. February 6. [Colonial Dept.] p. 134

Unsigned to Thomson, No. 86. [Draft.] Transmits copy of a letter from the Treasury, directing that the travelling expenses and allowances of officers who sat in courts martial for the trial of political prisoners, should be paid from the provincial funds. Directs that these instructions should be followed. [Enclosure not at this place. See Q. 275, pt. 2, p. 270.] March 16. [Colonial Dept.] p. 52

1840
March 31.
[Colonial Dept.]

Unsigned to Thomson, No. 93. [Draft.] Transmits copy of a correspondence respecting the emoluments of J. B. Robinson, Chief Justice of Upper Canada. [Enclosure not at this place. See G. 46, p. 565.] p. 109

May 1,
Montreal.

Thomson to Russell, No. 98. Refers to address from Upper Canada relative to the tea trade. Transmits a report from the Collector of Customs at St. Johns respecting the contraband trade in this commodity. Gives reasons why the present system should be changed. Urges that tea should be admitted from the United States on payment of 10% more duty than that imported from England p. 3

Enclosed:

W. Macrea, [Collector of Customs, at St. Johns] to T. W. C. Murdock [Chief Secretary], St. Johns, 3 April, 1840. Reports on the smuggling of tea, and points out the advantages which would follow upon the removal of restrictions on importation from the United States, and the imposition of a duty on tea imported therefrom. p. 12

May 2,
Montreal.

Thomson to Russell, No. 99. Refers to remarks made by J. Pakington in the House of Commons, and explains the circumstances under which the Rt. Rev. J. Strachan was deprived of his salary as president of King's College. Transmits papers which reveal the steps by which this change took place. Requests that changes will not be made with respect to the Bishop of Montreal, until opportunity has been given to express an opinion on the course proposed. p. 20

Enclosed:

(1) T. W. C. Murdock [Chief Secretary] to Dr. H. Boys [Bursar], Toronto, 3 February, 1840. Requests information respecting arrears of £6,306 in the late bursar's accounts, together with the orders under which that officer was appointed and relating to security to be given by him. Points out that considerable sums have been borrowed by members of the council, and requires information as to the security given and as to steps to prevent such practices for the future. p. 28

(2) Boys to Murdock, Toronto, 11 February, 1840. Points out that on discovering the arrears in the accounts, the late bursar assigned property to the institution, the documents being now in state of preparation. He has also made some payment since his removal. Explains the circumstances of his appointment and states that security does not appear to have been exacted. Explains the circumstances under which money was lent to members of the council. No rule has been made to guard against such a practice. Transmits copy of the Bishop's explanation. p. 30

Sub-enclosure:

Rt. Rev. John Strachan [Bishop of Toronto] to Boys, Toronto, 10 February, 1840. Explains the circumstances under which money was borrowed from the college. Points out that the Rebellion has produced difficulties which could not be anticipated. Regards the matter as a simple money transaction for which he is responsible. States his willingness to meet interest and deficiencies at six month intervals. p. 35

(3) Boys to Thomson, Toronto, 12 February, 1840. Furnishes list of dates at which loans were made to the Bishop of Toronto. p. 39 **1840**

(4) Boys to A. Symonds, Toronto, 14 February. States that the first loan made to the Bishop of Toronto, was on 2 January, 1836, and that there is no minute or other authority for this transaction. p. 40

(5) Murdock to Boys, Toronto, 15 February, 1840. Voices the disapproval of Thomson as to loans made to members of the Council, and to the failure to meet these obligations on the dates due. Points out that these funds constitute a public trust, and that failure to meet obligations is liable to destroy public confidence. p. 42

Thomson to Russell, No. 100. Acknowledges Russell's despatch No. 86, of 16 March, and protests against instructions to charge expenses of the courts martial to the provincial funds. Transmits copies of correspondence on this subject, together with a further letter from Major-Gen. John Clitherow, stating the grounds upon which he feels himself to be entitled to greater remuneration than other officers who sat in courts martial. p. 46 May 4. [Colonial Dept.]

Enclosed:

(1) R. Isham Routh [Commissary General] to Murdock, Commissariat, Montreal, 23 April, 1840. Requests instructions as to whether, in view of the Treasury order to make payments from the provincial funds, the promised renumeration to officers should be withheld. p. 57

(2) Murdock to Commissary General, Montreal, 4 May, 1840. States that further communication has been made with the Secretary of State, protesting against this charge upon the provincial funds. However, payments are to be made to individuals from the Military Chest, subject to an ultimate decision as to where the incidence may fall. p. 60

(3) Clitherow to Chief Secretary, Montreal, 27 April, 1840. Memorial. p. 63

Thomson to Russell, No. 101. Transmits copy of a letter from S. Derbyshire, respecting publication in the *Parliamentary Papers*, of confidential information with which he had supplied the Government. Points out the inconveniences and hardships attendant on such carelessness. p. 66 May 5. Montreal.

Enclosed:

Derbyshire to Murdock, confidential, Montreal, 4 May, 1840. p. 69

Thomson to Russell, No. 102. States that the act governing the emigrant tax has expired, and that the law officers have declared that it is not within the competence of the Special Council to pass legislation imposing such a tax. Under these circumstances and in view of the financial position of the province, he requests power to provide for emigrants out of Imperial funds. Promises to employ the strictest economy. p. 73 May 5. Montreal.

1840

May 5, Montreal. Thomson to Russell, No. 103. States that the Quebec petition against union is being taken to England by M. Têtu, a person of no importance. Têtu has not been made agent or representative of the persons who signed the petition. Less signatures have been obtained, than were anticipated and three-fourths of these are crosses. Only a small proportion of these are persons of British extraction. p. 84

May 6, Montreal. Thomson to Russell, confidential. [Duplicate.] Acknowledges copy of the Union Act as introduced into Parliament. Makes a few hurried observations in hope of being able to transmit them by return of the vessel which brought this document. Deals with the subject by clauses as follows: (15) a despatch has been written on the subject of the representation of Lincoln County; (20) advises deletion of the word "incorporated" with reference to towns named, on the grounds that this misnomer defeats the intentions of the bill; (51 and 52) discusses the necessity for such a change in schedule A, as would protect the salaries of the Governor and of the judges, while other salaries remain flexible; (53) points to the necessity of a proviso, safeguarding the faith of the Crown with respect to certain charges now met by the Crown revenue, and with respect to compensation to officers whose positions will be abolished under union; (57) holds that the municipal councillors should be elected from the start, and opposes the proposal that the Governor should nominate the first councillors. p. 86

May 9. [Colonial Dept.] Thomson to Russell, No. 104. States that the Special Council have refused to recognize the claim of J. A. Roebuck. p. 97

May 13, Montreal. Thomson to Russell, No. 105. States that the five sets of *Imperial Statutes* which have been sent to Canada were so badly packed that the bindings were destroyed. They have had to be re-bound. Requests that steps be taken to avoid this in future. p. 101

May 15, Montreal. Thomson to Russell, No. 106. Acknowledges Russell's despatch No. 93, of 31 March, and transmits copy of a letter respecting the emoluments paid to the Chief Justice of Upper Canada, during his absence. Points out that as no deputy has been appointed, the full salary should be paid. States that it would be inexpedient to re-appoint Robinson as Speaker of the Legislative Council, until the Union Bill is decided upon. Acknowledges Russell's despatch No. 103, of 11 April, and states that the Lieutenant-Governors have been informed of the rule which will govern the salaries of absentee officers. Steps will be taken to make this rule known throughout the province. p. 105

Enclosed:

[S.] B. Harrison [Private Secretary] to T. W. C. Murdock [Chief Secretary], Toronto, 2 May, 1840. Points out that as no extra expense had arisen in connection with Robinson's absence, his salary as Chief Justice had been paid to his agent in Toronto. His salary as Speaker of the Legislative Council was paid until 7 February, 1839, when he was succeeded by Mr. Jones, who will retire on Robinson's return. Sir George Arthur requests to be informed as to the sentiments of the Government with respect to the general subject of the salaries of absent officials, particularly as Mr. Justice C. A. Hagerman is expecting leave to go to England. p. 110

Thomson to Russell, No. 107. [Printed.] Transmits return of instalments due and to fall due, on sales of Crown lands in Lower Canada, and on sales on quit rents, together with explanatory letters. p. 115 **1840** May 16, Montreal.

Enclosed:

(1) Statement with reference to Crown lands, on 31 December, 1839. Drawn up by order of 7 February, 1840. Crown Lands Department, Quebec, 4 March, 1840. [Printed.] p. 115A

(2) Statement with reference to quit rents, on 31 December, 1839. Crown Lands Department, Quebec, 4 March, 1840. [Printed.] p. 115A

(3) J. Davidson and T. Bouthillier [Commissioners for Crown Lands] to Murdock, Office of Crown Lands, Quebec, 4 March, 1840. [Printed.] Transmit statements of instalments due and to fall due, Point to sum due from the British American Land Company and state that some of the principal purchasers will delay their payments until the Company is required to pay this debt. Request consideration of the position in which the Department is placed as a result of Durham's proclamation suspending sales of Crown lands, and by the regulations governing squatters rights. Suggests resumption of sales of Crown lands. p. 115A

(4) Davidson and Bouthillier to Murdock, Office of Crown Lands, Quebec, 7 March, 1840. [Printed.] Draws attention to a clerical error with respect to the sum due from the British American Land Company as stated in letter of 4 March, 1840. p. 116

Thomson to Russell, No. 108. Transmits copy of a letter from Henry Morgan, concerning whose whereabouts enquiry has been made. p. 132 May 18, Montreal.

Enclosed:

(1) H. Morgan to Murdock, Bainbrooke, Stoney Creek, U.C., 20 April, 1840. States that he is the Henry Morgan for whom enquiry has been made, and requests to be informed as to who has been enquiring respecting him. p. 135

Thomson to Russell, No. 109. Transmits copy of a legal case, prepared by the Attorney General, respecting commutation of seigniorial rights. Requests that the law officers should give their opinion thereon. p. 136 May 20, Montreal.

Enclosed:

Case respecting the power to commute seigniorial rights in parts of seigniories in Lower Canada, 15 May, 1840. p. 141

Thomson to Russell, private and confidential. Discusses the question of the seat of government for the united province, and states a preference for Kingston. Opposes the proposal that the Legislature should meet alternatively in different cities. p. 144 May 22, Montreal.

1840
May 23, Montreal. Thomson to Russell, No. 110. Refers to his despatch No. 106, of 15 May, and transmits a further communication respecting the emoluments of the Chief Justice of Upper Canada. p. 161

Enclosed:

Sir George Arthur [Lieut.-Governor of Upper Canada] to Thomson, Toronto, 18 May, 1840. States that J. B. Robinson will, no doubt, be sensible of the consideration shown in permitting the payment of full salary during his absence on leave. Robinson will also be informed as to the reason for not reappointing him as Speaker of the Legislative Council, as had been agreed prior to his departure. p. 164

May 25, Montreal. Thomson to Russell, No. 111. Points out that much pain has been caused to members of the Executive Council, due to a speech made by Russell, in which it is stated that Colborne only consented to the infliction of the death penalty at the instance of the Council. Trusts that some explanation will be given in England, as members of Council are precluded from making statements in their own defence. p. 166

May 26, Montreal. Thomson to Russell, No. 112. [Printed.] Reports that emigration has proceeded rapidly since the opening of navigation, and transmits a weekly list with the observations of the emigrant agent. Reports steps taken to afford assistance to emigrants. Work is available at present but other measures may have to be adopted. States that he intends to settle emigrants on small portions of land, provided this can be coupled with some public work. p. 173

Enclosed:

Weekly Return of emigrants at Quebec and Montreal, 16-23 May, 1840. [Printed.] p. 174

May 26, Montreal. Thomson to Russell, No. 113. Requests approval of the temporary appointment of C. D. Day, Q.C., to be Solicitor General in the room of the late A. Stuart. p. 182

May 26, Montreal. Thomson to Russell, No. 114. Refers to his despatch No. 85, of 16 April, and transmits a further report from T. A. Stayner, Deputy Postmaster General, respecting the conveyance of mails from Great Britain. Urges adoption of Stayner's proposal that mail should be conveyed by steamboat across the Bay of Fundy during the period of the year for which the St. Lawrence is closed. p. 184

Enclosed:

Stayner to T. W. C. Murdock [Chief Secretary], Montreal, 23 May, 1840. p. 189

May 26, Montreal. Thomson to Russell, No. 115. Refers to his despatch No. 53, transmitting addresses from the Assembly of Upper Canada. States that the questions of the tea trade and of the pensioners, have been dealt with in other despatches. With regard to the other addresses he points out that: (1) compensation to C. Leggo would have to be granted from Imperial funds; (2) that, for reasons given, the course advocated regarding legislation on trade matters, should be permitted; (3) advocates that the Imperial funds should be employed to indemnify those who suffered losses during the Rebellion. p. 193

Thomson to Russell, confidential. Acknowledges Russell's despatch No. 121, directing him to proceed to Nova Scotia to enquire into the dissension which prevails there. Explains the circumstances which necessitate a delay in carrying out this order. Gives his views of the situation in Nova Scotia, which he attributes to petty and personal ambition on the one side, and to not over-prudent management on the other. Suggests remedies. p. 214 **1840** May 27, Montreal.

Thomson to Russell, confidential. Transmits a list of 13 bills passed by the Legislature of Upper Canada, and reserved for the Royal assent. These bills will have been sent home by Sir George Arthur. Comments on each of these measures: (1) is a naturalization act reserved in accordance with standing instructions; (2) grants land to Mr. Fitzgibbon as an indirect method of making a money payment to that individual; (3) this bill [payment of Rebellion losses] would only entail a heavy debt on the province and open the door to abuse; (4, 5, 7, 10, 13) are acts relating to banking companies which are reserved partly for not conforming to regulations, two of them relate to the establishment of new banks; (6) is the first divorce bill passed in Upper Canada, and is reserved in order to ascertain the power of the Provincial Legislature to deal with this subject; (8 and 12) are likely to prove useful, but were reserved in accordance with general instructions, as one deals with the Church of England and the other with persons not of that community, it was understood that both or neither must pass; (9) this act imposing a duty on American corn, may be beyond the competence of the Legislature, and introduces an objectionable principle. p. 221 May 27, Montreal.

Enclosed:

List of reserved Bills:—

(1) No. 1305. To naturalize Elijah Nellis.

(2) No. 1304. To grant land to J. Fitzgibbon. (In margin, not to be confirmed.)

(3) No. 1300. To pay Rebellion losses.

(4) No. 1308. To alter and amend the charter of the Commerical Bank of the Midland District and to increase the number of shares.

(5) No. 1307. To increase the stock of the Gore Bank.

(6) No. 1303. For the relief of John Stuart.

(7) No. 1306. To alter and amend the charter of the Bank of Upper Canada and to increase the number of shares.

(8) No. 1299. To make provision for the management of the temporalities of the Church of England and Ireland and for other purposes.

(9) No 1298. To impose duties on certain articles imported from the United States of America.

(10) No 1310. To incorporate the Farmers Joint Stock Banking Company.

1840

(11) No. 1301. To indemnify persons from losses due to incendiaries, from 4 December, 1838, to 1 January, 1840.

(12) No. 1302. To amend the Act dealing with religious societies.

(13) No. 1309. To incorporate the Prince Edward District Bank. (Marginal notes are found, showing the department to which each of these bills was referred.) p. 230

Attached:

Unsigned to Lord Sydenham [Thomson]. No. 354. [Draft.] Downing St., 13 April, 1841. Confirms act for the relief of J. Stuart. Directs that Mr. Grogan should be informed that his letter enquiring as to the fate of this bill has been received. p. 229

May 27, Montreal. Thomson to Russell, No. 116. Transmits copies of a letter from the Commissary General and of a report from the Indian Superintendent in Upper Canada, respecting Indian presents. Disagrees with the view expressed by the Superintendent that goods now in the Tower, should be sent out to be distributed as extra presents. Recommends that these goods should be disposed of by the Treasury. States that he has ordered that goods in store in Kingston are to be sold, with the exception of brass kettles which are still issued. p. 233

Enclosed:

R. I. Routh [Commissary General] to C. N. Montizambert [Assistant Civil Secretary], Montreal, 28 April, 1840. Transmits copy of a report from the Indian Superintendent of Upper Canada, respecting Indian stores now in the Tower. States that goods in store at Toronto were sold some years ago to avoid expense and trouble of custody. Transmits list of goods in store at Kingston which are not required for distribution. p. 238

Sub-enclosures:

(i) R. A. Tucker [Provincial Secretary] to Routh, Toronto, 22 February, 1840. Transmits copy of the report of the Indian Superintendent. [Report not at this place.] p. 240

(ii) List of Indian presents in store at Kingston, on 31 March, 1840. p. 241

May 28, Montreal. Thomson to Russell, No. 117. States that D. B. Viger, who has consistently refused to give security for good behaviour, has been released from prison. Reports that the ordinance for the suspension of habeas corpus will expire on 1 June, and that there is no need to renew it. p. 243

May 28, Montreal. T. W. C. Murdock [Chief Secretary] to J. Stephen [Under Secretary]. States that he has signed Thomson's name to the despatches sent by this mail, at the direction of that officer who is suffering from gout in the right hand. Transmits a list of these despatches. [List not at this place.] p. 247

May 30. [Colonial Dept.] Unsigned to Thomson, No. 144. [Draft.] Acknowledges Thomson's despatch No. 103, of 5 May. p. 85

1840

Unsigned to Thomson, No. [145]. [Draft.] Acknowledges Thomson's despatch No. 102, of 5 May, and concurs in the opinion that aid must be given to emigrants. States that he has requested the Treasury to sanction the issue of £5,000 or £6,000 out of the vote for Canada, for this service. No answer has been received as yet. p. 78 May 30. [Colonial Dept.]

Unsigned to Trevelyan. [Draft.] Transmits copy of Thomson's despatch No. 102, of 5 May, and urges that the Treasury should sanction the issue of £5,000 or £6,000 out of the Canada vote, to be applied to the emigrant service. Transmits extract from a report on emigration, made by the North American Colonial Committee. [Extract not at this place. See Q. 272, pt. 1, p. 176.] p. 80 June 4. [Colonial Dept.]

Unsigned to C. E. Trevelyan [Assistant Secretary to the Treasury]. [Draft.] Transmits copy of Thomson's despatch No. 100, of 4 May. Refers to letter of 30 April, and urges that the Treasury should relieve the provincial funds from charges incident to the courts martial. p. 54 June 9. [Colonial Dept.]

Thomson to Russell, No. 118. Points to a discrepancy which appears in the *Parliamentary Return of Clergy Reserves in Lower Canada*, published 15 August, 1839. The amount of sales reported in this *Return* is £41,983.5.3½, while the amount of annuities purchased, is given at £31,398.1.3. Transmits copies of letter from the Commissary General with respect to this subject. Requests that an enquiry should be made. p. 249 June 10. Montreal.

Enclosed:

(1) R. I. Routh [Commissary General] to T. W. C. Murdock, Headquarters, Montreal, 2 May, 1840. States that the proceeds of sales of Clergy Reserves to May, 1838, amount to £41,983.5.8, and that he has no information regarding the investment of these funds. p. 253

(2) Routh to Chief Secretary, Montreal, 3 May, 1840. Gives rate of exchange at which advices were given as to the sums collected from the sale of Clergy Reserves. p. 255

Unsigned to Thomson, No. 151. [Draft.] States that the Treasury has consented to advance £5,000 for the relief of emigrants. This sum is to be repaid from the provincial funds as soon as union shall have taken place. p. 83 June 12. [Colonial Dept.]

Thomson to Russell, No. 119. Transmits memorial of T. W. Willan, formerly law clerk of the Assembly, praying for compensation for loss occasioned by his resignation of that office in order to relieve the Government from difficulty. Points out that this case has been brought forward repeatedly. p. 256 June 15. Montreal.

Enclosed:

Memorial. p. 262

Sub-enclosures:

(i) Extract from a report of Executive Council, 22 March, 1839. p. 270

1840 (ii) Extract from a report of Executive Council, 12 June, 1839. p. 272

Attached:

Unsigned to Sydenham, No. 302. [Colonial Dept.], 9 February, 1841. [Draft.] States reasons which prevent compliance with Willan's memorial, which has been dealt with previously. p. 258

June 16, Montreal. Thomson to Russell, No. 120. Transmits copy of a memorial addressed by Israel Rice to the Earl of Gosford, praying for a grant of land, together with a report of Council thereon, which was approved by the Governor. States that he is unable to discover why this memorial was not forwarded previously. Urges that the prayer should be granted. p. 273

Enclosed:

(1) Memorial of I. Rice, 30 September, 1837. p. 279

(2) Report on Executive Council, 21 May, 1838. p. 285

June 17. [Colonial Dept.] Unsigned to C. E. Trevelyan [Assistant Secretary to the Treasury]. [Draft.] Transmits copy of Thomson's despatch No. 98, of 1 May, and urges that the Treasury should adopt the suggestions made therein. States that there would be no objection to increasing the proposed duty on American tea, so as to make it 15% higher than that on tea imported from England. p. 18

June 19, Downing St. Russell to Thomson, separate. [Printed.] Acknowledges Thomson's despatch No. 112, of 26 May, and approves of the course adopted with regard to emigrants. Directs that the subject of land grants is to be brought before the Legislature of the united provinces. p. 174A

June 20. [Colonial Dept.] Unsigned to J. A. Roebuck. [Draft.] Transmits copy of Thomson's despatch No. 104, stating that the Special Council have refused to settle his claim for salary as agent for Lower Canada. p. 100

June 20. [Colonial Dept.] Unsigned to Thomson, No. 156. [Draft.] Approves of the appointment of C. D. Day as Solicitor General of Lower Canada. p. 183

June 21. [Colonial Dept.] Unsigned to Thomson, No. 157. [Draft.] Acknowledges Thomson's despatch No. 105, of 13 May, and states that the *Statutes* were packed in the manner described, in order to save heavy postage. This will be avoided in future. p. 104

June 22. [Colonial Dept.] Unsigned to Thomson, No. 159. [Draft.] Acknowledges Thomson's private and confidential despatch of 22 May, and states a preference for the choice of Kingston as the seat of government. Directs that Thomson consult persons of all parties before deciding upon a convenient place for the first meeting of the Legislature. p. 159

June 23. [Colonial Dept.] Unsigned to Thomson, No. 160. [Draft.] Acknowledges Thomson's despatches Nos. 106 and 110, of 15 and 23 May. Approves of salary paid during the absence of the Chief Justice of Upper Canada. Hagerman and any other judge seeking leave, must understand that for the future only half salary is to be allowed. p. 162

1840

Unsigned to Attorney General and Solicitor General. [Draft.] Transmits copy of Thomson's despatch No. 109, with its enclosure, and requests a joint report upon the right to commute seignorial rights. p. 139 June 24. [Colonial Dept.]

Unsigned to C. E. Trevelyan [Assistant Secretary of the Treasury]. [Draft.] Transmits copy of Thomson's despatch No. 114, of 16 April, and requests consideration of the proposal to convey mail across the Bay of Fundy during the winter months. p. 187 June 24. [Colonial Dept.]

Unsigned to Thomson, No. 168. [Draft.] Acknowledges Thomson's despatch No. 100, of 4 May, and states that the Treasury have consented to relieve the province from charges incident to the courts martial. p. 56 June 29. [Colonial Dept.]

Unsigned to Thomson, No. 169. [Draft.] Acknowledges Thomson's despatch No. 117, of 28 May, and approves of the liberation of D. B. Viger. Expresses satisfaction with the state of the province. p. 246 June 30. [Colonial Dept.]

Unsigned to Thomson, No. 171. [Draft.] Acknowledges Thomson's despatch No. 115, of 26 May. States that he understands that the Board of Trade intend to propose that a provision be inserted in the Customs Bill with reference to the tea trade. Refers to measures taken with respect to pensioners. Declares that as the loss sustained by C. Leggo was due to the misconduct of the volunteers, and not to a foreign enemy, a claim to indemnity from Imperial funds could not be presented to Parliament. The question of emigration has been referred to the Commissioners for Colonial Land and Emigration. The addresses praying for compensation for Rebellion losses, and that the Royal assent be given to the Welland Canal Act, have been referred to the Treasury. The question of the admission of Canada corn into Great Britain, and the proposal to empower the Legislature to make certain trade regulations, are under consideration by the Committee of the Privy Council for Trade. p. 203 July 1. [Colonial Dept.]

Attached:

(1) Russell to Lord Sydenham [Thomson], No. 320 [Colonial Dept.], 3 March, 1841. States that the Privy Council have reached a decision on the address respecting trade regulations and agricultural duties. These proposals will be presented to the House of Commons on 12 July, but are not sufficiently matured to discuss at the moment. p. 207

(2) Unsigned to D. L. Marchant [Secretary to the Board of Trade], [Colonial Dept.], 25 February, 1841. [Draft.] Transmits address of the Upper Canada Assembly respecting Canadian corn, trade regulations and duties and requests that these be considered by the Committee of the Privy Council for Trade. [Address not at this place.] p. 213

Unsigned to Thomson, No. 172. [Draft.] Acknowledges Thomson's despatch No. 111, of [25] May, and states that his speech was misquoted. Gives his remarks on this occasion. p. 170 July 2. [Colonial Dept.]

1840
July 7, Downing St. Russell to Thomson, No. 177. [Printed.] States that he had called upon the Colonial Land and Emigration Commissioners to report on Thomson's despatch No. 112, of 26 May. Transmits copy of the correspondence on this occasion. p. 176A

Enclosed:

J. Stephen [Under Secretary] to Colonial Land and Emigration Commissioners, Colonial Land and Emigration Office, 25 June, 1840. [Printed.] Transmits copy of Thomson's despatch No. 112, of 26 May, together with Russell's reply thereto. Draws attention to certain points adverted to therein. Requests advice as to the best mode of applying £1,500 for the agency in Canada, and as to means to protect emigrants from exactions for the emigrant tax. [Sub-enclosure not at this place.] p. 174A

(2) T. F. Elliot and R. Torrens [Commissioners] to Stephen, Colonial Land and Emigration Office, 2 July, 1840. [Printed.] Acknowledge letter of 25 June. Discuss questions raised with regard to emigrants, and suggest means of employing £1,500 for the agency in Canada. p. 175

Sub-enclosure:

Report of sub-committee of the North American Colonial Association. [Printed.] p. 176

July 12. [Colonial Dept.] Unsigned to Thomson, No. 181. [Draft.] Acknowledges Thomson's despatch No. 116, of 27 May, and states that some time previously Sir George Arthur had requested that the stores in the Tower should be sent to Upper Canada. Requests that Thomson and Arthur should discuss this subject and should send a joint report thereon. Meanwhile the stores will not be sent out. p. 236

July 14. [Colonial Dept.] Unsigned to Thomson, No. 183. [Draft.] Acknowledges Thomson's despatch No. 99, of 2 May, and states that the explanation given therein, is of such importance that it was immediately printed in the *Parliamentary Papers*. Approves of Thomson's opinion on the pecuniary transactions of the Bishop, with regard to the funds of King's College. Only legal measures could be adopted with a view to securing immediate repayment of money borrowed therefrom. p. 26

July 15. [Colonial Dept.] Unsigned to Thomson, No. 184¾. [Draft.] Transmits extracts from Treasury letters with reference to the decision that Rebellion losses should be paid from provincial funds and not from Imperial sources. [Enclosures not at this place. See G. 48, p. 261.] p. 209

July 22. [Colonial Dept.] Unsigned to C. E. Trevelyan [Assistant Secretary of the Treasury]. [Draft.] Transmits copy of Thomson's despatch No. 118, of 10 June, and requests that the attention of the Treasury should be drawn to Thomson's request respecting a possible error in the *Return of Clergy Reserves*. p. 251

July 28. [Colonial Dept.] Unsigned to Thomson, No. 191. [Draft.] Acknowledges Thomson's despatch No. 120, of 16 June, and regrets that he cannot comply with the prayer of Rice's memorial. States that Thomson should decide as to whether Rice has a claim to be rewarded by the Provincial Government. p. 277

Unsigned to Commissioners of Colonial Land and Emigration. [Draft.] Transmits copy of Thomson's despatch No. 120, of 16 June, respecting the claim of Rice to a free grant of land. p. 276 **1840** No date.

Unsigned to Thomson. [Draft.] Acknowledges Thomson's despatch No. 107, of 16 May. States that it would have been more convenient to have had a report embodying Thomson's ideas on the question of lands in Canada. Gives his ideas on this subject and requests a report upon those points on which Thomson may differ from them. Recommends an early resumption of sales of land. Desires a report as to any objectionable features in the system of granting scrip to militia claimants. A proclamation should be issued revoking Durham's proclamation with regard to squatters, and limiting the time for making claims under it. p. 118 July. [Colonial Dept.]

Unsigned to Thomson, No. 195. [Draft.] Refers to despatch No. 177, of 7 July, and transmits a series of questions drawn up by the Colonial Land and Emigration Commissioners, with reference to points of interest to emigrants. These are to be sent to the Lieut.-Governors, in order that their answers can be obtained. [Enclosures not at this place. See Q. 276, pt. 1, p. 111.] p. 179 August 1. [Colonial Dept.]

Russell to Lord Sydenham [Thomson], No. 201. Transmits copy of a letter from the Commissioners of Colonial Land and Emigration with reference to the address of the Upper Canada Assembly, praying for the promotion of emigration. This letter should be communicated to the Assembly of the united provinces, if Thomson should regard it as expedient to do so. [Enclosure not at this place. See Q. 276, pt. 1, p. 114.] p. 211 August 13. [Colonial Dept.]

Unsigned to Lord Sydenham, No. 203. [Draft.] Refers to despatch of 7 July, and transmits copy of a letter from the Commissioners of Colonial Land and Emigration respecting allusions made by Buchanan to some ships which were reported to have been short of provisions. [Enclosure not at this place. See Q. 276, pt. 1, p. 116.] p. 180 August 17. [Colonial Dept.]

Unsigned to Lord Sydenham [Thomson], No. 207. [Draft.] Transmits copy of a letter from the Treasury stating that an adjustment will be made in the investments on account of Lower Canada Clergy Reserves, after communication with the commissariat officer in Canada. [Enclosure not at this place. See Q. 275, pt. 2, p. 462.] p. 252 August 23. [Colonial Dept.]

Unsigned to Sydenham, No. 209. [Draft.] Transmits copy of the joint report of the law officers on the right to commute seigniorial rights in a portion of the seigniories. [Report not at this place. See Q. 275, pt. 1, p. 155.] p. 140 August 25. [Colonial Dept.]

Russell to Lord Sydenham, No. 213. [Printed.] Acknowledges Thomson's despatch No. 107, of 16 May, and refers to despatch No. 124, of 22 June, which had been referred to the Commissioners for Colonial Land and Emigration. Directs issue of a proclamation to revoke that dealing with squatters, and to limit the time for claims under it. Requests a report on the question of the issue of scrip to militia claimants. p. 117 August 31. Downing St.

1840
September 8, Downing St.

Russell to Sydenham, No. 221. [Printed.] Transmits copy of a report from the Commissioners of Colonial Land and Emigration, prepared with reference to Thomson's despatch No. 124, of 22 June. p. 129

Enclosed:

T. F. Elliot and E. E. Villiers [Commissioners] to J. Stephen [Under Secretary], Colonial Land and Emigration Office, Westminster, 4 August, 1839. [Printed.] Report on Crown lands, and make suggestions as to administration of these lands. p. 130

October 30. [Colonial Dept.]

Unsigned to Lord Sydenham [Thomson], No. 251. [Draft.] Acknowledges Thomson's despatches Nos. 114 and 145, of 26 May and 4 August, respecting transfer of mails during the winter months. States that the Treasury has informed him that no tenders have been received for this service, but that the Admiralty has been requested to advertise early in the spring, both in England and in the colonies, in order to procure tenders for the service. p. 188

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GOVERNOR C. P. THOMSON, LATER LORD SYDENHAM, 1840

1837
January 5. Downing St.

Unsigned to Earl of Gosford [Governor], No. 161. Transmits order confirming Lower Canada Acts 959 to 1016 with the exception of No. 992. This act for granting patents gives unfair advantages to British subjects resident in Canada. [Enclosure not at this place.] p. 372

1840
March 17. [Colonial Dept.]

Unsigned to Thomson, No. 87. [Draft.] States that the question of an amended charter for McGill College has been brought again under his notice. Points out that action on the proposed amended charter was deferred in order to permit the Royal Institution to report thereon. This report has not been received by the Colonial Office. Directs Thomson to reconcile differences and to arrange a new charter suitable to all parties. p. 294

April 29. [Colonial Dept.]

Unsigned to Thomson, confidential. [Draft.] States that it would be satisfactory to learn that an agreement had been made with the United States respecting the disputed territory. The report of the gentlemen sent by Palmerston to survey the boundary, has been made and will be sent to H.M. Minister at Washington. Trusts that a satisfactory settlement will result. p. 469

May 25. [Colonial Dept.]

Unsigned to Thomson, No. 137. [Draft.] Transmits copy of a correspondence with the Treasury on the subject of supplies and equipment for the volunteers in Canada. [Enclosure not at this place. See Q. 275, pt. 2, p. 329.] p. 458

June 13. [Colonial Dept.]

Unsigned to Thomson, confidential. [Draft.] States that instructions will be sent to Fox, with regard to the boundary question. Negotiations for a provisional agreement are to be carried out in accordance with instructions already given. Expresses views as regards the defensive measures necessary to prevent plundering and to protect the line of communications between Quebec and Fredericton in case of the renewal of aggression and an uncompromising attitude at Washington. p. 470

Thomson to Russell, No. 121. Transmits copy of a letter from J. Crooks, relative to the seizure of his vessel the *Lord Nelson*, by the United States Government, previous to the declaration of war. Urges that the Secretary of State for Foreign Affairs should make the proper representations. [Enclosure not at this place.] p. 287 **1840** June 17, Montreal.

Thomson to Russell, No. 122. Acknowledges Russell's despatch, No. 87, of 17 March, and states that he is precluded from taking steps towards effecting arrangements regarding the charter of McGill College, for want of a copy of the proposed amended charter. Transmits copy of the report of the Royal Institution, of 17 August last, which should complete the correspondence in the Colonial Office. p. 291 June 18, Montreal.

Enclosed:

Report of Royal Institution, 17 August, 1839, respecting the charter of McGill College. p. 299

Sub-enclosure:

Extracts from opinions of counsel. p. 308

Thomson to Russell, No. 123. Points to an irregularity in paying the grant to the Church of Scotland. As a result of this system, principal has been drawn upon. Suggests remedies for this situation. p. 311 June 19, Montreal.

Thomson to Russell, No. 124. [Printed.] Outlines a system for the disposal of public lands, and suggests revision of the instructions regarding them. p. 318 June 22, Montreal.

Enclosed:

J. Davidson and T. Bouthillier [Commissioners of Crown Lands] to T. W. C. Murdock [Chief Secretary], Quebec, 20 June, 1840. [Printed.] Report respecting the price to be set for wild lands. p. 319A

Thomson to Russell, No. 125. Transmits the Blue Book for 1838, and explains the reason for delay. p. 325 June 24, Montreal.

Thomson to Russell, No. 126. Transmits two ordinances for the incorporation of Montreal and Quebec respectively. Points out the respects in which these ordinances differ from those which expired some time ago. Explains the circumstances under which he consented to name the mayor and council of each city for the first year, the principle of election only coming into operation during the second year. p. 327 June 25, Montreal.

Enclosed:

(1) An Ordinance to incorporate the City and Town of Quebec. No. 148. [Printed.] p. 407

(2) An Ordinance to incorporate the City and Town of Montreal. No. 149. [Printed.] p. 413A

1840
June 26, Montreal.

Thomson to Russell, No. 127. Transmits two ordinances relating to the administration of justice in Lower Canada. The first relates to administration of justice, the establishment of circuits for criminal cases and of a superior court of appeals. Gives the history of previous efforts to secure such legislation. Points to the care with which it has been drafted and the necessity for such a measure. The second ordinance provides for sheriff's courts for the trial of civil cases to a certain amount, in districts to be established. It follows the principle in use in Upper Canada. States that this ordinance has received the approbation of all parties. Both ordinances will take effect together and the new districts will be proclaimed on 1 December next. p. 331

Enclosed:

(1) An Ordinance to provide for the easy and expeditious Administration of Justice in Civil Causes and Matters involving small pecuniary Value and Interest throughout this Province. No. 144. [Printed.] p. 338

(2) An Ordinance to establish new Territorial Divisions of Lower Canada, and to alter and amend the Judicature, and provide for the better and more efficient Administration of Justice throughout this Province. No. 145. [Printed.] p. 343

Attached:

An Ordinance to incorporate the Montreal Public Bakery and Fuel Company. No. 147. [This ordinance is taken in part from the *Parliamentary Papers* while the remainder has been transcribed by hand.] p. 350

June 27, Montreal.

Thomson to Russell, No. 128. Transmits copies of ordinances with abstracts prepared by the Attorney General, and a list with such remarks as have seemed necessary. Authenticated copies of some are sent herewith, the remainder will be sent as soon as they can be prepared. Many of these ordinances are merely renewals of acts. States the importance of measures taken for the improvement of the judicature, for the incorporation of Quebec and Montreal and for better and more economical establishment of police. These introduce reforms which are necessary before union can be proclaimed with safety. Several deal with public works. Chambly Canal will be completed, and advantageous arrangements have been made for the construction of railroads. The Council have nearly completed consideration of measures brought before them. A system of registry remains to be instituted. Intends to follow the course adopted with regard to the judicature reform, under which the bill was printed and circulated widely for observations and remarks, previous to introduction into the Council in an amended form. States that a system of education cannot be decided upon until municipal institutions shall have been arranged. All parties are agreed that it must be based on a combination of voluntary and compulsory payments. p. 356

Enclosed:

List of Ordinances Nos. 1-50, with Thomson's remarks thereon. [Other enclosures not at this place.] p. 362

Thomson to Russell, No. 129. Discusses the whole subject of the financial position of the Canadas. This subject is dealt with under the following heads: (1) estimated income and expenditure of each province for 1840; (2) similar estimates for future years with regard to present engagements; (3) probable state of finances if his suggestions with regard to the Union Bill are adopted. Deals with these subjects according to schedules. p. 376 **1840** June 27. Montreal.

Enclosed:

(1) Schedule A. Lower Canada. Statement of the estimated provincial expenditure and revenue for the year 1840. p. 421

(2) Schedule B. Lower Canada. Statement of the public debt for the year 1840 and the following years. p. 425

(3) Schedule C. Lower Canada. Statement of the annual charges for the interest of the public debt, and of the estimated annual provincial expenditure and revenue. p. 427

(4) Schedule D. General statement. p. 434

(5) Schedule E. Lower Canada. Statement of the charges now by law payable exclusive of those provided for in the civil list of £75,000. p. 429

(6) Schedule F. Lower Canada. Statement of the duties levied under the Imperial Act, 14 Geo. III, cap. 88. p. 432

(7) Schedule Aa. Upper Canada. Statement of the estimated provincial expenditure and revenue for 1840. p. 435

(8) Schedule Bb. Upper Canada. Statement of the public debt on 1 January, 1840. p. 438

(9) Schedule Cc. Upper Canada. Statement of the annual charge for the interest of the public debt, and of the estimated provincial expenditure and revenue. p. 442

(10) Schedule Dd. [Not at this place.]

(11) Schedule Ee. Statement of payments: (1) to clergy; (2) charges now by law payable; (3) annual votes for civil expenditure; (4) of Crown revenue; (5) and charges thereon. p. 445

(12) Schedule Ff. Upper Canada. Statement of the duties levied under the Imperial Act, 14 George III, cap. 88. p. 448

Attached:

(1) Unsigned to Lord Sydenham [Thomson]. No. 369 [Colonial Dept.], 3 May, 1841. [Draft.] Gives the views of the Government on subjects of importance to Canada. States that British authority is to be maintained at all costs. Deals with the subjects of finance, defence and emigration. Requests to be informed of Sydenham's views with regard to land companies, the disposal of Crown lands and communication between all parts of British territory through all parts of Canada. Hopes for prosperity due to a legislature that would be disposed to co-operate. p. 390

1840 (2) Russell to Sydenham, No. 282, Downing St., 11 January, 1841. States that the points raised in despatch No. 129, of 27 June, were referred to the Lords of the Treasury, who have stated that they are unable to take steps to grant financial assistance to Canada until they shall have received the promised explanation with relation to the most advantageous method in view of the debt of Upper Canada. p. 402

Enclosed:

Russell to the Lords Commissioners of Her Majesty's Treasury, 24 July, 1840. Transmits copy of Thomson's despatch No. 129, of 27 June. States that he cannot advise compliance with Thomson's request for a loan of £50,000, for the relief of Upper Canada, but that the Government is prepared to guarantee the debt of that province. Desires information as to the most effective way of making this guarantee. The intentions of the Crown are to be announced to the Legislature of the united provinces. p. 404

June 27, Montreal. Thomson to Russell, No. 130. Refers to his previous despatch No. 112, of 26 May, and transmits weekly lists of emigrants. Explains the reason for the decline in the number of emigrants. Destitute emigrants have been provided with passage to Upper Canada where they can find employment. Points out that a number of the destitute are from Colonel Wyndham's estate. Thinks that this could not have been intentional and is keeping separate accounts, so that application can be made to be reimbursed for this expense. [Lists not enclosed. See Q. 272, pt. 2, p. 452.] p. 449

June 27, Montreal. Thomson to Russell, No. 131. Acknowledges Russell's despatch No. 137, of 25 May, and expresses thanks for the instructions given respecting the supply of clothing and accoutrements sent for the troops, but points out that it is for a number below that given in the returns sent on 29 February. States that men not supplied with these things have a claim to compensation and that such complaints are beginning to be made. Declares that the device upon the caps should be "Incorporated Militia." p. 455

June 27, Montreal. Thomson to Russell, confidential. Expresses satisfaction that approval has been given to his communication with H.M. Minister at Washington. States that the United States will not enter into another agreement until the proposals for the settlement of the wider issue shall be before them. Transmits copy of a despatch to Fox on this subject and explains his views with regard to the territory now in dispute and the course that should be adopted towards it. p. 462

Enclosed:

Thomson to Fox, Montreal, 25 June, 1840, confidential. Acknowledges communications from Fox, with respect to the disputed territory. Gives his views upon the problem and upon the negotiation of an agreement. p. 474

June 28, Montreal. Thomson to Russell, No. 132. Reports that he is prepared to go to Quebec and thence to Halifax. During his absence Lt.-Gen. Sir Richard Jackson will act as Administrator. p. 481

1840

Thomson to Russell, No. 133. [Printed.] Refers to his previous despatch No. 68, of 13 March, and explains the reasons for passing the ordinance for extinguishing seigniorial rights in the possessions of the Seminary of St. Sulpice. Shows how this ordinance differs from that passed during the previous year. States that the opposition to this measure does not represent the will of the majority, in view of previous efforts to secure a settlement of the question. Claims that the consequences of disallowance would be disastrous. This arrangement is not one which he would have accepted had the Crown been free of obligation, but, under the circumstances, he has consented to it. p. 484 June 28. Montreal.

Attached:

Lord Sydenham [Thomson] to Russell. Montreal, 20 January, 1841. [Printed.] Transmits a list of persons who have commuted the tenure of their property, together with a statement as to the sum paid in each case. p. 486

Enclosed:

List of persons who have commuted the tenure of their property in virtue of the Ordinance 3 Vic., cap. 30. [Printed.] [In French.] p. 486

Unsigned to Thomson, No. 185. [Draft.] Transmits copy of amended charter for McGill College. [Enclosure not at this place.] p. 298 July 18. [Colonial Dept.]

Unsigned to C. E. Trevelyan [Assistant Secretary of the Treasury]. [Draft.] Transmits copy of Thomson's despatch No. 131, of 27 June, and requests that instructions should issue from the Treasury with regard to providing the additional supplies. p. 459 July 23. [Colonial Dept.]

Unsigned to J. Backhouse [Under Secretary for Foreign Affairs]. [Draft.] Transmits copy of Thomson's despatch No. 121, of 17 June, and requests that Palmerston will make such representations as the case may warrant. p. 289 July 23. [Colonial Dept.]

Unsigned to C. E. Trevelyan [Assistant Secretary to the Treasury]. [Draft.] Transmits Thomson's despatch No. 123, of 19 June, and requests that the Treasury should consider the irregularity mentioned therein. p. 314 July 23. [Colonial Dept.]

Unsigned to Commissioners of Colonial Land and Emigration, 23 July, 1840. [Draft.] Transmits copy of Thomson's despatch No. 130, of 27 June, and states that the weekly lists of emigrants were not enclosed in this despatch. p. 452 July 23. [Colonial Dept.]

Unsigned to Colonel Wyndham. [Draft.] Transmits extract from Thomson's despatch, with reference to destitute emigrants from his estates. [Extract not at this place.] p. 453 July 23. [Colonial Dept.]

Unsigned to Thomson, No. 190. [Draft.] Acknowledges Thomson's despatch No. 131, of 27 June, and states that orders have issued for the additional supplies required for the troops. p. 461 July 27. [Colonial Dept.]

1840

July 28, Downing St. J. Stephen [Under Secretary] to Colonial Land and Emigration Commissioners. [Printed.] Transmits copy of Thomson's despatch No. 124, of 22 June, and states that Russell approves of the land policy outlined therein. Requests a report as to the best measures to be adopted in order to carry out this system. p. 319A

August 4, Colonial Land and Emigration Office. T. F. Elliot and Hon. E. E. Villiers [Commissioners] to Stephen. [Printed.] Report as to measures which would complete the scheme outlined by Thomson with regard to the disposal of Crown lands in Lower Canada. p. 319A

August 11, Colonial Dept.] Unsigned to Thomson, No. 199. [Draft.] Transmits copy of a correspondence with the agent of Colonel Wyndham, respecting destitute emigrants from the Wyndham estate. [Enclosure not at this place.] p. 454

August 12, [Colonial Dept.] Unsigned to Thomson, No. 200. [Draft.] Acknowledges Thomson's confidential despatch, of 27 June, and states that Palmerston is in accord with the views expressed therein. Fox has been instructed to negotiate with the United States, in accordance with these views. p. 472

August 20, Downing St. Unsigned to [Law Officers]. [Draft.] Transmits forty-two ordinances passed by the Governor General and Special Council, and requests a joint report thereon. p. 370

August 28, [Colonial Dept.] Unsigned to Sydenham, No. 212. [Draft.] Acknowledges despatch No. 133, of 28 June, and transmits report of the law officers thereon. Explains the circumstances under which an Order-in-Council leaving it to its operation could not be passed immediately. [Enclosure not at this place. See Q. 275, pt. 1, p. 151.] p. 487

August 31, [Colonial Dept.] Unsigned to Lord Sydenham, No. 214. [Draft.] Acknowledges Thomson's despatch No. 123, of 19 June, and states that the Treasury has given instructions for correction of the irregularity mentioned therein. p. 316

September 7, [Colonial Dept.] Unsigned to Lord Sydenham, No. 220. [Draft.] Acknowledges Thomson's despatch No. 121, of 17 June, and transmits a letter from the Foreign Office, in reply to a request that representations should be made to the Government of the United States respecting the capture of the *Lord Nelson*. [Enclosure not at this place. See G. 49, p. 531.] p. 290

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GOVERNOR LORD SYDENHAM, FORMERLY C. P. THOMSON

1840

February 29, [Colonial Dept.] Unsigned to Thomson, No. 82. [Draft.] Transmits copy of a letter from Michael Martin, claiming £26 as payment for his services in cutting timber which was detained at Bytown for payment of duty. Requests a report on this subject. [Enclosure not at this place.] p. 125

1840

Unsigned to Thomson, No. 127. [Draft.] Transmits an order of the House of Commons requesting additional information with regard to persons indicted for treason. The necessary information should be sent without further delay. p. 138 May 15. [Colonial Dept.]

Unsigned to Thomson, No. 132. [Draft.] Refers to his previous despatch of 15 April, and transmits copy of a letter from the Wesleyan Missionary Society, commenting on the letter from Rev. E. Ryerson which accompanied Thomson's despatch respecting the grant to that religious body. [Enclosure not at this place. See G. 47, p. 490.] p. 22 May 20. [Colonial Dept.]

Unsigned to Thomson, No. 163. [Draft.] Refers to his despatch No. 82, of 29 February, and requests an early reply as to Martin's claim. p. 126 June 26. [Colonial Dept.]

Unsigned to M. Martin. [Draft.] States that his claim has been referred again to the Governor General. The result of that reference will be communicated to Martin as soon as it is known. p. 127 June 26. [Colonial Dept.]

Thomson to Russell, No. 134. Transmits copy of a memorial from Etienne Parent, who was appointed law clerk of the Assembly in 1836, respecting his salary, together with the letter returned in answer thereto. States that while he could not comply with Parent's request, he did not feel justified in refusing to transmit the papers to the Colonial Office. p. 3 July 3, Quebec.

Enclosed:

(1) Memorial of E. Parent. p. 6

(2) T. W. C. Murdock [Chief Secretary] to Parent, Montreal, 13 May, 1840. States that Parent's claim cannot be entertained, since his appointment was made in an irregular manner. p. 15

Thomson to Russell, No. 135. Acknowledges Russell's despatch No. 132, of 20 May, and comments on the letter from the Rev. W. Alder, Secretary to the Wesleyan Missionary Society, contained therein. Denies allegations made by Alder, and denies that his own course was shaped by Ryerson. Shows how feeling in Canada is in favour of the Upper Canada Methodist Conference as against the Wesleyan Missionary Society. Hopes that a fair decision will be made as between the two religious bodies. p. 17 July 18. Halifax.

Enclosed:

(1) Address to the Governor General, from the Upper Canada Wesleyan Methodist Conference. p. 30

(2) Reply to above address. p. 34

(3) Rev. E. Ryerson to the Editor of the Christian Guardian, Montreal, 26 June, 1840. Transmits copy of the address to the Governor, and of the reply thereto. Directs that they should be published. States that representations have been made in England against the Conference, and acknowledges the debt due to Thomson for his protection of the interests of that body. p. 27

1840
July 18, Halifax. Thomson to Russell, No. 136. Transmits a further letter from Lt.-Gen. Sir Richard Jackson relative to the supply of clothing to the volunteer militia force, and points to the inconvenience caused by delay. Requests that immediate steps be taken to send these supplies to Canada. p. 36

Enclosed:

Lt.-Gen. Sir Richard Jackson [Commander of the Forces], to Russell, Quebec, 9 July, 1840. p. 37

July 27, Halifax. Thomson to Russell, No. 137. States that he arrived in Halifax on 9 July, when he was sworn into office. States that he has been in communication with the leading men of all parties and believes that peace may be easily restored. Has paid a visit to New Brunswick. Transmits addresses presented to him together with his replies. Comments on the tranquillity and harmony which exists in New Brunswick. States that he intends to return to Quebec. p. 42

Enclosed:

(1) No. 1. Address from the Inhabitants of Halifax. p. 48

(2) Reply to above address. p. 50

(3) No. 2. Address from the Committee of Trade and Manutures, Halifax. p. 55

(4) Reply to above address. p. 57

(5) Address from the Ministers and Elders of the Church of Scotland, Halifax, 16 July, 1840. p. 58

(6) Reply to above address. p. 61

(7) Address of the Mayor, Aldermen and Commonalty of St. John. p. 62

(8) Reply to above address. p. 64

(9) Address from the Chamber of Commerce of St. John, 22 July, 1840. p. 66

(10) Reply to above address. p. 70

(11) Address from the Mechanics Institute, St. John. p. 72

(12) Reply to above address. p. 75

(13) Address from the Magistrates and other Inhabitants of Fredericton. p. 77

(14) Reply to above address. p. 79

(15) Address from the Wesleyan Methodist Conference, Fredericton, 24 July, 1840. p. 80

(16) Reply to above address. p. 82

Thomson to Russell, confidential. States that he has conversed with men of all parties in Nova Scotia and that he finds no real grievance. Points to need for amendments in the laws and institutions, if people's attention could be drawn thereto. Discusses the nature of the contentions in that province. Discusses, in particular, the composition and powers of the Council. Reports steps taken to calm public feeling. Lays down principles upon which the Executive Council should be constituted. Declines to select persons for the Legislative Council. The Attorney General will go into the Legislative Council, and, if his health permits the Solicitor General will seek election to the Assembly. Discusses the implications of these changes and of the new system of colonial government. Declares that he has stated that application for a civil list will not be made again, since the Crown revenues are sufficient. p. 83 **1840** July 27, Halifax.

Thomson to Russell, No. 138. States that he has visited Prince Edward Island. Gives his opinion that this colony should be united to Nova Scotia, but also points out the objections to that measure, from lack of communications. If that colony is to be continued as a separate government, it should be called upon to make a more adequate provision for the Lieutenant-Governor. p. 107 July 27, Halifax.

Thomson to Russell, No. 139. Transmits copy of documents relating to the order given by the Customs Department, in London, for the entering of sugar for the use of the Nova Scotia fisheries. Discusses the implications of this case and the effect upon the whole provincial revenue, should this fraud be permitted. Proposes remedies. [Enclosures not at this place.] p. 110 July 27, Halifax.

Thomson to Russell, No. 140. Refers to Russell's despatches Nos. 82 and 163, of 29 February and 20 June, and transmits copy of a communication from the military authorities, respecting the case of M. Martin. p. 117 August 3, Quebec.

Enclosed:

C. R. O'Donnell to the Chief Secretary, Montreal, 28 July, 1840 Transmits a letter from Major D. Bolton, in explanation of Martin's claim. p. 119

Sub-enclosure:

Major D. Bolton [Senior Royal Engineer] to Lieut.-Col. Sir John Oldfield [Commanding Royal Engineers], Rideau Canal, 22 June, 1840. Transmits papers showing that in his opinion, Martin has no claim on the Government. p. 120

Enclosed in sub-enclosure:

(a) C. L. Rudyard [Paymaster] to Major D. Bolton, Paymaster's Office, Bytown, 13 June, 1840. Describes the circumstance under which the timber was detained and subsequently sold. p. 121

(b) Respective officers to Rudyard, Ordnance Office, Quebec, 19 June, 1833. Commend Rudyard for detaining timber upon which duties were due. p. 123

1840
August 4, Quebec. Thomson to Russell, No. 141. Acknowledges Russell's despatch No. 151, of 12 June, and undertakes to limit as much as possible the demands which may be made in virtue of the £5,000 which has been placed at his disposal for the emigrant service. States that it is impossible for him to bind the province to repay this sum to the Military Chest. p. 130

August 4, Quebec. Thomson to Russell, No. 142. Transmits list of persons indicted for high treason since 1 January, 1838, who are said to have left the province of Lower Canada. p. 134

Enclosed:

List prepared by C. R. Ogden, Attorney General, Quebec, 14 July, 1840. p. 136

August 4, Quebec. Thomson to Russell, No. 143. Refers to his despatch No. 128, of 27 June, and transmits authenticated copies of 13 ordinances mentioned thereon. [Enclosures not at this place.] p. 140

Attached:

Unsigned to Sydenham, Downing St., March, 1841. [Draft.] Acknowledges despatches Nos. 126-128 and 144, of 25-27 June and 4 August, transmitting ordinances passed by the Special Council. Encloses a list of these ordinances with the numbers given by the Colonial Office. Transmits order disallowing ordinances to make permanent the naturalization of Alfred Rainham and Henri Valotte. Ordinances Nos. 129, 130, 138 and 146, are still under consideration. The remaining ordinances have been left to their operation. p. 145

August 4, Quebec. Thomson to Russell, No. 144. Transmits a petition praying for the disallowance of certain ordinances passed during last session. This petition is signed by twenty persons who were lately a committee to conduct the petition against union. In this case they represent nobody but themselves. p. 142

Enclosed:

Petition for the disallowance of the following ordinances: 4 Vic. caps. 17, 24, 25, 35, 36, 38, 42-44; and for the repeal of sections 16 and 20, of 4 Vic. cap. 16, Quebec, 25 July, 1840. p. 147

August 5, Quebec. Thomson to Russell, No. 145. Transmits a further report from T. A. Stayner, Deputy Postmaster General, with regard to the proposal to convey mails by steam boat between Annapolis and St. John during the winter months. Urges adoption of this plan. p. 157

Enclosed:

Stayner to T. W. C. Murdock [Chief Secretary], General Post Office, Quebec, 3 August, 1840. Communicates a correspondence relating to the proposed conveyance of mails between Annapolis and St. John during the winter months. p. 160

Sub-enclosures:

(i) Stayner to R. English [Postmaster at Woodstock, N.B.], General Post Office, Quebec, 22 June, 1840. States that the Deputy Postmaster at Halifax, has said that it would be impractical to convey

mails during the winter months, in the manner suggested. English is to go to St. John and investigate this question. p. 161 **1840**

(ii) English to Stayner, Post Office, Woodstock, 11 July, 1840. Reports that no difficulty need be feared in adopting the proposal to convey mail during the winter months. p. 164

Enclosed in sub-enclosure:

(a) Capt. Charles Classon to R. English, St. John, 4 July, 1840. Reports that the Bay of Fundy is navigable during the winter months. p. 168

(b) Capt. T. M. Smith to English, St. John, 8 July, 1840. Reports that it should be possible to negotiate an agreement for transport of mails during the winter months. p. 170

(c) Answers to questions submitted to J. Whitney & Co., of St. John. p. 172

(d) Answer to questions submitted to Capt. T. Reed. p. 176

(e) L. Donaldson to English, 6 July, 1840. Answers to questions submitted by English. p. 181

Thomson to Russell, No. 146. Transmits copy of a letter from Lt.-Gen. Sir Richard Jackson, Commander of the Forces, relative to the defence of Montreal. p. 184 August 5, Quebec.

Enclosed:

Jackson to Thomson, Niagara, 16 June, 1840. States that he has given the necessary orders for the preparation of the plans and estimates required. Points out that his previous letter was written before he had been placed in possession of the report of the Engineer Commission of 1825. Agrees that a co-ordinated plan is necessary. Remains convinced that Montreal requires defences. p. 187

Attached:

Unsigned to R. Byham [Secretary to the Board of Ordnance], [Colonial Dept.], 29 January, 1841. [Draft.] Transmits copy of Thomson's despatch No. 146, of 5 August. p. 186

Thomson to Russell, No. 147. Reports his return to Quebec, and his intention to proceed to Montreal and Upper Canada. p. 191 August 7, Quebec.

Thomson to Russell, No. 148. [Printed.] Transmits weekly lists of emigrants. Urges that measures should be taken to prevent infractions of the Passengers' Act. p. 196 August 8, Quebec.

Enclosed:

(1) Weekly return of emigrants, Quebec, 11 July, 1840. [Printed.] p. 197A

(2) Weekly return of emigrants, Quebec, 18 July, 1840. [Printed.] p. 198A

1840 (3) Weekly return of emigrants, Quebec, 25 July, 1840. [Printed.] p. 199A

(4) Weekly return of emigrants, Quebec, 10 August, 1840. [Printed.] p. 200A

(5) Affidavits of Patrick Leary and Peter Scott, respecting hardships inflicted upon them by the shipping agents, Quebec, 21 July, 1840. [Printed.] p. 201A

August 17, Downing St. Russell to Sydenham, No. 203. [Printed.] [See Q. 272, pt. 1, p. 180.] p. 201A

August 22. [Colonial Dept.] Unsigned to Sydenham, No. 205. [Draft.] Acknowledges despatch No. 136, of 18 July, and states that the Ordnance has been urged to employ the utmost expedition in forwarding supplies to Canada. States that the supplies have been brought up to the amount required in accordance with the requisition from Canada. p. 40

August 24. [Colonial Dept.] Unsigned to Sydenham, No. 208. [Draft.] Acknowledges despatch No. 137, of 27 July. Expresses satisfaction with Thomson's visit to New Brunswick, and with the answers to addresses presented to him. p. 46

August 24. [Colonial Dept.] Unsigned to C. E. Trevelyan [Assistant Secretary to the Treasury]. [Draft.] Transmits copy of Thomson's despatch No. 139, of 27 July. p. 114

Attached:

Unsigned to Sydenham, No. 331. [Colonial Dept.], 15 March, 1841. [Draft.] Acknowledges Sydenham's despatches Nos. 139 and 172, of 27 July and 6 October, and states that the Treasury will guard against the abuse stated therein, by the provisions of a new Customs Bill. p. 115

August 27. [Colonial Dept.] Unsigned to Sydenham, No. 211. [Draft.] Acknowledges Thomson's despatch No. 134, of 3 July, and states that Parent's case is one in which he would regard Thomson's judgment as conclusive. p. 5

September 3. [Colonial Dept.] Unsigned to Sydenham, No. 215. [Draft.] Declares that Sydenham's despatch No. 140, of 3 August, did not return a satisfactory answer with respect to the claim of Martin. Requests another report thereon. p. 128

September 5. [Colonial Dept.] Unsigned to Sydenham, No. 217. [Draft.] Acknowledges despatch No. 135, of 18 July, and transmits copy of a letter from Rev. J. Stinson, President of the Upper Canada Conference, refuting the allegations made by Alder. Points out that the London Society has a claim to consideration, but agrees to accept Thomson's arrangements so long as provision is made for expenses incurred by the London Society, relying on the continuance of the grant. [Enclosure not at this place. See G. 49, p. 9.] p. 24

September 8. [Colonial Dept.] Unsigned to Attorney General. [Draft.] Transmits copy of Thomson's despatch No. 144, of 4 August, and draws attention to

the petition against certain ordinances. Requests that this be taken into consideration in relation to the ordinances which were referred to on 20 August. p. 144 **1840**

[A similar lettter to the Solicitor General, has not been transcribed.]

Unsigned to C. E. Trevelyan [Assistant Secretary to the Treasury]. [Draft.] Transmits copy of Thomson's despatch No. 141, of 4 August, with respect to the sum advanced for the emigrant service. p. 132 Sept. 10. [Colonial Dept.]

Russell to Sydenham, No. 246. [Printed.] Transmits copy of a report from the Commissioners of Colonial Lands and Emigration, with reference to despatch No. 148, of 8 August. p. 202 October 24, Downing St.

Enclosed:

T. F. Elliot and R. Torrens [Commissioners] to J. Stephen [Under Secretary], Colonial Land and Emigration Office, 16 October, 1840. [Printed.] Transmit papers respecting an investigation into abuses of the Passengers' Act. Draws attention to a report from Lt. John Henry with reference to a case referred to by Thomson. Suggest that the Board of Customs should issue instructions in accordance with those contained in the circular sent to emigrant agents. p. 202

Sub-enclosures:

(i) Lieut. John Henry to S. Walcott, Government Emigrant Office, Liverpool, 25 August, 1840. [Printed.] Discusses abuses. p. 203

(ii) Henry to E. Acnaud and J. Grimes, Liverpool, 24 August, 1840. [Printed.] Discusses abuses. p. 203

(iii) Unsigned to Henry, Liverpool, 22 August, 1840. [Printed.] States that he cannot understand the discrepancy between the number of persons landed at Quebec and the number cleared from Liverpool. Points to the care with which vessels were inspected. p. 203

(iv) Circular sent to Emigrant Agents, Colonial Land and Emigration Office, 16 October, 1840. [Printed.] p. 203A

Attached:

(1) Extract from Thomson's despatch No. 148, of 8 August. [Printed.] Points to abuses. p. 204

(2) Remarks of A. C. Buchanan [Chief Agent]. [Printed.] p. 204

(3) J. Stephen [Under Secretary] to C. E. Trevelyan [Assistant Secretary to the Treasury], Downing St., 30 October, 1840. Transmits copy of circular [sub-enclosure iv] and requests that the Treasury should direct the Customs Board to issue similar instructions to their officers. p. 204

1840
November 19, Downing St. Russell to Sydenham, No. 262. [Printed.] Transmits a further report on abuses of the Passengers' Act. p. 204

Enclosed:

Commissioners of Colonial Land and Emigration to Stephen, 14 November, 1840. [Printed.] Report. p. 204

Sub-enclosures:

(i) Lt. J. Henry to S. Walcott [Secretary], Government Emigration Office, Liverpool, 19 October, 1840. [Printed.] Reports on abuses. p. 204A

(ii) Suggested Form of Passage Ticket, when passengers are not wholly found by the ship. [Printed.] p. 205

(iii) Unsigned to Henry, Liverpool, 19 October, 1840. [Printed.] Gives an explanation respecting the case of Patrick Leary. p. 205A

(iv) Certificate of George Masson as to water on board, and as to space and fitting of his vessel. [Printed.] p. 205A

(v) Lieut. Charles Friend to Walcott, Government Emigration Office, Cork, 19 October, 1840. [Printed.] Reports as to enforcement of Passengers' Act. p. 205A

(vi) Lieut. Robert Ramsay to Walcott, Emigration Office, Londonderry, 24 October, 1840. [Printed.] Reports as to enforcement of the Passengers' Act. p. 206

(vii) Lieut. Peter Shuttleworth to Walcott, Government Emigration Office, Sligo, 27 October, 1840. [Printed.] Reports as to enforcement of the Passengers' Act. p. 206

December 5. [Colonial Dept.] Unsigned to Sydenham, No. 269. [Draft.] Transmits copy of a letter from the Treasury with respect to Sydenham's despatch No. 141, of 4 August, on the subject of the money advanced for the emigrant service. [Enclosure not at this place. See Q. 275, pt. 2, p. 484.] p. 133

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GOVERNOR LORD SYDENHAM, FORMERLY C. P. THOMSON, 1840

June 30. [Colonial Dept.] Unsigned to Thomson, No. 170. Bill for fees on the warrant for the appointment of C. D. Day, as Solicitor General. p. 344

July 11. [Colonial Dept.] Unsigned to Thomson, No. 179. [Draft.] Transmits copy of a letter from the Deputy Secretary at War, and directs that steps be taken to exempt the military from the payment of tolls on roads, bridges, etc. [Enclosure not at this place. See Q. 276, pt. 1, p. 30.] p. 258

1840

Russell to Thomson, No. 188. States that as the Royal assent has been given to the Act of Union, a new commission and new instructions are in course of preparation, together with the Order-in-Council giving him authority to proclaim the union. Sir George Arthur will be recalled. Suggests that the commander of the troops in Upper Canada, should be the Lieutenant-Governor, but wishes to have Thomson's opinion on this subject. If he does not concur, a Lieutenant-Governor will be sent from England. p. 296 July 24, Downing St.

Unsigned to R. F. Cooke. [Draft.] States that the correspondence between the Colonial and Treasury Departments, relating to his communication on the subject of wheat grown in Upper Canada and exported to the United States, has been communicated to the Governor General. p. 381 August 3, [Colonial Dept.]

Unsigned to Thomson, No. 196. [Draft.] Transmits papers relating to a communication from R. F. Cooke of Upper Canada, respecting wheat grown in that colony, and exported to the United States. [Enclosures not at this place. See Q. 277, pt. 1, p. 74.] p. 380 August 6, [Colonial Dept.]

Thomson to Russell, No. 150. Refers to Russell's despatch No. 94, of 31 March, and transmits copy of a draft charter for Queen's College. A Gillespie has been appointed agent. Requests that the charter should be passed in the regular manner. p. 218 August 13, Montreal.

Enclosed:

W. Morris [Chairman of the Board of Trustees, Queen's College] to T. W. C. Murdock [Chief Secretary], Perth, 15 July, 1840. Transmits draft of a charter for Queen's College and requests that it should be sent to the Secretary of State. Declares that A. Gillespie has been appointed agent and has been furnished with a copy of the draft. p. 222

Sub-enclosure:

Draft Charter. p. 224

Thomson to Russell, No. 149. Refers to Russell's despatch No. 114, of 22 April, and transmits copy of a letter from the Bishop of Montreal, respecting the inconvenience of the arrangement under which he is remunerated. p. 207 August 13, Montreal.

Enclosed:

Bishop of Montreal to Thomson, Marchmont, 6 August, 1840. p. 211

Thomson to Russell, No. 151. Refers to his despatch No. 123, of 19 June, and suggests that the annual allowance to the Church of Scotland should be paid in the first instance from the Military Chest, and repaid by a draft on the paymaster of civil services. p. 229 August 13, Montreal.

Thomson to Russell, No. 152. Requests copy of a report made by the Commission of Enquiry, in 1836, with respect to the claim of the Indians of Lorette. p. 231 August 13, Montreal.

1840
August 14, Montreal. Thomson to Russell, No. 153. Transmits an address to the Queen from the German Society, established in Montreal, in felicitation on the failure of the recent attempt on her life, together with an address from the same Society, to Prince Albert, on the occasion of the Royal marriage. [Enclosures not at this place.] p. 233

August 15, Montreal. Thomson to Russell, No. 154. Acknowledges Russell's despatch No. 176, of 6 July, and states that Lt.-Col. G. Phillpotts' charge for pay for the survey of inland navigation was sanctioned by the Treasury. Transmits copy of a letter from Phillpotts requesting issue of a further sum of money. States that he has issued this sum, but has not allowed the charge for his passage, on the ground that this should be paid by the military authorities. Phillpotts' final report has been handed in. A duplicate will be sent, with Thomson's observations thereon. p. 235

Enclosed:

Phillpotts to T. W. C. Murdock [Chief Secretary], Montreal, 14 August, 1840. p. 240

August 18, Downing St. Russell to Thomson, No. 204. Transmits order for proclaiming the union of Upper and Lower Canada. States that a delay of fifteen months may ensue if Thomson should consider this to be expedient. Feels that the time is ripe to proclaim it, but does not wish to prevent the full use of Thomson's discretion in the matter. p. 298

Enclosed:

Order-in-Council, 10 August, 1840. p. 301

August 24, Drummondville. Thomson to Russell, No. 155. Transmits copies of a despatch from Sir John Harvey, and a despatch to Fox, with respect to events in and jurisdiction over the disputed territory. Regrets that Harvey did not arrest Col. G. Parke on his attempt to enumerate the Madawaska settlement. Harvey will be instructed to make this arrest should that work be still in progress. States that encroachments on the part of Maine must be repelled. Temporary jurisdiction must be settled upon and must be confided to the military. p. 243

Enclosed:

(1) Harvey to Thomson, 9 August, 1840. Reports that Col. G. Parke has arrived in the Madawaska settlement and proceeded to make a census under authority of the State of Maine. Declares that he had instructed the warden of that district to report upon the matter, but not to arrest or interfere with Colonel Parke. p. 247

Sub-enclosure:

J. N. Harvey [Private Secretary] to J. S. MacLaughlin [Warden], Fredericton, 9 August, 1840. p. 250

(2) Thomson to Harvey, Montreal, 18 August, 1840. Directs arrest of Col. G. Parke. No restraint should be used over that which is necessary to put a stop to his proceedings. p. 253

(3) Thomson to H. Fox [H.M. Minister at Washington], Drummondville, 24 August, 1840. States that he has ordered Harvey to arrest Parke if the census is still in progress, and requests Fox to notify the United States Government as to the directions which have been given. p. 255 — 1840

Thomson to Russell, No. 156. Acknowledges Russell's despatch No. 179, of 11 July. Points out that the military can be exempted from tolls only by an act of the Legislature. This will have to be postponed until the union has been effected. p. 257 — August 27, Drummondville.

Thomson to Russell, No. 157. Acknowledges Russell's despatch No. 178, of 8 July, and states that he will give every assistance to Lt. Broughton and J. D. Featherstonhaugh, for the conduct of the survey of the disputed territory. p. 260 — August 28. [Colonial Dept.]

Thomson to Russell, No. 158. Acknowledges Russell's despatches Nos. 177, 182 and 186, of 7, 13, and 21 July. Expresses his concurrence in the opinions respecting emigration expressed therein. Requests that the distribution of the grant for the emigrant agency may be left to his discretion. p. 261 — August 28, Drummondville.

Russell to Sydenham, No. 213. [See Q. 272, p. 117.] — August 31, Downing St.

Unsigned to Sydenham, No. 216. [Draft.] Acknowledges Thomson's despatch No. 153, of 14 August, and states that the Queen has received the address enclosed therein. The address to Prince Albert has been forwarded to the proper officer of the household. p. 234 — September 4. [Colonial Dept.]

Russell to Sydenham, No. 221. [See Q. 272, p. 129.] — September, 8 Downing St.

Unsigned to A. Gillespie. [Draft.] States that the draft charter for Queen's College has been referred to the law officers, who have been notified that Gillespie will wait on them, should they require his observations thereon. p. 221 — September 10. [Colonial Dept.]

Unsigned to Lord Sydenham, No. 224. [Draft.] Acknowledges Thomson's despatch No. 149 of 13 August, and states that he sees no reason to change the decision which was expressed in despatch No. 114, of 22 April. Transmits copy of Lord Seaton's despatch No. 92, of 5 July, 1839, with its enclosure, in order that Thomson may be acquainted with the case of the Bishop of Montreal. [Enclosure not at this place. See G. 49, p. 234.] p. 209 — September 11. [Colonial Dept.]

Thomson to Russell, No. 159. [Printed.] Transmits weekly return of emigrants. Draws attention to the case of the *Austria* wherein the agents were remiss. p. 268 — September 11, Toronto.

Enclosed:

Return. Quebec, 22 August, 1840. [Printed.] p. 268A

Unsigned to Attorney General. [Draft.] Transmits papers relating to Queen's College, and requests that the draft charter should be revised and reported upon. The agent, A. Gillespie, will wait on him should his opinion or observations be required. [Enclosures not at this place. A similar letter to the Solicitor General, has not been transcribed.] p. 220 — September 12. [Colonial Dept.]

1840

September 16. [Colonial Dept.] Unsigned to Sydenham, No. 228. [Draft.] Transmits copy of the report requested in Thomson's despatch No. 152, of 13 August. This report is dated 4 February, 1837. [Report not at this place. See G. 49, p. 265.] p. 232

September 16, Toronto. Thomson to Russell, No. 160. Acknowledges copy of the Act of Union. Regrets that changes have been made from the original, but does not think that these changes will make any insuperable obstacle to the working of the Act. Declares himself at a loss to account for the omission of the scheme for local government, which he had regarded as of the utmost importance, especially in view of the significance attached to it by the British Government. Discusses the bad effects of lack of municipal institutions. Declares that he shrinks from the task of obtaining a satisfactory solution of the problem. Will work out some sort of local organization for Lower Canada preparatory to union and will lay the whole subject before the Legislature of the united province. p. 276

September 22. [Colonial Dept.] Unsigned to J. Backhouse [Under Secretary for Foreign Affairs]. [Draft.] Transmits copy of Thomson's despatch No. 155, of 24 August, together with copy of the answer which Russell intends to return thereto. [Enclosure not at this place.] p. 245

September 26. [Colonial Dept.] Unsigned to C. E. Trevelyan [Assistant Secretary to the Treasury]. [Draft.] Transmits copy of Sydenham's despatch No. 154, of 15 August, with respect to Phillpotts' survey of inland navigation, and recommends that the Treasury should sanction this expenditure. p. 238

September 27, Montreal. Sydenham to Russell, No. 162. Transmits copies of addresses presented to him in the Eastern Townships and of his replies thereto. p. 309

Enclosed:

(1) Address from the Inhabitants of Sherbrooke, 11 August, 1840. p. 311

(2) Reply to above address. p. 314

(3) Address from the Inhabitants of Waterloo and its vicinity, Shefford County. p. 316

(4) Reply to above address. p. 318

(5) Address from the Inhabitants of Melbourne and Shipton. p. 319

(6) Reply to above address. p. 321

(7) Address from Inhabitants of Stanstead, 10 August, 1840. p. 322

(8) Reply to above address. p. 325

(9) Address from the Inhabitants of Shefford, 11 August, 1840. p. 327

(10) Reply to above address. p. 329

1840

Sydenham to Russell, No. 161. Reports that he returned to Montreal from Upper Canada, on 24 September. Declares that good feeling exists throughout Upper Canada, and among British inhabitants in the vicinity of Montreal, but reports of feeling among the French-speaking Canadians are not so favourable. Blames J. Neilson for fostering this opposition. p. 304 September 27, Montreal.

Unsigned to Sydenham, No. 233. [Draft.] Acknowledges Thomson's despatch No. 155 of 24 August. States that it was too late to arrest Col. G. Parke after he had commenced operations. Sydenham is authorized to make a temporary agreement for jurisdiction over the disputed territory. p. 246 September 28, [Colonial Dept.]

Sydenham to Russell, No. 163. Refers to Russell's despatch No. 149, of 10 June, and transmits copy of a letter from Arthur, concurring in the proposal that Sir John Franklin should be allowed discretion to grant tickets of leave to Upper Canada political convicts, after two years hard labour. States that while he approves of this course, he feels that Chandler and Wait should not be permitted to return to Canada. p. 334 September 28, Montreal.

Enclosed:

Sir George Arthur [Lieut.-Governor of Upper Canada] to Thomson, Toronto, 18 August, 1840. p. 338

Sydenham to Russell, No. 164. Refers to Russell's despatch No. 170, of 30 June, and transmits the fees payable on the warrant for the appointment of C. D. Day, as Solicitor General. p. 342 September 28, Montreal.

Sydenham to Russell, No. 165. [Printed.] Transmits weekly return of emigrants at Quebec and Montreal. p. 346 September 28, Montreal.

Enclosed:

(1) Return. Quebec, 29 August, 1840. [Printed.] p. 347A

(2) Return. Quebec, 7 September, 1840. [Printed.] p. 347A

(3) Return. Quebec, 12 September, 1840. [Printed.] p. 348A

(4) Return. Quebec, 21 September, 1840. [Printed.] p. 349A

Unsigned to C. E. Trevelyan [Assistant Secretary to the Treasury]. [Draft.] States that, unless the Treasury has an objection, Russell wishes to accede to Thomson's request for a free hand in the disposal of the grant for emigration. p. 263 September 29. [Colonial Dept.]

Sydenham to Russell, No. 166. Acknowledges Russell's despatch No. 199. Points out the shocking condition of the emigrants sent out from Colonel Wyndham's estate. Transmits copy of the accounts for relief to these persons, but admits that there is no right to demand repayment. p. 354 October 1, Montreal.

Enclosed:

A. C. Buchanan [Chief Agent] to T. W. C. Murdock [Chief Secretary], Quebec, 29 September, 1840. Transmits accounts for the relief of the emigrants from Colonel Wyndham's estate. p. 362

1840 Sub-enclosure:

Accounts. p. 364

October 2. [Colonial Dept.] Unsigned to Sydenham, No. 235. [Draft.] Transmits copy of a letter from the Treasury, giving opinion that the allowance to the Church of Scotland should be paid by a draft from the Receiver General upon the paymaster of civil services. Enclosure not at this place. [See Q. 275, pt. 2, p. 470.] p. 230

October 2. Montreal. Sydenham to Russell, No. 167. Refers to Russell's despatch No. 184, of 15 July, and transmits a return of Lower Canada Commissioners to investigate Rebellion losses. A similar return is to be made for Upper Canada. p. 368

Enclosed:

Return. Quebec, 21 August, 1840. p. 370

October 2, Montreal. Sydenham to Russell, No. 168. Refers to Russell's despatch No. 181 of 12 July, and states that, upon consultation with Sir George Arthur, it has been decided that it would not be advisable to send out the Indian stores mentioned therein. p. 371

October 2, Montreal. Sydenham to Russell, No. 169. Transmits copy of addresses presented to him on his tour of Upper Canada, together with his replies thereto. [Addresses not at this place.] p. 373

Enclosed:

List of Addresses. p. 374

October 3, Montreal. Sydenham to Russell, No. 170. Acknowledges Russell's despatch No. 196, of 6 August. Refers to his confidential despatch of 28 May, in which he expressed views upon this question. Cooke's communication contains exaggerated and erroneous impressions, but he cannot see any reason to change the views expressed in the despatch of 28 May. Nor can he recommend the adoption of Cooke's proposal. p. 377

October 16. [Colonial Dept.] Unsigned to Sydenham, No. 238. [Draft.] States that the Treasury has concurred in the proposal that Thomson shall have discretion in the distribution of funds granted for the emigrant service. Gives directions regarding accounts. p. 264

October 21. [Colonial Dept.] Unsigned to Sydenham, No. 243. [Draft.] Acknowledges Thomson's despatch No. 154, of 15 August, and states that the Treasury has allowed £1,706.9.2. for that service. p. 239

October 22. [Colonial Dept.] Unsigned to Sydenham, No. 244. [Draft.] Acknowledges Sydenham's depatch No. 163, of 28 September, and states that the necessary instructions have been conveyed to Sir John Franklin. p. 337

October 23, Downing St. Russell to Sydenham, No. 245. Acknowledges Sydenham's despatch No. 161, of 27 September, and expresses satisfaction at the report of improved feeling. p. 308

1840

Unsigned to Sydenham, separate. [Draft.] Acknowledges despatch No. 160, of 16 September, and explains the circumstances under which the scheme for local government was omitted from the Act of Union. Feels sure that the advantages of such a system are so great that there is little likelihood that the Legislature of the united province will long resist it. p. 294 October 25, [Colonial Dept.]

Russell to Sydenham, No. 247. Acknowledges Sydenham's despatch No. 162, of 27 September, and expresses gratification at the addresses presented to Sydenham. p. 331 October 25, Downing St.

Unsigned to Sydenham, No. 252. [Draft.] Acknowledges Sydenham's despatch No. 169, of 2 October, and expresses pleasure in the addresses presented to him in Upper Canada. p. 376 October 31, [Colonial Dept.]

Unsigned to Trevelyan. [Draft.] Transmits copy of Sydenham's despatch No. 166, of 1 October, and states that Colonel Wyndham refuses to admit a liability for the emigrants from his estates. Urges that the Treasury should sanction the outlay for these emigrants, which should be charged to the £5,000 placed at the disposal of the Governor, for the use of the emigrant service. p. 359 November 4, [Colonial Dept.]

Unsigned to Sydenham, No. 266. [Draft.] Acknowledges Sydenham's despatch No. 166, of 1 October, and states that the Treasury has consented to charge the relief of Colonel Wyndham's emigrants to the £5,000 granted for the emigrant service. Sydenham is to guard against making similar advances for the future. p. 361 November 30, [Colonial Dept.]

Russell to Sydenham, No. 274. [Printed.] Transmits copy of a report from the Commissioners of Colonial Lands and Emigration, with respect to complaints preferred by passengers, as mentioned in Thomson's despatch No. 159, of 11 September. p. 270 December 22, Downing St.

Enclosed:

R. Torrens and E. E. Villiers [Commissioners] to J. Stephen [Under Secretary], Colonial Land and Emigration Office, 16 December, 1840. [Printed.] Transmits copy of a correspondence with emigrant agents, respecting hardships entailed on emigrants during their passage to Canada. Praise the work done by Thomson and by A. C. Buchanan, the chief emigrant agent. p. 271

Sub-enclosures:

(i) S. Walcott [Secretary] to Lt. F. E. Hodder [Agent], 9 Park St., Westminster, 7 November, 1840. [Printed.] p. 272

(ii) Walcott to Lieut. J. R. Forrest [Agent], 9 Park St., Westminster, 7 November, 1840. [Printed.] p. 272

(iii) Hodder to Walcott, Government Emigration Office, Dublin, 14 November, 1840. [Printed.] p. 272A

(iv) Walcott to Hodder, 9 Park St., Westminster, 18 November, 1840. [Printed.] p. 272A

(v) Hodder to Walcott, Government Emigration Office, 20 November, 1840. [Printed.] p. 272A

1840 (vi) Forrest to Walcott, Leith, 10 November, 1840. [Printed.] p. 273

Attached:

(1) Stephen to Colonial Land and Emigration Commissioners, Downing St., 1 January, 1841. [Printed.] Requests a report as to steps which could be taken to prevent similar abuses in the future. p. 273

(2) Russell to Sydenham, No. 283, Downing St., 12 January, 1841. [Printed.] Transmits copy of a report from the Colonial Land and Emigration Commissioners respecting precautions to be taken for the future against danger to emigrants. p. 273

Enclosed:

Colonial Land and Emigration Commissioners to Stephen, 7 January, 1841. [Printed.] p. 273

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GOVERNOR LORD SYDENHAM, FORMERLY C. P. THOMSON, 1840-41

June 30. [Colonial Dept.] Unsigned to Thomson, separate. [Draft.] States that the bearer, E. Dowling, has been appointed as legal adviser to the Governor General. Dowling will be reimbursed for his expenses. Requests a report as to the salary which should be paid to him. p. 493

July 23. [Colonial Dept.] Unsigned to Thomson, No. 187. [Draft.] Lays down principles upon which the government of the united province is to be conducted. Deals in particular with the regulations between the Executive Council and Assembly. p. 393

July 24. [Colonial Dept.] Unsigned to Thomson, No. 189. [Draft.] States that the Treasury has reported that the Upper Canada Act for indemnities for losses sustained through incendiaries, should be disallowed. Requests Thomson's views on this point. p. 424

July 29. [Colonial Dept.] Unsigned to Thomson, No. 192. [Draft.] Requests information as to the whereabouts of Charles Wiltshire, who is said to have lived in the Eastern Townships and to have enlisted in the militia, 5 or 6 years ago. He has not been heard from since 20 June, 1839, when he was stationed at Niagara. p. 503

July 31. [Colonial Dept.] Unsigned to Thomson, No. 193. [Draft.] Discusses steps to be taken on proclamation of union. The Order-in-Council for this purpose is in preparation. Holds that the commission as Governor cannot be constituted until lists of Legislative and Executive Councillors shall have been received. Requests suggestions for preparing the commission and instructions. The seal for the new province should be ready within a few weeks. Thinks that these preliminaries will delay the elections until the winter. p. 404

1840

Unsigned to Thomson, No. 197. [Draft.] Directs that the sum spent by Durham on furniture for Government House, is to be repaid into the Military Chest. p. 384 August 8. [Colonial Dept.]

Unsigned to Sydenham, No. 198. [Draft.] Transmits copy of a letter from Capt. W. Sandom, representing the expediency of building a steam vessel for service on the Great Lakes. Requests a report thereon. [Enclosure not at this place. See G. 48, p. 344.] p. 433 August 10. [Colonial Dept.]

Unsigned to Sydenham, No. 209½. [Draft.] Transmits copy of a letter from the General Commanding in Chief, respecting a successor to Sir George Arthur, in the command of the troops in Upper Canada. [Enclosure not at this place.] p. 420 August 25. [Colonial Dept.]

Unsigned to the Earl of Gosford. [Draft.] Acknowledges letter of 1 September and states that Madame de Gaspé's petition has been referred to the Governor General. p. 487 September 5. [Colonial Dept.]

Unsigned to Sydenham, No. 218. [Draft.] Transmits commission and instructions as Governor of Canada. [Enclosure not at this place.] p. 410 September 6. [Colonial Dept.]

Unsigned to Sydenham. [Draft.] Regrets that the instructions referred to in despatch No. 218, of 6 September, are not yet ready. They will probably be sent by the next mail. Thinks that this need not cause any delay. p. 411 September 6. [Colonial Dept.]

Unsigned to Sydenham, No. 223, and to Arthur, No. 125. [Draft.] States that as the British and American Steam Navigation Company intend to charge 10 guineas per 4-lb. bag, and 2 guineas per pound above that weight, despatches should be sent by Boston and Halifax, whenever possible. p. 483 September 10 [Colonial Dept.]

Unsigned to Sydenham, No. 225. [Draft.] Transmits a memorial from Madame de Gaspé, and requests a report of the circumstances under which her husband is detained in prison for debt. [Enclosure not at this place. See G. 49, p. 254.] p. 488 September 12. [Colonial Dept.]

Sydenham to Russell, No. 171. Acknowledges Russell's despatch No. 197, of 8 August, and points out reasons which have led him to suspend repayment of the sum expended by Durham for the furniture of Government House, until further instructions shall have been given. p. 382 October 6. Montreal.

Sydenham to Russell, No. 172. States that he has received a copy of an address to Russell, from New Brunswick, requesting abolition of duties on flour and salted provisions. Points out that Nova Scotia is permitted to make such importations for the use of the fisheries, although the articles are for general consumption. Refers to his despatch of 27 July, and urges that the two provinces should be put on an equal footing, in any arrangement that should be made. p. 387 October 6. Montreal.

Sydenham to Russell, private and confidential. Acknowledges Russell's despatch No. 187, of 23 July, and states that he concurs in the principles enunciated therein. Discusses the inadvisability of laying certain communications before the Assembly, and includes Russell's despatch in this category. p. 389 October 7. Montreal.

1840
October 9, Montreal. Sydenham to Russell, No. 173. Acknowledges Russell's despatch No. 193, of 31 July, and of despatches of 18 August and 6 September, with reference to the Act of Union. States the steps which he intends to take, and raises the question as to whether his present commission had designated him as Governor General of the two provinces. p. 398

October 9, Montreal. Sydenham to Russell, No. 174. Acknowledges Russell's despatch No. 188 of 24 July, and states that Sir George Arthur had declared his willingness to continue in the office of Lieut.-Governor until such time as that office should be abolished. Ill health makes it imperative for Arthur to retire. Holds that the officer in command of the troops could carry out that function for the remainder of the period. Suggests the importance of deciding whether it will be necessary to appoint a Lieut.-Governor for the Province of Canada, or whether those functions can be discharged by the Deputy Governors who may be appointed under the Act of Union. p. 416

October 9, Montreal. Sydenham to Russell, No. 175. Acknowledges Russell's despatches Nos. 184½ and 189, of 15 and 24 July, and regrets that it has not been possible to propose that Parliament should pay the Rebellion losses. Awaits the sanction of the Act whereby these losses will be placed upon the Upper Canada debt. States that he has no objection to the disallowance of the Act to indemnify persons for losses due to incendiaries. p. 421

October 9, Montreal. Sydenham to Russell, No. 176. Points out the importance of acceding to the proposal of Capt. Sandom, that another steam vessel should be acquired for service on Lake Ontario. p. 428

October 10, Montreal. Sydenham to Russell, No. 177. Represents the inconvenience which would be sustained by adherence to the instructions of the Treasury, fixing 1 November as the last date on which mail from Halifax to Quebec shall be conveyed by the St. Lawrence. Points out that this navigation is open until the third week of November. States that he has given orders for this year and requests that the Treasury will abrogate the order for the future. Requests that despatches should be sent via Boston during the winter months. Declares that he has made every effort to improve the post road between Quebec and Halifax. Little remains to be done to this road in Lower Canada. Trusts that New Brunswick will improve the road in that colony. p. 438

October 12, Montreal. Sydenham to Russell, No. 181. Acknowledges Russell's despatch No. 225, of 12 September, and explains the circumstances under which P. Aubert de Gaspé is detained in prison as a debtor to the Crown. p. 484

October 12, Montreal. Sydenham to Russell, No. 178. Transmits copy of a correspondence with Arthur respecting irregularities in the conduct of the offices of Surveyor and Commissioner of Crown Lands. Points out that the heavy duties so ably carried out by R. B. Sullivan have made it impossible for him to keep a check upon the departments in his charge. Sullivan has made up the defalcation. Urges that he should be given a salary as President of the Council, in order that he should not sustain loss, due to the peculation of subordinates during a time when it was impossible for him to supervise his department. Care will be taken to avoid any such situation under the union. p. 447

Enclosed: **1840**

(1) Arthur to Thomson, Toronto, 10 September, 1840. p. 468

(2) Sydenham to Arthur, Montreal, 9 October, 1840. p. 462

Sydenham to Russell, No. 179. [Printed.] Acknowledges Russell's despatches Nos. 213 and 221, of 31 August and 8 September. Discusses the question of Crown lands, and the report of the Colonial Land and Emigration Commissioners thereon. Opposes the proposal to encourage emigration from the United States. Acknowledges Russell's despatch No. 195, of 1 August, and states that orders have been given to have the questions proposed by the Colonial Land and Emigration Commissioners printed and distributed to all who can give information thereon. States that he will reply, at an early opportunity, to the communication respecting emigration contained in Russell's despatch No. 201, of 13 August. p. 476 October 12, Montreal.

Enclosed:

Notice to squatters, Crown Lands Office, Quebec, 10 August, 1840. [Printed.] Limits the time under which pre-emption can be made. p. 477

Sydenham to Russell, No. 180. Acknowledges Russell's despatch No. 223, of 10 September, respecting the excessive charge made by the British American Steam Navigation Company, and states that he will send despatches by Cunard's line, whenever possible. p. 481 October 12, Montreal.

Sydenham to Russell, No. 182. Acknowledges Russell's separate despatch of 30 June, and advises that a salary of £1,500 a year be granted to E. Dowling, as legal adviser. p. 490 October 19, Montreal.

Sydenham to Russell, No. 183. Acknowledges despatch No. 215, of 3 September, and states that he has referred the case of M. Martin to Sir George Arthur. Promises to transmit Arthur's report as soon as it shall have been received. p. 497 October 20, Montreal.

Sydenham to Russell, No. 184. Refers to Major-Gen. Clitherow's memorial which was transmitted to Russell, in despatch No. 100, of 4 May, and requests early attention to the claim set forth therein. p. 499 October 21, Montreal.

Sydenham to Russell, No. 185. Transmits extract of a communication from Upper Canada, respecting C. Wiltshire. p. 502 October 22, Montreal.

Enclosed:

S. B. Harrison [Private Secretary] to T. W. C. Murdock [Chief Secretary], Toronto, 19 October, 1840. Transmits copy of a letter from Lieut.-Colonel A. Thorne, stating that Wiltshire served in the 3rd battalion of incorporated militia, but deserted on 30 July, 1839, and has not been heard of since. p. 505

Sub-enclosure:

Thorne to Harrison, Niagara, 17 October, 1840. p. 506

1840

October 23, Montreal. Sydenham to Russell, No. 186. Transmits a petition from Charles H. Sheil, Commissariat writer, in Upper Canada, requesting a permanent appointment, with a view to promotion. p. 507

Enclosed:

Petition, London, 17 October, 1840. p. 510

October 26, Montreal. Sydenham to Russell, No. 187. Transmits copy of a memorial from Major Jackson Wray, requesting leave of absence. Requests that this should be granted by the Commissioner of Customs. p. 512

Enclosed:

Memorial. p. 516

Sub-enclosure:

Certificate that Wray's deputy is satisfactory. p. 518

November 3. [Colonial Dept.] Unsigned to R. Gordon [Secretary to the Treasury]. [Draft.] Transmits copy of Sydenham's despatch No. 171, of 6 October, and recommends that Lower Canada should be relieved of the charge for the furniture bought by Durham. p. 385

November 4. [Colonial Dept.] Unsigned to Sydenham, confidential. [Draft.] Acknowledges Sydenham's confidential despatch, of 7 October, and states that he has interpreted correctly the significance of remarks made in despatch No. 187, of 23 July. That despatch will not be laid before Parliament without necessity. p. 397

November 7. [Colonial Dept.] Unsigned to Sydenham, No. 256. [Draft.] Acknowledges Sydenham's despatch No. 181, of 12 October, and states that under the circumstances it would not be advisable to interfere in the case of P. Aubert de Gaspé. p. 489

November 11. [Colonial Dept.] Unsigned to Sydenham, No. 257. [Draft.] Acknowledges Sydenham's despatch No. 178, of 12 October, and states that the question of the Crown Lands Department had been brought to his notice in Arthur's despatch No. 68, of 24 September. Machinery for proper regulation of departments must await Sydenham's report thereon. Approves of the dismissal of subordinate officers guilty of irregularities. Concurs in the opinion that Sullivan should not suffer pecuniary loss, under all the circumstances, but maintains that the grant should be made to him as a reward for extra services, and not through the issue of a salary with arrears. This proposal has been laid before the Treasury. p. 454

November 12. [Colonial Dept.] Unsigned to Sydenham, No. 258. [Draft.] Acknowledges Sydenham's despatch No. 173, of 9 October. Argues that there is no need to issue another commission since Sydenham is undoubtedly Governor General of Upper and Lower Canada. p. 412

November 12. [Colonial Dept.] Unsigned to Sir John Barrow [Second Secretary of the Admiralty]. [Draft.] Transmits copy of Sydenham's despatch No. 176, of 9 October, and requests that the Admiralty should issue immediate instructions for the construction of a steam vessel for Lake Erie, and give an opinion on the expediency of providing another vessel for Lake Ontario. p. 434

1840

Unsigned to Gordon. [Draft.] Transmits copy of Sydenham's despatch No. 176, of 9 October. Recommends that the Treasury should sanction the expenditure for the vessel required for Lake Erie, and states that Russell is in communication with the Admiralty respecting the acquisition of another vessel for Lake Ontario. p. 435 November 12. [Colonial Dept.]

Unsigned to C. E. Trevelyan [Assistant Secretary to the Treasury]. [Draft.] Transmits copy of Sydenham's despatch No. 177, of 10 October, and recommends the adoption of the suggestions contained therein. p. 443 November 12. [Colonial Dept.]

Unsigned to Sydenham, No. 259. [Draft.] Acknowledges Sydenham's despatch No. 175, of 9 October. States that the Order-in-Council confirming the Act for payment of Rebellion losses in Upper Canada was transmitted on 22 August. The bill for indemnities for losses sustained through the action of incendiaries will be disallowed. p. 426 November 13. [Colonial Dept.]

J. Stephen [Under Secretary] to Commissioners of Colonial Lands and Emigration. [Printed.] Transmits copy of Sydenham's despatch No. 179, of 12 October, with respect to the Crown lands in Canada. States that Russell will not interfere with Sydenham's discretion on those points on which, for political reasons, he differs with the commissioners. p. 478A November 14. Downing St.

Unsigned to R. Wiltshire. [Draft.] States that Wiltshire deserted from the 3rd battalion of incorporated militia, on 30 July, 1839, and has not been heard of since. p. 504 November 23. [Colonial Dept.]

Unsigned to Trevelyan. [Draft.] Transmits copy of Sydenham's despatch No. 184, of 21 October, and requests a decision from the Treasury on the claim set forth by Clitherow for a higher scale of remuneration than that granted to other officers of the court martial for the trial of political offenders over which he presided. p. 500 November 24. [Colonial Dept.]

Unsigned to Trevelyan. [Draft.] Transmits copy of Sydenham's despatch No. 186, of 23 October, and requests that Sheil's memorial should be laid before the Lords of the Treasury. p. 508 November 24. [Colonial Dept.]

Unsigned to Sir Denis Le Marchant [Secretary to the Board of Trade]. [Draft.] Requests to be informed as to whether any pledge was given to E. Dowling to induce him to accept the office of legal adviser to Thomson. p. 494 November 25. [Colonial Dept.]

Unsigned to Trevelyan. [Draft.] Transmits copy of Sydenham's despatch No. 187, of 26 October, and requests that the Treasury will give favourable consideration to the memorial of Major J. Wray, praying for leave of absence. p. 514 November 26. [Colonial Dept.]

Unsigned to Sydenham, No. 265. [Draft.] States that Sheil has been nominated to a permanent clerkship in the Commissariat. p. 509 November 28. [Colonial Dept.]

Unsigned to Trevelyan. [Draft.] Transmits copy of Sydenham's despatch No. 178, of 12 October, and urges a grant to Sullivan, as compensation for extra services. Transmits copy of a further despatch from Arthur on this subject. [Enclosure not at this place.] p. 457 November 30. [Colonial Dept.]

1840

November 30. [Colonial Dept.] R. Vernon Smith [Under Secretary] to Trevelyan. Transmits copy of Sydenham's despatch No. 182, of 19 October, respecting a salary for E. Dowling as legal adviser. Requests that the proposal contained therein, should be sanctioned by the Treasury. p. 495

December 2. [Colonial Dept.] Unsigned to Sydenham, No. 268. [Draft.] Acknowledges Sydenham's despatch No. 171, of 6 October, and transmits copy of a letter from the Treasury, stating that the expense for furniture must be met by Lower Canada. [Enclosure not at this place. See Q. 275, pt. 2, p. 481.] p. 386

December 20. [Colonial Dept.] Unsigned to Sydenham, No. 273. [Draft.] Acknowledges Sydenham's despatch No. 187, of 26 October, and transmits copy of of letter from the Treasury, stating that the Commissioner of Customs had granted leave to Major J. Wray, until 1 May next. [Enclosure not at this place. See Q. 275, pt. 2, p. 491.] p. 515

December 30. [Colonial Dept.] Unsigned to Sydenham, No. 277. [Draft.] Acknowledges Sydenham's despatch No. 176, of 9 October, and states that the Admiralty has issued orders regarding preparations for building a vessel for Lake Erie, and the necessary orders have also been given to build another vessel for Lake Ontario. p. 436

1841

January 1. [Colonial Dept.] Unsigned to Sydenham, No. 278. Acknowledges Sydenham's despatch No. 182, of 19 October, and transmits copy of a correspondence with the Treasury, respecting a salary for E. Dowling, legal adviser. [Enclosure not at this place. See G. 51, p. 3.] p. 496

January 9. [Colonial Dept.] Unsigned to Sydenham, No. 280. [Draft.] Transmits copy of a letter from the Treasury respecting the transfer of mails during the winter months. [Enclosure not at this place. See G. 51, p. 8.] p. 445

January 10. [Colonial Dept.] Unsigned to Sydenham, No. 281. [Draft.] Transmits copy of a letter from the Admiralty respecting the difficulty of procuring masting timber from Canada, although foreign countries derive supplies from that source. Requests an early report on this subject. [Enclosure not at this place. See G. 51, p. 13.] p. 479

January 12. [Colonial Dept.] Unsigned to Sir John Barrow [Second Secretary to the Admiralty]. [Draft.] Transmits extract from Sydenham's despatch No. 179, of 12 October. States that a copy of Barrow's letter of 4 January on the subject of masts will be sent to Sydenham for his report thereon. p. 480

February 6. [Colonial Dept.] Unsigned to Sydenham, No. 299. [Draft.] Transmits copy of a further letter from the Admiralty, pointing out that it would be inexpedient to depart from the present arrangements respecting the transfer of mails during the winter season. [Enclosure not at this place. See G. 51, p. 424.] p. 446

February 11. [Colonial Dept.] Unsigned to Sydenham, No. 305. [Draft.] Acknowledges Sydenham's despatch No. 178, of 12 October, and states that he has received two despatches from Arthur, Nos. 68 and 76, of 24 September and 26 October, relating to irregularities in the Crown Lands Department. States that a sum, calculated at £500 a year, is to be granted to Sullivan as a special reward for extra duties performed by him from the time at which he accepted the duties of President of the Council. p. 460

1841

Unsigned to Sydenham, No. 308. [Draft.] States that orders will be sent to Capt. W. Sandom regarding the building of the vessels mentioned in Russell's despatch No. 277, of 30 December. These vessels are to be named the *Cherokee* and the *Mohawk*. p. 437 February 17. [Colonial Dept.]

Unsigned to Sydenham, No. 328. [Draft.] Transmits copy of a letter from the Treasury respecting the claim advanced by Major-Gen. J. Clitherow for a higher scale of remuneration than was granted other officers of the court martial for the trial of political prisoners over which he presided. [Enclosure not at this place. See G. 108, p. 221.] p. 501 March 12. [Colonial Dept.]

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LORD SYDENHAM, SIR RICHARD JACKSON, 1840-41

1840

Unsigned to Thomson, No. 74. [Draft.] Refers to Schedule C, in despatch No. 40, of 28 October, 1839 and states that Ordinances Nos. 53, 55, 57, 62, 66, 69, 92, 106, 109 and 112, will be left to their operation but that due to objectionable features they will not be confirmed. No. 53 is for incorporating the Canada Marine Insurance Company. Requests a report on Nos. 57, 62, 69 and 106, which contain clauses providing for a system of trade inspection, and on Nos. 66 and 109, the first of these being for the incorporation of a Trinity House at Quebec, and the second containing stringent provisions. p. 185 February 8. Downing St.

Russell to Thomson, confidential. [Not transcribed. See Q. 272, pt. 2, p. 470.] p. 41 June 13.

Unsigned to Sydenham, No. 222. [Draft.] Transmits copy of a letter from the General Commanding in Chief, enclosing instructions which have been issued with respect to the formation of a volunteer force, under the name Royal Canadian Regiment. [Enclosure not at this place. See G. 49, p. 210.] p. 15 September 9. Colonial Office.

Unsigned to Sydenham, No. 231. [Draft.] Transmits copy of letter from the Foreign Office, respecting arrangements which are in progress for settlement of the north-east boundary. [Enclosure not at this place. See G. 49, p. 302.] p. 42 September 20. [Colonial Dept.]

Sydenham to Russell, No. 189. States, at the request of Lt.-Col. A. M. Maxwell, that he approved most highly of the arrangements made for his reception in New Brunswick. p. 7 November 4. Montreal.

Sydenham to Russell, No. 188. Gives reason for the transportation of ten convicts who will be sent by the ship which conveys this despatch. Any further claim to mercy must depend upon their future conduct. p. 3 November 9. Montreal.

Sydenham to Russell, No. 190. Transmits statements of receipts on account of Crown lands and licences to cut timber, and of the casual and territorial revenue, for the three months which ended on 30 September, 1840. p. 9 November 10. Montreal.

1840

Enclosed:

(1) Statement of receipts on account of Crown lands and licences to cut timber: "Not any". p. 11

(2) Statement of receipts on account of the casual and territorial revenues. p. 10

November 10, Montreal. Sydenham to Russell, No. 192. Refers to his despatch of 20 October, and transmits copy of a letter from the Civil Secretary of Upper Canada, and of a report from the Attorney General of that province, respecting the case of Michael Martin, and showing that an individual cutting timber in that province has no lien for wages on that timber. p. 17

Enclosed:

S. B. Harrison [Civil Secretary] to T. W. C. Murdock [Chief Secretary], Toronto, 29 October, 1840. p. 19

Sub-enclosure:

Report of W. H. Draper [Attorney General], Toronto, 27 October 1840. p. 21

November 10, Montreal. Sydenham to Russell, No. 191. Acknowledges Russell's despatch No. 222, of 9 September. Transmitting instructions for the formation of the Royal Canadian Regiment. Points out that there is little likelihood of being able to raise a regiment on such a system. Trusts that this is not intended to supersede the military settlements which are referred to in his instructions. Will make all necessary enquiries as to the probable expense of such settlements and as to means of forwarding them. p. 12

November 19, Montreal. Sydenham to Russell, No. 193. Introduces Major Nicholas Fuchs, who is proceeding to Europe to seek his daughter who has been abandoned by her husband, [James] Beveridge. p. 22

November 19, Montreal. Sydenham to Russell, No. 194. Acknowledges Russell's despatch No. 205, of 22 August, and states that the Commander of the Forces has declared that the additional supplies which will be sent in accordance with Sydenham's requisition, will be sufficient for incorporated militia in Upper and Lower Canada. p. 31

November 21, Montreal. Sydenham to Russell, No. 195. Acknowledges Russell's despatch No. 154, of 18 June, and states the circumstances under which he has directed the law officers to take legal proceedings against the British American Land Company, in order to enforce the contract. Expects that the case will be tried at the next sitting of the Court of King's Bench. p. 33

November 23, Montreal. Sydenham to Russell, No. 196. Transmits copies of three despatches from Sir John Harvey, Lieut.-Governor of New Brunswick and gives an account of the measures which he has taken with regard to the protection of British interests in regard to the disputed territory. p. 36

1840

Enclosed:

(1) Harvey to Sydenham, No. 35, Fredericton, 3 November, 1840. Transmits a communication from the warden of the disputed territory, and states that instructions have been issued to take legal proceedings against offenders. Urges that strong representations should be made at Washington. p. 45

Sub-enclosure:

J. A. MacLaughlin [Warden] to Harvey, Fredericton, 28 October, 1840. Reports that the Maine authorities intend to call a town meeting in the disputed territory, for taking votes for the United States Presidential election. Mr. Tighe, who is making a census, and the magistrate have been directed to attend this meeting and to protest. The names of all persons attending are to be taken down. p. 47

(2) Harvey to Thomson, No. 37, immediate, Fredericton, 13 November, 1839. Transmits copy of a report respecting high handed action taken by an officer of the State of Maine. Proposed steps for moving a military force into the Madawaska settlement. p. 49

Sub-enclosure:

J. A. MacLaughlin to Harvey, Madawaska, 9 November, 1840. Transmits letter from Francis Rice, J.P., Carleton County, giving an account of the town meeting held under the protection of an armed posse from the State of Maine. States that it is impossible to arrest the offenders. None of the respectable citizens attended this meeting. They are about to present an address requesting protection. p. 54

Enclosed in sub-enclosure:

F. Rice, J.P., to MacLaughlin, Madawaska, 3 November, 1840. p. 57

(3) Harvey to Thomson, separate and confidential, Fredericton, November 14, 1840. Urges the erection of two blockhouses in order to maintain the British position in the disputed territory. States that he has given private encouragement to the proposal to address the Queen upon the recent encroachments on the part of Maine. p. 61

(4) Sydenham to Harvey, Montreal, 23 November, 1840. Acknowledges Harvey's despatches Nos. 35, 37 and separate, of 3, 13, and 14 November, and states that he has given instructions for military reinforcement. Jackson will communicate with Harvey, and the officer in charge will report to him. The civil authorities are to support the military party. Harvey must use his discretion in the matter of a blockhouse. p. 65

Sydenham to Russell, No. 197. [Printed.] Refers to his despatch No. 179, of 12 November, and states that he has consulted the Commissioner of Crown Lands, who holds that the size of the lots should not be changed from 200 acres to 360. p. 68 November 24, Montreal.

Sydenham to Russell, No. 198. Refers to Russell's despatch No. 220, of 7 September, and transmits copy of a further letter from, J. Crooks, respecting the seizure of the *Lord Nelson* in 1812. Requests that this should be submitted to the Foreign Office. p. 69 November 30, Montreal.

1840 Enclosed:

Crooks to T. W. C. Murdock, West Flamboro, 17 November, 1840. p. 73

December 1, Montreal. Sydenham to Russell, No. 199. Acknowledges Russell's despatch No. 242, of 20 October, and explains the circumstances under which he contracted with W. Weller for the transfer of despatches between Kingston and Toronto. States that as this correspondence dealt with the affairs of all the provinces, the expense should be borne by the Military Chest. Hopes to be able to devise a less expensive system for the future. p. 79

December 2, Montreal. Sydenham to Russell, No. 200. Acknowledges Russell's despatch No. 255, of 4 November, and states that a copy was forwarded to Sir George Arthur for the information of those interested in a charter for Queen's College. Refers to Russell's despatch No. 237, of 12 October, and states the conditions under which he consented to the provision whereby the funds of King's College could be drawn upon for the maintenance of a theological professor at Queen's College. Has written to Arthur with regard to the claim of the Church of Scotland to have a professor of divinity of King's College. p. 88

December 10, Montreal. Sydenham to Russell, No. 201. Refers to Russell's despatch No. 234, of 1 October, and transmits copy of a letter from the Civil Secretary of Upper Canada respecting property left by Daniel Scullin. Mrs. Scullin may receive this on proving title. p. 91

Enclosed:

S. B. Harrison [Civil Secretary] to T. W. C. Murdock [Chief Secretary], Toronto, 1 December, 1840. p. 95

Sub-enclosure:

Lt.-Col. J. Hill [4th Batt. Incorporated Militia] to Harrison, Prescott, 26 November, 1840. p. 97

Enclosed in sub-enclosure:

(a) Henry Jessopp [Captain, 4th Batt. I.M.] to Hill, Gananoque, 24 November, 1840. p. 98

(b) Statement of Scullin's property. p. 100

December 11, Montreal. Sydenham to Russell, No. 202. Details the inconvenience sustained as a result of the order to discontinue the receipt of "freight money" on letters destined for the United Kingdom by steamboats or sailing packets from New York. Points out that adherence to the instructions with regard to prepayment of internal postage might defeat the whole scheme. States that he has been engaged in carrying out improvements in postal arrangements. p. 101

Enclosed:

T. A. Stayner [Deputy Postmaster General] to Murdock, 2 December, 1840. Transmits copy of a letter from Lt.-Col. W. L. Maberly, Secretary of the Post Office, respecting payment of inland postage. States the grounds upon which he acted. p. 114

1840

Sub-enclosure:

Maberly to Stayner, General Post Office, 3 November, 1840. p. 117

Enclosed in sub-enclosure:

(a) Maberly to [Stayner] General Post Office, 22 July, 1840. p. 119

(b) Treasury Minute, 6 July, 1840. Postal arrangements. p. 121

December 12. [Colonial Dept.]

Unsigned to Sydenham, No. 271. [Draft.] Acknowledges Sydenham's despatch No. 191, of 10 November, and states that he cannot promise grants of land without the concurrence of the Canadian Legislature. Promises to support any plan of military settlement that shall receive the assent of the province. p. 16

December 15. [Colonial Dept.]

Unsigned to M. Martin. [Draft.] States that as a result of the report given in Sydenham's despatch No. 192, of 10 November, it appears that Martin has no lien upon timber cut by him and for which his wages were not paid. Regrets that no further assistance can be given to Martin in prosecution of his claim. p. 18

December 16, Montreal.

Sydenham to Russell, No. 203. Requests copies of reports or documents connected with post office matters, for the use of the Commissioners who have been appointed to enquire into the British North American post office. p. 125

December 18, Montreal.

Sydenham to Russell, No. 204. Transmits annual return of retiring allowances upon abolition and reduction of office in Lower Canada, in accordance with the Treasury Minute of 13 October, 1835. p. 129

Enclosed:

Return. p. 131

December 19, Montreal.

Sydenham to Russell, No. 205. Transmits copy of a letter from Sir George Arthur respecting the enclosures in Russell's despatch to Sydenham, No. 237, of 12 October. Upholds Arthur's view that the Act for the trial of aliens invading the province should be confirmed. Acknowledges Russell's despatch No. 255, of 4 November, stating that the Queen's College Act must be disallowed. Calls attention to the letter from R. B. Sullivan which explains the grounds upon which the clause respecting the theological professorship was introduced into the Act. p. 132

Enclosed:

Arthur to Sydenham, Toronto, 7 December, 1840. Acknowledges Sydenham's despatch of 10 November, transmitting copy of Russell's despatch No. 237, of 12 October, with reference to the Upper Canada Acts for the trial of aliens who have invaded the province, and for the establishment of Queen's College. Transmits copies of legal opinions and of a letter from R. B. Sullivan, Presiding Councillor, respecting this legislation. States his own views thereon. p. 136

1840 Sub-enclosures:

(i) R. Baldwin [Solicitor General] to S. B. Harrison [Civil Secretary], 25 November, 1840. Opinion. p. 144

(ii) W. H. Draper [Attorney General] to Harrison, 28 November, 1840. Opinion. p. 152

(iii) R. B. Sullivan [Presiding Councillor] to Harrison, Council Chambers, 21 November, 1840. Gives, at Arthur's request, his observations upon the two acts in question. p. 165

December 19, [Colonial Dept.] Unsigned to Sydenham, No. 272. [Draft.] Acknowledges Sydenham's despatch No. 196, of 23 November, and states approval of the steps taken to increase the military force for the protection of the Madawaska settlement. Considers it advisable to erect the two blockhouses suggested by Harvey, and that no delay should ensue in the commencement of the one proposed to be erected opposite Fort Jarvis. p. 43

December 21, Montreal. Sydenham to Russell, No. 206. Acknowledges Russell's despatch No. 74 of 8 February, and states that he considers it advisable to confirm Ordinance No. 66, for the establishment of a Trinity House at Montreal. Declares that the system laid down in Ordinances 57, 62, 69, 106 and 112, with respect to the inspection and packing of certain articles of exportation, are beneficial to Canadian commerce. Ordinance No. 53, to incorporate the Canada Marine Insurance Company should be disallowed, as the Company has dissolved. p. 182

December 23, Montreal. Sydenham to Russell, No. 207. [Printed.] Transmits copy of a correspondence with Dr. Thomas Rolph, who has been appointed emigration agent for the Canadas. Rolph will proceed to England on 1 January, 1841. States that landed proprietors have placed from 25,000 to 30,000 acres at his disposal for the use of settlers who have the means to cultivate them. Emigration societies will be formed. Pays tribute to the Colonial Land and Emigration Board, but hopes for great advantages from the assistance which can be given by Rolph. Requests that Rolph be paid £500 for his services. p. 191

Enclosed:

(1) Rolph to Sydenham, Ancaster, 12 November, 1840. [Printed.] Reports on the public interest in emigration shown during his tour of Upper Canada districts, and the desire that he should return to England to continue his labours with the North American Colonial Association. Urges formation of local societies. p. 192

(2) T. W. Murdock [Chief Secretary] to Rolph, Montreal, 25 November, 1840. [Printed.] Discusses financial means for promoting emigration and requests that Rolph should call upon Thomson to discuss the possibility of employment as an emigration agent in England. p. 192

(3) Murdock to Rolph, Montreal, 22 December, 1840. [Printed.] Recapitulates instructions to Rolph as agent. p. 192A

1840

J. Stephen [Under Secretary] to Commissioners of Colonial Lands and Emigration. [Printed.] Transmits copy of Sydenham's despatch No. 197, of 24 November, containing his objections to the proposed alteration in the size of lots of land. p. 68 December 23, Downing St.

Sydenham to Russell, No. 208. Transmits requisition for stationery for Lower Canada. Requests that a detailed account should be sent. p. 196 December 24, Montreal.

Enclosed:

Requisition for 1841. p. 198

Sydenham to Russell, No. 209. Refers to previous despatches relating to Canadian defence and transmits further papers on this subject. Calls attention to the remarks of the Duke of Wellington and to the immediate importance of the protection of communications between the provinces. p. 202 December 24, Montreal.

Enclosed:

(1) Lt.-Gen. Sir Richard D. Jackson to Sydenham, Montreal, 14 November, 1840. Transmits a memorandum on Canadian defence, and explains his views thereon. p. 209

Sub-enclosure:

(i) Memorandum on the Canadian frontier, November 1840. p. 213

Enclosed in sub-enclosure:

(a) Lt.-Col. Sir John Oldfield [Commanding Royal Engineer] to Jackson, 14 November, 1840. Transmits a rough estimate for fortifications in the Canadas. p. 269

(b) Rough general estimate. [Enclosures to this despatch continued in Q. 274, pt. 2.] p. 272

Sydenham to Russell, No. 210. [Printed.] Transmits report of the medical superintendent at Grosse Isle quarantine station, and points out the necessity of providing a remedy for the evils stated therein. The report of the Chief Emigration Agent cannot be sent because it has not been completed. p. 195A December 26, Montreal.

Enclosed:

Abstract of Admissions, Discharges and Deaths at the Quarantine Hospital, Grosse Isle, May 1st to October 20th. [Printed.] [Incomplete. For complete report see Q. 274, pt. 2, p. 311.] p. 195A

Unsigned to Sydenham, No. 276. [Draft.] Transmits copy of a letter from the Foreign Office giving Palmerston's opinion that a firm and practical assertion of British rights would be likely to assist a settlement with respect to the disputed territory. [Enclosure not at this place. See G. 50, p. 218.] p. 44 December 30. [Colonial Dept.]

1841
January 4. [Colonial Dept.] Unsigned to Sydenham, No. 279. [Draft.] Acknowledges Sydenham's despatch No. 188, of 9 November, and states that the necessary instructions have been given to the Home Office for receiving and disposing of prisoners sent to the United Kingdom under sentence of transportation. Points out that the rule prohibiting transportation has been rigorously enforced in other colonies, and that if any more prisoners are sent, they will be returned to the province. p. 5

January 4. [Colonial Dept.] Unsigned to J. Backhouse [Under Secretary for Foreign Affairs]. [Draft.] Transmits copy of Sydenham's despatch No. 198, of 30 November, with copy of J. Crook's letter of 17 November, respecting the seizure of the *Lord Nelson*, and requests Palmerston's view as to whether the arguments advanced in this letter are such as to lead to modification of the opinion already given. [For enclosure see Q. 274, pt. 1, p. 73.] p. 71

January 4. [Colonial Dept.] Unsigned to C. E. Trevelyan [Assistant Secretary to the Treasury]. [Draft.] Transmits copy of Sydenham's despatch No. 199, of 1 December, and states that Russell is of opinion that the whole expense of the transfer of despatches from Toronto to Kingston should be met from the Imperial funds, unless the provincial military and commissariat departments have availed themselves of this service for the transfer of their letters. Points out that Sydenham hopes to devise some less expensive method for the future. p. 83

January 26. [Colonial Dept.] Unsigned to Trevelyan. [Draft.] Transmits copy of Sydenham's despatch No. 202, of 11 December, and requests the decision of the Treasury on the postal difficulties mentioned therein. p. 112

January 26, Downing St. J. Stephen [Under Secretary] to Commissioners of Colonial Lands and Emigration. [Printed.] Transmits copy of Sydenham's despatch No. 207, of 23 December, and states that although Rolph's appointment does not strictly accord with Russell's views, he does not intend to object to it. Requests an opinion as to precautions for the control and supervision of agents in the United Kingdom. p. 193

January 26. [Colonial Dept.] Unsigned to Trevelyan. [Draft.] Transmits copy of Sydenham's despatch No. 208, of 24 December, and requests compliance with the requisition for stationery contained therein. p. 200

No date. Note from Major N. Fuchs to [Russell] requesting letters of introduction to H.M. Chargé d'Affaires in Switzerland, and to the Swiss Consul in England. p. 25

January 29, 2 Macclesfield St., Soho. Fuchs to Russell. Gives an account of his service and of his reasons for coming to England. p. 26

February 7. [Colonial Dept.] Unsigned to Sydenham, No. 300. [Draft.] Acknowledges Sydenham's despatch No. 198, of 30 November, and states that J. Crook's letter has been referred to the Queen's Advocate, who has reported that he sees no reason to change the opinion already given with respect to the seizure of the *Lord Nelson* in 1812. p. 72

February 8. [Colonial Dept.] Unsigned to Sydenham, No. 301. [Draft.] Refers to Sydenham's despatch No. 199, of 1 December, and states that upon consultation with the Treasury it has been decided to charge the Imperial funds

with the expense of Weller's contract for the transfer of despatches between Toronto and Kingston. Directs that payments by the Commissariat for this service should be discontinued. The Treasury has suggested that provision should be made for an efficient post office on all main lines of internal communication, which could be utilized by the Government and its departments, on payment of postage which would be charged to the office concerned. p. 86 **1841**

Unsigned to Backhouse. [Draft.] Transmits copy of Sydenham's despatch No. 193, of 19 November, and requests letters of introduction to H.M. Chargé d'Affaires in Switzerland, and to the Swiss Consul in England, for Major Fuchs. p. 24 February 11. [Colonial Dept.]

Unsigned to Sydenham, No. 306. [Draft.] Acknowledges Sydenham's despatch No. 206, of 21 December, reporting on Lower Canada ordinances. Transmits certificate disallowing No. 53, for incorporating the Canada Marine Insurance Company. Nos. 57, 62, 66, 69, 106 and 112 will be left to their operation. Refers to despatch No. 28, of 28 October, 1839, for the reasons which have induced H.M. Government to adopt this course. [Enclosure not at this place.] p. 189 February 11. Downing St.

Unsigned to Sydenham, No. 306½. [Draft.] States that Sydenham's despatch No. 201, of 10 December, has been referred to Mrs. Scullin. Transmits copy of a certificate from Rev. G. H. Ash, which proves that Mrs. Scullin is entitled to the property of Daniel Scullin. The money is to be sent to Ash, who will remit it to Mrs. Scullin. [Enclosure not at this place. See G. 51, p. 460A.] p. 93 February 12. [Colonial Dept.]

Unsigned to Rev. G. H. Ash. [Draft.] States that he will instruct the Governor General to remit the proceeds of the sale of Scullin's effects. p. 94 February 12. [Colonial Dept.]

T. F. Elliot, R. Torrens, and E. Villiers [Commissioners] to Stephen. [Printed.] Acknowledge letter of 26 January, and state that they have been in communication with Rolph. Point out the delicate nature of the task which he has undertaken, and the important work which he may be able to do under the present circumstances. Promise assistance to Rolph but recognize the difficulty of exercising control over him. Lack of space prevents them from giving him an office under their roof. p. 193 February 18. Colonial Land and Emigration Office.

Unsigned to Sydenham, No. 312. [Draft.] Acknowledges Sydenham's despatch No. 205, of 19 December, and in view of information contained therein, transmits an order leaving to its operation the Act for the trial of aliens invading the province. States that there is no need to give instructions respecting the Act for the establishment of Queen's College. [Enclosure not at this place.] p. 180 February 20. Downing St.

Russell to Gen. Lord Hill [General Commanding in Chief]. [Draft.]. Transmits Jackson's memorandum on the Canadian frontier with its enclosures. Points out the importance of the objectives mentioned therein. Urges that Hill should not only consider these papers himself, but should request the Duke of Wellington to review the matter and give his views thereon. [Enclosures not at this place.] p. 205 February 22. [Colonial Dept.]

1841
March 3, [Colonial Dept.] Unsigned to Sydenham, No. 318. [Draft.] Transmits copy of a letter from the Treasury with reference to postal arrangements as discussed in Sydenham's despatch No. 202, of 11 December. Sydenham's views with respect to prepayment have been complied with. [Enclosure not at this place. See G. 108, p. 7.] p. 113

March 3, [Colonial Dept.] Unsigned to Sydenham, No. 319. [Draft.] Refers to Sydenham's despatch No. 203, of 16 December, and transmits papers dealing with post office matters. [Enclosure not at this place. See G. 108, p. 28.] p. 127

March 9, Downing St. Russell to Sydenham, No. 21. [Printed.] Acknowledges Sydenham's despatch No. 207, of 23 December, and transmits copy of a correspondence with the Treasury, with respect to payment of £500 to Dr. T. Rolph, as emigration agent in the United Kingdom. States that although this arrangement is not in accordance with his intentions, it will be permitted. p. 193A

Enclosed:

(1) Stephen to Trevelyan, Downing St., 24 February, 1841. [Printed.] p. 194

(2) Trevelyan to Stephen, Treasury Chambers, 4 March, 1841. [Printed.] p. 194

(3) R. Vernon Smith [Under Secretary] to Trevelyan, Colonial Office, 5 March, 1841. [Printed.] p. 194

(4) R. Gordon [Secretary to the Treasury] to Stephen, Treasury Chambers, 9 March, 1841. [Printed.] p. 194

October 18, [Colonial Dept.] Unsigned to Sir Charles Bagot, G.C.B., [Governor-in-Chief]. No. 7. [Draft.] Directs that the sum of £111.2.1. should be paid into the Military Chest, for stationery sent to Canada on 25 April in accordance with the requisition contained in Sydenham's despatch No. 208, of 24 December, 1840. p. 201

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LORD SYDENHAM, SIR RICHARD JACKSON, 1840

Enclosures in Sydenham to Russell, No. 209, of 24 December, 1840, continued [See Q. 274, pt. 1, p. 202].

1840 Appendices to Oldfield's Report:

Appendix No. 1, 14 November, 1840. p. 273

Appendix No. 2, 14 November, 1840. p. 278

Appendix No. 3, 14 November, 1840. p. 283

Appendix No. 4, 14 November, 1840. p. 287

Appendix No. 5, 14 November, 1840. p. 292

Appendix No. 6, 24 December, 1840. p. 296

(This report of Oldfield, was accompanied by a map showing the relative positions of the several military posts.) In Map Division. 1840

(ii) Duke of Wellington to Earl Bathurst [Secretary of State], London, 6 December, 1825. Expresses his views upon the defence of British North America. p. 302

(2) Jackson to Sydenham, Montreal, 21 December, 1840. States that since transmitting his memorandum on defence, he has been put in possession of the letter from Wellington to Bathurst, 1825. Thinks that a copy of this letter should be transmitted to Russell. Points to the emphasis laid by Wellington on communications between Canada and New Brunswick and states that this subject requires study. p. 309

Sydenham to Russell, separate and confidential. Transmits copy of a letter from the Chief Justice, J. Stuart, expressing his doubts as to whether clauses 45 and 46 of the Act of Union can be interpreted to include the powers and functions conferred on the Governor by ordinances of the Special Council. Requests that the opinion of the law officers should be taken upon this point and that all ambiguity should be removed. p. 315 December 26, Montreal.

Enclosed:

Stuart to Governor General, 22 December, 1840. p. 323

T. W. C. Murdock [Chief Secretary] to R. Vernon Smith [Under-Secretary]. Acknowledges Smith's letter of 3 December, transmitting a draft of the Royal instructions and requesting that they should be amended by Sydenham and returned to the Colonial Department. States that the revised draft will be sent to England as early as possible, via New York. p. 326 December 26, Montreal.

Sydenham to Russell, confidential. Refers to his despatch No. 196, of 23 November, and transmits copy of a correspondence with the Lieutenant-Governor of New Brunswick. Expresses surprise and regret at the change which has taken place in Harvey's attitude. States his intention of continuing the protection granted to British subjects in the Madawaska settlement. Blames Harvey for the advance made by the United States in that area. States that unless he receives other instructions, he cannot permit Harvey to continue in such a course. p. 328 December 28, Montreal.

Enclosed:

(1) Sir John Harvey [Lieut.-Gov. of New Brunswick] to Sydenham, No. 38, political. Fredericton, 18 November, 1840. States that he has organized a civil posse to assist the warden of the disputed territory, instead of moving a military force into the area. Transmits copy of a letter to H.M. Minister at Washington, containing later information, as to the probable result of Major Graham's exploration, than that contained in despatch No. 36, of 7 November, addressed to Sydenham. p. 335

1840

Sub-enclosure:

Harvey to H. S. Fox [H.M. Minister at Washington], 18 November, 1840. Reports the steps which he has taken to overcome the resistance of British settlers to Major Graham's survey of the boundary. Points out that this line has been run two miles nearer to Grand Falls than had the previous line. p. 338

(2) Sydenham to Harvey, Montreal, 1 December, 1840. Acknowledges Harvey's despatch No. 38, of 18 November. Reviews the correspondence from Harvey on the subject of the disputed territory and points to the difficulties caused by Harvey's vacillating policy. States his conviction that a military force is far better and safer under the circumstances than is a civil posse, which is less subject to discipline. p. 341

(3) Harvey to T. W. C. Murdock [Chief Secretary], Fredericton, 9 December, 1840. Transmits copy of a letter addressed to Sir Richard Jackson, respecting a blunder made by the postmaster at Grand Falls. p. 347

Sub-enclosure:

Harvey to Lt.-Gen. Sir Richard Jackson [Commander of the Forces], immediate, Fredericton, 9 December, 1840. States that owing to a mistake on the part of the postmaster at Grand Falls, instructions sent to the officer at Temiscouata failed to reach their destination in time to suspend the march of the troops, who have arrived in Madawaska. Has not ordered these troops to return to Temiscouata, but is sending this letter by the warden of the territory in order that McLaughlin may make verbal communication on this subject, and that a decision may be taken in the light of representations made to Sydenham and Russell. States that he is confident of being able to return a satisfactory reply to an enquiry from the officer in command of Maine troops, but requests instructions as to whether he should anticipate any such enquiry by making a statement thereon. The Madawaska magistrates have been instructed to co-operate with the officer in command of troops. p. 348

(4) Sydenham to Harvey, Montreal, 16 December, 1840. States that he has seen Harvey's letter to Jackson, and is pleased that the troops have reached the Madawaska settlement. This arrangement is to be adhered to. Gives instructions as to the answer to be returned to enquiries from Maine authorities. Requests information with respect to the proposed civil posse. The opinion of the New Brunswick law officers is to be obtained as to the right of Harvey to form such a body. p. 351

(5) Murdock to J. A. MacLaughlin [Warden], Montreal, 16 December, 1840. Requests information as to whether he is aware of any authority for the formation of a civil posse. p. 355

(6) MacLaughlin to Murdock, Montreal, 16 December, 1840. States that he knows of no authority for the formation of a civil posse, and that he has issued warnings against allowing the use of firearms to that body. p. 356

1840

(7) Harvey to Sydenham, No. 41, immediate. Fredericton, 10 December, 1840. States that as his Council has concurred in his policy, he has felt it necessary that the United States authorities should be placed in possession of his views. Transmits copy of a letter to Fairfield, Governor of Maine, requesting to be informed as to whether the acts and language of the officer at Fish River, have been sanctioned by him. p. 357

Sub-enclosure:

Harvey to the Governor of the State of Maine, Fredericton, 10 December, 1840. p. 360

(8) Harvey to Sydenham, No. 42, Fredericton, 12 December, 1840. Acknowledges Sydenham's despatch of 1 December, and defends his course with respect to the disputed territory. p. 363

(9) Sydenham to Harvey, Montreal, 26 December. Acknowledges Harvey's despatches Nos. 41 and 42, of 10 and 12 December, and declares himself to be still at a loss with respect to Harvey's change of opinion. Regrets that Harvey had given an opinion respecting the withdrawal of the troops. Requests copies of communications made to Fox. The troops are to remain at Madawaska. Requests copy of the opinion of New Brunswick law officers on the power to form a civil posse, and of the answer to the memorandum sent to Fairfield. p. 368

1841

Unsigned to Attorney General and Solicitor General, confidential and immediate. [Draft.] Transmits copy of Sydenham's separate and confidential despatch, of 26 December, and requests an opinion as to the doubt entertained by the Chief Justice, with respect to the interpretation of clauses 45 and 46, of the Act of Union. p. 321 January 23. [Colonial Dept.]

Unsigned to Sydenham, confidential. [Draft.] Acknowledges Sydenham's confidential despatch of 28 December, and states that it has been decided to recall Sir John Harvey. p. 333 January 25. [Colonial Dept.]

Unsigned to Sydenham, separate and confidential. [Draft.] Acknowledges Sydenham's separate and confidential despatch of 26 December, and transmits copy of the opinion of the law officers, to the effect that there is no foundation for the doubt entertained by the Chief Justice as to the interpretation of clauses 45 and 46 of the Act of Union. [Enclosure not at this place. See G. 51, pp. 146, 149.] p. 319 January 29. [Colonial Dept.]

J. Stephen [Under Secretary] to Commissioner of Colonial Lands and Emigration. [Printed.] Transmits copy of Sydenham's depatch No. 210, of 26 December, and requests an opinion upon the report of the Medical Superintendent of the quarantine station at Grosse Isle, contained therein. p. 314 January 29. Downing St.

Unsigned to Sydenham. [Draft.] Directs that the sum of £129.11.0. be paid into the Military Chest, in payment for the stationery supplied in accordance with the requisition made in Jackson's despatch No. 6, of 13 January, 1840. p. 434 February 21. [Colonial Dept.]

Lt.-Gen. SIR RICHARD JACKSON

1840
January 1, Montreal. Sir Richard Jackson [Commander of the Forces and Administrator of Lower Canada] to Russell, No. 1. Transmits schedule of Lower Canada despatches to the Colonial Department, for the year 1839. p. 374

Enclosed:

Schedule of despatches. p. 376

January 2, Montreal. Jackson to Russell, No. 2. Transmits copy of an explanatory report from Col. D. C. Napier, Superintendent of Indian Affairs in Lower Canada respecting the appointment of Jacob Picard, as interpreter. p. 409

Enclosed:

Napier to Assistant Civil Secretary, Indian Office, Quebec, 28 December, 1839. p. 411

Sub-enclosures:

(i) Petition of Picard praying for regular allowances as interpreter. p. 415

(ii) Schedule of Picard's case. [Not at this place.]

(iii) Extract from a report of Council, 6 July, 1838. Fixes salary and allowance to Picard. p. 418

January 6, Montreal. Jackson to Russell, No. 3. Transmits statements of receipts and expenditure. p. 419

Enclosed:

(1) Statement of receipts and expenditure on account of Crown lands and licences to cut timber, for six months, ending 31 December, 1839. p. 422

(2) Statement of receipts on account of Crown lands and licences to cut timber for three months, ending 31 December, 1839. p. 423

(3) Statement of receipts on account of casual and territorial revenue for three months, ending 31 December, 1839. p. 424

January 7, Montreal. Jackson to Russell, No. 4. Transmits return of revenue and expenditure, as requested in Russell's despatch No. 62, of 29 July, 1839. p. 425

Enclosed:

Return of revenue and expenditure 1835-1838. p. 427

January 10, Montreal. Jackson to Russell, No. 5. Transmits the usual certified copy of the proceedings of the Executive Council of Lower Canada, for the year ending 31 December, 1839. [Enclosure not at this place.] p. 430

1840

Jackson to Russell, No. 6. Transmits a requisition for stationery, for the year 1840. p. 431 January 13, Montreal.

Enclosed:

Requisition. p. 435

Jackson to Russell, No. 7. Transmits a further report of Executive Council on the claim of Miss S. S. Holland. Requests copy of Stephen's letter to the Treasury, of 25 June, 1839, in the absence of which letter, the Council have been unable to furnish the information required on this case. p. 437 January 14, Montreal.

Enclosed:

Report of Council, 30 December, 1839. p. 440

Jackson to Russell, No. 8. Transmits an extract from the message of the Governor of Maine, respecting the military occupation of the disputed territory, and gives his observations thereon. p. 443 January 16, Montreal.

Enclosed:

Extract of Message, 3 January, 1840. p. 449

Jackson to Russell, No. 9. Refers to Russell's despatch No. 23, of 23 October, 1839, and transmits documents concerning the fate of Rev. Auguste Vilain. It appears that Vilain was known in Lower Canada, as Antoine Villade. [Enclosures not at this place.] p. 459 January 17, Montreal.

Jackson to Russell. No. 10. [See Q. 270, pt. 2, p. 322.] January 19, Montreal.

Jackson to Russell, No. 11. Acknowledges Russell's despatch No. 46, of 30 November, and states that Capt. Charles Wetherall was appointed stipendiary magistrate at Laprairie, 15 July, 1839, at a salary of £270 per annum. The only other military officers with the same office are Lieut. T. Rainsford and Capt. T. Colman, whose appointments were reported in Colborne's despatch No. 99, of 27 July, 1839. p. 467 February 11, Montreal.

Jackson to Russell, No. 12. Transmits a communication from Nicholas Fuchs to the Consul General of Switzerland, requesting information respecting his son-in-law, James Beveridge. [Enclosure not at this place.] p. 471 February 12, Montreal.

Unsigned to J. Backhouse [Under Secretary for Foreign Affairs]. [Draft.] Transmits copy of Jackson's despatch No. 8, of 16 January, and points out the incorrectness of the statement made by the Governor of Maine with respect to military occupation of the disputed territory. Requests Palmerston's opinion as to the necessity of making a remonstrance to the Government of the United States. p. 453 February 15, [Colonial Dept.]

Unsigned to Jackson, No. 6. [Draft.] Expresses thanks for the clear exposition given in Jackson's despatch No. 8, of 16 January, with respect to measures taken in the disputed territory. Transmits February 19, [Colonial Dept.]

1840 copy of despatches on this subject, which were addressed to the Governor General, on 6 February, 1840. [Enclosures not at this place.] p. 456

February 19, Montreal. Jackson to Russell, No. 13. Transmits returns required by an address from the House of Commons, 7 May, 1839. p. 473

Enclosed:

Return of public lands granted or sold, 1834-37, Quebec, 14 August, 1839. [Other enclosures not at this place.] p. 475

February 25. [Colonial Dept.] Unsigned to Jackson, No. 7. [Draft.] Refers to Jackson's despatch No. 7, of 14 January, and transmits copy of Stephen's letter to the Treasury, 25 June, 1839, with respect to the claim of Miss S. S. Holland. [Enclosure not at this place.] p. 439

February 27. [Colonial Dept.] Unsigned to C. E. Trevelyan [Assistant Secretary of the Treasury]. [Draft.] Transmits returns of revenue and expenditure contained in Jackson's despatch No. 3, of 6 January. p. 421

February 27. [Colonial Dept.] Unsigned to Trevelyan. [Draft.] Transmits copy of the requisition for stationery contained in Jackson's despatch No. 6, of 13 January, and requests compliance therewith. p. 432

February 27. [Colonial Dept.] Unsigned to D. St. André. [Draft.] Transmits documents respecting the fate of Rev. Auguste Vilain, which were contained in Jackson's despatch No. 9, of 17 January. p. 461

March 7, [Colonial Dept.] Unsigned to C. P. Thomson [Governor-in-Chief], No. 84. [Draft.] States that instructions have been given to supply the stationery which was requested in Jackson's despatch No. 6, of 13 January. p. 433

March 11. [Colonial Dept.] Unsigned to Jackson, No. 8. [Draft.] Acknowledges Jackson's despatch No. 10, of 19 January, and approves of proceedings detailed therein. Jackson is to apply to the Governor General for information as to the views held by the Government with respect to the disputed territory. p. 463

March 26. [Colonial Dept.] Unsigned to L. Sulivan [Deputy Secretary at War]. [Draft.] Transmits copy of Jackson's despatch No. 11, of 11 February, respecting stipendiary magistrates in Lower Canada. p. 469

March 31. [Colonial Dept.] Unsigned to Jackson, No. 9. [Draft.] States that instructions have issued to pay Jackson his military allowances as Commander of the Forces. p. 373

April 4, Montreal. Jackson to [Russell], private. Acknowledges Russell's private letter of 31 December, requesting a private opinion as to the occupation of posts on the St. John River, upon which Sir John Harvey and Sir Colin Campbell differ. Transmits a map of this area and discusses the question from different angles. p. 476

May 16. [Colonial Dept.] Unsigned to C. P. Thomson [Governor-in-Chief], No. 128. [Draft.] Requests information respecting the appointment of Lieut. John Mackenzie, as clerk of the court at Terrebonne. This information is required by the Secretary at War. Points out that the Blue Books for 1838 and 1839, have not arrived, although the former should have been sent in Thomson's despatch No. 11, of 17 November. p. 499

Jackson to Russell, No. 14. States that he has assumed the administration of the government of Lower Canada, during the Governor's absence. 1840 July 8, Quebec. p. 482

Enclosed:

Proclamation. p. 484

Jackson to Russell, No. 15. Transmits the usual certified copy of the proceedings of the Executive Council of Lower Canada, for the six months ending 30 June, 1840. [Enclosure not at this place.] July 8, Quebec. p. 489

Jackson to Russell, No. 16. Transmits statements of revenue and expenditure on account of Crown lands and licences to cut timber. [Enclosures not at this place.] July 24, Quebec. p. 491

Jackson to Russell, No. 17. Refers to Russell's despatch No. 128, of 16 May, and transmits copy of a letter from Lieut. John Mackenzie, respecting his appointment as clerk of the Court of Requests at Terrebonne. July 25, Quebec. p. 493

Enclosed:

Lieut. John Mackenzie to T. W. C. Murdock [Chief Secretary], Terrebonne, 15 July, 1840. p. 495

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PUBLIC OFFICES, 1840

HOUSE OF COMMONS

Orders for returns to the House of Commons:

(1) For the expenses of, and appointments connected with the mission of Rt. Hon. C. P. Thomson, Governor General of Canada. February 18. p. 3

(2) For a copy of Thomson's despatch of 13 March, 1840, respecting the St. Sulpice estates. April 6. p. 5

(3) For the names of all persons indicted for high treason in Lower Canada, since 1 January, 1838, who are said to have fled the province, and of all those who have been tried, stating the result of such trial. April 14. p. 6

(4) For a copy of Lower Canada Ordinance, cap. 27. p. 7 April 15.

(5) For the names of Commissioners to investigate Rebellion losses in Lower Canada, and the amount of their salaries and contingencies. July 10. p. 10

1840 Orders for returns to the House of Lords:

April 6. (1) For a copy of Thomson's despatch of 13 March, 1840, respecting the St. Sulpice estates. p. 4

June 23. (2) For a copy of the Royal Instructions to Thomson. p. 8

June 23. (3) For copies or extracts of reports made by the Governors of Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland, in consequence of the letter of the Secretary of State, 16 October 1839, respecting the patronage of their several governments. p. 9

ADMIRALTY

February 13, Admiralty. Sir John Barrow [Second Secretary of the Admiralty] to J. Stephen [Under Secretary]. Requests to be informed as to whether Russell is of opinion that the public should be charged with the expense of transporting Featherstonhaugh, one of the Boundary Commissioners, who was afforded a passage from Quebec to Rimouski. p. 12

February 22, Admiralty. Barrow to Stephen. Transmits copy of a letter from E. H. Chapman, the present contractor for Canada masts, and points out particulars concerning these contracts. Requests that instructions should be given to the Government in Canada to enable the contract to be carried out. p. 13

Enclosed:

(1) E. H. Chapman to the Store Keeper General of the Navy, 2 Leadenhall St., 22 January, 1840. Points out difficulties and requests assistance. p. 19

(2) Clause in the licences of the Commissioners for the sale and management of Crown lands, referred to in Chapman's letter of 22 January, 1840. p. 22

March 17, Admiralty. Barrow to Stephen. Transmits, with reference to the order for a return to the House of Commons, 18 February, information respecting the cost of transporting the Rt. Hon. C. P. Thomson and his suite. States that the cost of entertainment on board was £424.14.0. p. 24

Enclosed:

Return of the expense of fittings and cabin furniture, 14 March, 1840. Amounts to £251.10.5. p. 25

March 31, Admiralty. Barrow to Stephen, immediate. Acknowledges letter of 27 March, and transmits an account for the year 1839-40 of expenses incurred in connection with the late disturbances in the Canadas, together with a report from the Accountant General of the Navy. Requests information as to whether the other accounts mentioned therein, will be required. p. 26

Enclosed:

(1) Statement. 10 December, 1840. p. 31

(2) J. T. Briggs [Accountant General of the Navy] to The Secretary of the Admiralty, 30 March, 1840. Explains the system on which this statement was prepared. A more accurate account is now in course of preparation. p. 28 **1840**

Unsigned to Barrow, immediate. [Draft.] Transmits copy of a letter from Messrs. Brockelbank and Rolt, applying for permission to cut timber on the Crown lands in Canada in order to compete with Messrs. Chapman in the performance of the contract to supply masts for the Admiralty. Requests to be informed as to whether this application is entitled to equal consideration. Transmits also copy of a letter from Messrs. Gould and Downie on the same subject. [Enclosures not at this place. See Q. 277, pt. 1, pp. 7, 179.] p. 35 April 3, [Colonial Dept.]

Unsigned to Barrow. [Draft.] States that as the accounts which are in course of preparation, with respect to the late insurrection in the Canadas, are not to be paid out of the vote for 1838, they are not required by Russell. p. 27 April 7, [Colonial Dept.]

Barrow to Stephen. Acknowledges Stephen's letter of 3 April, and refers to the Admiralty letter of 22 February, stating the grounds upon which instructions should be given to the Government of Canada respecting the supply of masts for the navy. Prices should not be reduced for the contractors. States that there is no contract with Messrs. Gould and Downie. Declares, with reference to the limitation of contracts, that the number of masts which each contractor may cut is defined by the contract. p. 32 April 14, Admiralty.

Unsigned to Barrow. [Draft.] Acknowledges letters of 22 February and 14 April, and states that instructions have issued to the Governor General with regard to the applications of Messrs. Chapman, Brockelbank and Rolt, for facilities for cutting masts for the navy. p. 18 May 4, [Colonial Dept.]

Barrow to Stephen. Acknowledges letter of May 30, and states that the Admiral Commanding on the North American and West India station has been furnished with a copy of the despatch from the Governor General of British North America, enclosing representations by Mr. E. Labadie, respecting the ill-treatment accorded to British fishermen by foreign vessels. p. 37 June 3, Admiralty.

Barrow to Stephen. Requests to be informed as to whether the public should pay the expense of the passage granted to Lt.-Gen. Sir Richard Jackson, Commander of the Forces, during his inspection tour through the Canadas. p. 38 August 18, Admiralty.

Unsigned to Barrow. [Draft.] Acknowledges letter of 18 August, and states that the expense of Jackson's passage during his tour of inspection should be paid from the extraordinaries of the army. p. 39 August 25, [Colonial Dept.]

COMMANDER-IN-CHIEF

Lord Fitzroy Somerset [Secretary at the Horse Guards] to Stephen. Requests a copy of the Duke of Wellington's letters to Earl Bathurst, 1 March, 1819, and 6 December, 1825. p. 43 January 31, Horse Guards.

1840

February 24, Horse Guards. Fitzroy Somerset to Stephen. Acknowledges letter of 21 February, and states that the Department has no information respecting the expense of the outfit, etc. of the Rt. Hon. C. P. Thomson and his suite. p. 44

March 13, Horse Guards. Fitzroy Somerset to Stephen. Acknowledges letter of 13 June, and transmits a communication from the Judge Advocate General, in reply to a reference on the subject of the courts martial for the trial of prisoners concerned in the late Rebellion in Lower Canada. p. 45

Enclosed:

Sir George Grey to Fitzroy Somerset, Judge Advocate General's Office, 12 March, 1840. States that the proceedings appear to be in accordance with military law and usage. p. 46

August 18, Horse Guards. Fitzroy Somerset to Stephen. Transmits copy of a despatch from Sir Richard Jackson, Commander of the Forces, proposing to freight a vessel annually for the conveyance of invalids. If no intimation is received prior to 10 September, a vessel will be sent for that purpose from the United Kingdom. p. 48

Enclosed:

Jackson to Fitzroy Somerset, Sorel, 13 July, 1840. Transmits letter and memorandum respecting invalids. p. 50

Sub-enclosures:

(i) J. Skey, M.D. [Inspector General of Hospitals] to Jackson, Montreal, 29 June, 1840. Points to the evil effects of the irregularity with which invalids are sent home, and suggests that they should not be collected at Quebec until the first day of the month on which they are to be sent home. p. 51

(ii) Memorandum of John Eden [Deputy Adjutant General], Montreal, 16 July, 1840. Agrees with Skey, and proposes that a vessel should be freighted annually. p. 54

August 31. [Colonial Dept.] Unsigned to Barrow. [Draft.] Transmits copy of papers concerning the proposal to freight a vessel annually for the trnaportation of invalids, and requests to be informed as to any objections thereto. [See above.] p. 49

September 11, Admiralty. Barrow to Stephen. Acknowledges Stephen's letter of 31 August, and states that there is no objection to the proposal of Jackson, respecting the transportation of invalids. p. 41

September 18. [Colonial Dept.] Unsigned to Fitzroy Somerset. [Draft.] Acknowledges letter of 18 August, and states that as the Admiralty has no objection to the proposal for the transportation of invalids, Russell approves of authority being given to Jackson to enable him to carry out the project. p. 40

October 9, Horse Guards. Fitzroy Somerset to Russell. Transmits extract of a letter from Sir Richard Jackson drawing attention to a document lately published by order of Congress, entitled *National Defence and National Foundries*, in a letter from the Secretary at War, 15 May, 1840. p. 56

1840

Enclosed:

Extract of a letter from Jackson to Fitzroy Somerset, Sorel, 23 August, 1840. Draws attention to that part of the document published by the United States, which states that the Lake Champlain route is the one best fitted for the invasion of British territory. p. 57

COUNCIL OFFICE

Lord John Russell [Secretary of State] to The Lord President of the Council. Requests that instructions should issue for a device for a seal for Canada, to be laid before the Queen. p. 61 July 31, Downing St.

Unsigned to The Lord President of the Council. [Draft.] Transmits drafts of the commissions and instructions to Thomson, as Captain General and Governor-in-Chief of the Province of Canada. [Enclosure not at this place.] p. 60 August 8, Downing St.

Order-in-Council. [Not transcribed. See Q. 273, pt. 2, p. 301.] p. 62 August 10.

BOARD OF TRADE

Denis Le Marchant [Secretary to the Board of Trade] to Stephen. Acknowledges Stephen's letter of 11 November, 1839, and makes observations on the Lower Canada ordinances submitted therewith. No. 53, to incorporate the Canada Marine Insurance Company, has objectionable features which should be drawn to the attention of the Governor General, in order that it may be amended, if necessary. There is no objection to Ordinances Nos. 55 and 92. Points to the regulations for inspection laid down in Ordinances Nos. 57, 62, 69, 106-112, and states that the Governor's attention should be called to the question as to whether these regulations interfere with trade. With respect to Ordinance No. 66, consideration should be given as to the wisdom of creating a Trinity House at Montreal, independent of that established at Quebec. No. 109 contains stringent and rather inquisitorial provisions. p. 64 January 28, Whitehall.

Le Marchant to Stephen. Acknowledges letter of 26 March, and states that, under the circumstances stated by the Directors of the Bank of British North America, the charter may be completed immediately. p. 68 March 28, Whitehall.

Le Marchant to Stephen. Acknowledges letter of 15 May, and states that in view of the representations made from Nova Scotia and New Brunswick, with respect to the section of the Imperial Statute 2 and 3 Victoria, cap. 44, which prohibits the carriage of deck loads by timber vessels, it has been decided to confine this prohibition to voyages across the Atlantic to ports of the United Kingdom, and to extend it in such cases to deck loads of any description of wood. Legislative provision is to be made. p. 69 June 15, Whitehall.

Le Marchant to Stephen. Acknowledges letter of 9 July, and gives reasons for which the Lords of Trade cannot agree with objections raised by H. Bliss to the bill to prohibit timber vessels from carrying deck loads. p. 71 July 13, Whitehall.

1840
November 26, Board of Trade. Le Marchant to R. Vernon Smith [Under Secretary]. Acknowledges letter of 25 November, and states that he has no recollection of any pledge given to E. Dowling, to induce him to accept office as Sydenham's legal adviser. p. 76

FOREIGN OFFICE

January 9, Foreign Office. J. Backhouse [Under Secretary for Foreign Affairs] to Stephen. Requests to be informed as to whether the public records of the Massachusetts Council, 1765-1775, are deposited in the Colonial Office. This information is desired with reference to an application made by the American Minister. p. 78

January 29. [Colonial Dept.] Unsigned to Backhouse. [Draft.] Transmits copy of a letter from Dr. [T.] Rolph, respecting the surrender of fugitive slaves, and states that Russell has requested a report from the authorities of Martinique with respect to Rolph's allegations as to the surrender of slaves to the authorities at St. Lucia. [Letter not at this place.] p. 86

January 30, Foreign Office. Backhouse to Stephen. Acknowledges letter of 30 December, enclosing copy of a correspondence with Dr. T. Rolph of Upper Canada, and of a petition to the Queen from the coloured population of that province, relating among other things to the surrender of fugitive slaves. States that there is no ground upon which slaves in the United States can claim to be British subjects. Points out that there is no treaty for the surrender of runaway slaves, and any such treaty should not contain a clause for such surrender on the charge of robbery for carrying off the clothes which he wears. No person can be tried by a Canadian tribunal for an offence committed in the United States. The Foreign Office knows nothing of the surrender of slaves as a natural course. p. 79

January 30, Foreign Office. Backhouse to Stephen. Acknowledges letter of 31 December, and states that Palmerston sees no objection to extending the extradition convention with the United States, to include maiming, assault with intent to main or murder, burglary and the burning of vessels or boats. It must not include runaway slaves charged with stealing the clothes they wore when running away. Horse stealing may be included among the crimes. Discusses the extent to which the convention should apply. p. 82

February 14. [Colonial Dept.] Unsigned to Backhouse. [Draft.] Acknowledges letter of 30 January, and states that Russell is in accord with the views expressed therein, with reference to the proposed extradition convention. Agrees in particular with the views expressed as to the extent to which this treaty should apply, in order to avert prosecution of persons who acted to suppress the recent insurrection. p. 88

March 9, Foreign Office. Backhouse to Stephen. Transmits extract of a letter from A. Stevenson, the American Minister, requesting copies of certain treaties made with the Indians prior to 1780. p. 90

Enclosed:

Extract. March 2, 1840. p. 92

Unsigned to Backhouse. [Draft.] Acknowledges letter of 9 March, and states that Russell is of opinion that Stevenson should be required to state which Indian treaties he wishes to see. p. 91 **1840** March 16. [Colonial Dept.]

Backhouse to Stephen. Transmits a letter from Mrs. H. Robinson, requesting to be informed as to whether Philipsburgh is within the British dominions. p. 93 March 17, Foreign Office.

Enclosed:

Hannah Robinson to Secretary of State for Foreign Affairs, 2 Sandford St., Canal St., Manchester, 26 February, 1840. p. 94

Backhouse to Stephen. Refers to previous correspondence relating to the proposed extradition convention with the United States, and transmits an amended draft thereof. Upon consideration, Palmerston thinks that horse stealing and robbery should be excluded from the list of crimes enumerated in the convention, and wishes to be informed as to Russell's opinion on this subject. p. 96 April 1, Foreign Office.

Enclosed:

Draft of convention. p. 99

Unsigned to Backhouse. [Draft.] Acknowledges letter of 1 April, and states that Russell concurs in the exclusion of horse stealing and robbery from the crimes enumerated in the proposed extradition convention. Subject to this alteration, the draft meets Russell's approval. p. 98 April 9. [Colonial Dept.]

Backhouse to Stephen. Transmits copy of a despatch from Earl Granville, respecting the departure of H. Forsans, for Canada. p. 106 April 18, Foreign Office.

Enclosed:

Earl Granville [H.M. Minister to France] to Palmerston, separate, Paris, 13 April, 1840. Transmits copy of a letter. p. 108

Sub-enclosure:

Unsigned to Granville, no date. States that Henry Forsans has left for Canada where he intends to confer with the Roman Catholic priests, and to bring them the orders of the Sulpicians. [In French.] p. 109

Unsigned to C. P. Thomson [Governor-in-Chief], No. 118. [Draft.] Transmits copy of the Foreign Office letter of 13 April, relative to H. Forsans. p. 107 April 26. [Colonial Dept.]

Backhouse to Stephen. Transmits copy of a despatch from H.M. Minister at Washington, respecting the desertion of the British seaman, E. Biggs, and his enlistment in the army of the United States. p. 110 April 27, Foreign Office.

Enclosed:

H. S. Fox to Palmerston, No. 56, Washington, 30 December, 1839. p. 111

1840 Sub-enclosures:

(i) Capt. R. C. Baynes to Fox, H.M.S. *Andromache*, New York, 25 October, 1839. p. 114

(ii) Fox to Baynes, Washington, 5 November, 1839. p. 116

(iii) Baynes to Fox, New York, 8 November, 1839. p. 119

HOME OFFICE

February 11, Home Office. Col. C. Yorke to Stephen. Mentions that Sir Willoughby Gordon wishes to have a copy of the letter which settled the question of Sir Richard Jackson's allowances. p. 121

July 18, Whitehall. S. M. Phillipps [Under Secretary, Home Department] to Stephen. Transmits copy of a letter from A. R. Steele, who has a warrant against Robert Birne, a felon, who has proceeded to Canada. Requests that assistance be given to the officer entrusted with the warrant. p. 122

Enclosed:

A. R. Steele to Phillipps, 87 Hatton Gardens, 17 July, 1840. p. 125

July 21. [Colonial Dept.] Unsigned to the Officer Administrating the Government of Upper or Lower Canada. Transmits copy of Phillipps's letter, of 18 July, and requests that assistance should be given to the bearer of this despatch, who is entrusted with the warrant for the apprehension of Robert Birne. p. 124

LAW OFFICERS

April 20, Temple. Law Officers to Stephen. Acknowledge Stephen's letter of 5 December, and state that there is no doubt as to the power of the North American Colonial Association to purchase and hold lands in the colonies. p. 128

May 18, Temple. Law Officers to Russell. Acknowledge letter from R. Vernon Smith, of 8 April, and give opinion on matters relating to the contract of the British American Land Company. p. 130

May 20, Montreal. Thomson to Russell, No. 109. [Not transcribed. See Q. 272, pt. 1, p. 136.] p. 157

May 27. [Colonial Dept.] Unsigned to H. P. Bruyeres. [Draft.] States that H.M. Government declines to accept the terms offered by the directors of the British American Land Company, in their letter of 14 December. Unless the Company make good their engagement Russell will instruct the Governor General to enforce the contract. p. 133

June 28, Montreal. Thomson to Russell, No. 133. [Not transcribed. See Q. 272, pt. 2, p. 484.] p. 154

July 21, Colonial Dept. Unsigned to Law Officers. [Draft.] Requests a report as to whether a Lower Canada ordinance of unlimited or permanent duration, not suspended for the Royal pleasure, will have effect in the province, prior to confirmation, and before being laid before both Houses of Parliament. p. 137

1840

Law Officers to Russell. Acknowledge letter from Vernon Smith, of 21 July, and state that Lower Canada ordinances of permanent or unlimited duration come into operation from the time they are passed unless they are reserved or suspended. Explain that the form referred to in 2 and 3 Victoria, cap. 2, does not make them law, but is merely an intimation that they will not be disallowed. The enactment which provides for laying ordinances before Parliament for 30 days, merely gives an opportunity to address the Crown, praying for disallowance. p. 135 July 27, Temple.

Unsigned to Law Officers. [Draft.] Transmits copy of the Act of Union and requests a report on clauses 1, 4, 27, and 59 thereof. p. 142 July 31, Downing St.

Law Officers to [Russell]. Acknowledge letter from Vernon Smith, of 1 August, and transmit a paper containing answers and suggestions to the queries submitted with respect to the Act of Union. p. 141 August 3, Temple.

Enclosed:

Answers and suggestions relating to the Act of Union, Temple, 3 August, 1840. p. 146

Unsigned to Attorney General. [Draft.] Transmits draft commission for the Governor of the province of Canada, and requests that it should be revised without delay. [Enclosure not at this place.] p. 145 August 13, Downing St.

Law Officers to Russell. Acknowledge letter from Vernon Smith, of 4 August, and report that the Lower Canada ordinance for incorporating the St. Sulpice Seminary and for extinguishing seigniorial rights within their possessions, is not opposed to any rule of law or equity. p. 151 August 19, Temple.

Law Officers to Russell. Acknowledge letter from Stephen, of 24 June, and report upon the power of the Crown to commute, seigniorial rights in a portion of the seigniories. Such commutation must take place upon a whole fief. It is not necessary to surrender any part of the fief except that portion which remains ungranted. p. 155 August 22, Temple.

Unsigned to Law Officers. [Draft.] Refers to letters of 20 August respecting 42 Lower Canada ordinances, and requests to be informed as to whether there is any reason why they should not be confirmed, before they are laid before Parliament. p. 164 November 6, Downing St.

Law Officers to Russell. Acknowledge letter from Vernon Smith, of 20 August, and report upon 42 Lower Canada ordinances submitted therewith. Have also considered the petition for the disallowance of these ordinances, which was transmitted in Stephen's letter of 8 September. Discuss this petition and state that all the ordinances with the exception of Nos. 125, 130, and 134, ought to be confirmed. Nos. 125, and 134, confer civil and political rights on aliens, which is *ultra vires*. No. 130, may continue enactments affecting the temporal and spiritual rights of ministers of a religious communion in which case it cannot be extended beyond 1842. p. 158 November 13, Temple.

[1841]
January 5, Downing St. Unsigned to Law Officers. [Draft.] Refers to report of 13 November, and requests a further report upon the Lower Canada Ordinance No. 130. Transmits copies of Ordinances Nos. 64 and 73 which are made permanent by No. 130. Requests a report upon Ordinance No. 129, for extending the provisions of the Quebec Police Ordinance, to the district of St. Francis p. 162

TREASURY

1840
January 15, Treasury Chambers. G. J. Pennington to Stephen. Refers to Stephen's letter of 18 June, 1839, and states that the Treasury will not require a refund of the field allowances issued to officers serving in Canada. Declares that this question should have been submitted to the Treasury, previous to issue. p. 166

January 18, Treasury Chambers. Pennington to Stephen. Refers to previous correspondence and requests to be informed as to whether it will be necessary to make any further advances to Lt.-Col. Phillpotts on account of the survey of the inland navigation of Upper and Lower Canada. p. 167

January 20, Treasury Chambers. F. Baring [Joint Secretary of the Treasury] to Stephen. Requests to be informed as to the sum remitted from Canada in aid of the expenses of Durham's mission. p. 170

January 25. [Colonial Dept.] Unsigned to Pennington. [Draft.] Acknowledges letter of 18 January, and states that it will be necessary to refer to Canada before giving a reply as to further advances to Lt.-Col. Phillpotts. p. 169

February 5, Treasury Chambers. C. E. Trevelyan [Assistant Secretary to the Treasury] to Stephen. Transmits papers respecting the provision made by the Commissariat for the accommodation of the Governor General. p. 171

Enclosed:

(1) R. I. Routh [Commissary General] to Spearman, No. 3793, Montreal, 7 December, 1839. Explains the circumstances under which the Governor General complained of services accorded to him. p. 172

Sub-enclosures:

(i) T. C. Murdock [Chief Secretary] to Commissary General, Toronto, 22 November, 1839. p. 175

(ii) Routh to Murdock, Montreal, 6 December, 1839. p. 177

(iii) D. Taylor [for A. Whipple] to J. B. Price [Deputy Commissary General], Montreal, 4 December, 1839. p. 183

(iv) Col. G. Couper [Military Secretary] to Routh, Quebec, 28 July, 1838. Expresses satisfaction with the arrangements made to transport Durham to and from Niagara p. 185

(2) Treasury Minute, 31 January, 1840. p. 186

February 6, Treasury Chambers. Trevelyan to Stephen. Transmits copy of a report from the Commissioners of Audit, requesting an explanation as to the imprests made to the British Consul at New York, to enable him to procure information respecting the rebellion in Canada. p. 188

Enclosed: **1840**

Commissioners of Audit to Treasury, Audit Office, 31 January, 1840. p. 191

Trevelyan to Stephen. Acknowledges letter of 6 November, 1839, and states that the Treasury has approved of a grant of 10s. per day to officers who served on courts martial for the trial of political prisoners in Canada. p. 194 February 6, Treasury Chambers.

Trevelyan to Stephen. Transmits copy of a letter from the Commissary General, with a copy of the order to raise a volunteer corps at Quebec, and requests to be informed as to whether Russell had concurred in this arrangement. p. 197 February 6, Treasury Chambers.

Enclosed:

Routh to A. Y. Spearman [Assistant Secretary to the Treasury], Montreal, 25 November, 1839. p. 199

Sub-enclosure:

General Order. 21 November, 1839. p. 200

Trevelyan to Stephen. Transmits copy of a letter from the Commissary General, and requests to be informed as to whether the arrangement stated therein, with respect to a temporary residence for the Governor General, meets with Russell's approbation. p. 202 February 7, Treasury Chambers.

Enclosed:

Routh to Spearman, Montreal, 7 December, 1839. p. 204

Sub-enclosures:

(i) Capt. L. Robinson to ————, 4 November, 1839. States the terms upon which he consents to the occupation of his father's premises. p. 205

(ii) Endorsements of above arrangement. p. 207

Stephen to Trevelyan. Transmits copy of a correspondence relating to the issue of pay to the Governor General and his staff, and points out that the Commissary General has been instructed to keep a separate account of disbursements under the arrangement made by the minute enclosed in Russell's letter of 2 September. p. 209 February 8, Treasury Chambers.

Enclosed:

(1) Routh to Spearman, No. 3801. 19 December, 1839. Transmits copy of a letter to the Military Secretary requesting information respecting pay. p. 212

Sub-enclosure:

Routh to Major Hall, Commissariat, 19 December, 1839. p. 215

(2) Trevelyan to Commissary General, No. 2036. Treasury Chambers, 7 February, 1840. States that opinion will be reserved until the Treasury shall have seen the answer to Routh's letter of 19 December. p. 214

1840

Attached:

Warrant for an advance to Capt. T. E. Campbell, 12 December, 1839. p. 221

February 13. [Colonial Dept.] Unsigned to Trevelyan. [Draft.] Acknowledges letter of 6 February, and states that Russell has not received an official report as to the corps referred to therein. p. 198

February 13. [Colonial Dept.] Unsigned to Trevelyan. [Draft.] Acknowledges letter of 29 January, and states that instructions have been issued to the Governor General, respecting the substitution of pecuniary aid for the relief in kind hitherto granted to pensioners in Lower Canada. p. 211

February 14. [Colonial Dept.] Unsigned to Trevelyan. [Draft.] Acknowledges letter of 7 February, and states that Russell does not object to the arrangement for a temporary residence for the Governor General, while at Toronto. p. 203

February 14. [Colonial Dept.] Unsigned to Lord Seaton. [Draft.] Transmits copy of Trevelyan's letter of 6 February, and requests a report upon this expenditure which was made during his administration of the Government of Canada. p. 189

February 20, Treasury Chambers. R. Gordon [Secretary to the Treasury] to Stephen. States that the name of C. E. Trevelyan has been substituted for that of A. Y. Spearman, as joint trustee for the stock appertaining to the Clergy Reserve funds of Canada. Requests that the necessary instructions be issued. p. 222

February 24. [Colonial Dept.] Unsigned to Trevelyan. [Draft.] Acknowledges letter of February 6, and states that in view of the explanation which has been given by Lord Seaton, Russell is satisfied that the imprests paid to the British Consul at New York, should be charged to the secret or special service. p. 190

February 24, Treasury Chambers. Gordon to Stephen. Transmits a return of the expense incurred in the mission of Rt. Hon. C. P. Thomson and his suite. p. 223

Enclosed.

Return. p. 224

February 28, Treasury Chambers. Trevelyan to Stephen. Requests to be informed as to whether Russell is satisfied that sums advanced to Col. Hon. C. Gore, and to B. Daley, were duly applied to objects connected with the military operations in Canada. p. 262

February 28, Treasury Chambers. Trevelyan to Stephen. Refers to letter of 13 February, and requests that a report should be called for, respecting the volunteer corp said to have been raised at Quebec. Points to the need of putting an end to the extraordinary expenditure which has been unavoidably incurred in connection with the insurrection in Canada. Trusts that business will soon resume its normal channel. States that instructions are intended to be issued to bring up the arrears in the accounts and to obtain a list of all extra allowances so that those which are no longer necessary may be discontinued. p. 264

Trevelyan to Stephen. Acknowledges letter of 11 February and requests to be informed as to whether, under the circumstances, Russell would be in favour of retaining the services of J. Picard, as interpreter at Quebec. p. 260 **1840** February 28, Treasury Chambers.

Gordon to Stephen. Transmits copy of the contract for the conveyance of the British North American mails. p. 226 February, Treasury Chambers.

Enclosed:

Contract with S. Cunard, 4 July, 1839. p. 227

Unsigned to Trevelyan. [Draft.] Acknowledges letter of 28 February, and states that Russell is of opinion that the services of J. Picard should be retained. p. 261 April 2. [Colonial Dept.]

Gordon to Stephen. Transmits copy of Barrow's letter of 22 May, respecting the agreement made with Cunard for the transfer of mails during the winter months. p. 256 May 28, Treasury Chambers.

Circular transmitting correspondence respecting the transfer of the British North American mails. The mails are to run only once a month from November to February. p. 255 June 5, Downing St.

Enclosed:

(1) Sir John Barrow [Second Secretary to the Admiralty] to Gordon, Admiralty, 22 May, 1840. p. 257

(2) S. Cunard to Barrow, Glasgow, 25 April, 1840. p. 259

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PUBLIC OFFICES, 1840

TREASURY—*Continued*

C. E. Trevelyan [Assistant Secretary to the Treasury] to J. Stephen [Under Secretary]. Acknowledges letter of 27 February, and states that directions have issued to comply with the requisition for stationery for the use of the Civil Secretary's office in Lower Canada. p. 269 March 5, Treasury Chambers.

Trevelyan to Stephen. States that as the Secretary at War has objected to payment of the travelling expenses of officers who served on courts martial for the trial of political offenders, these expenses should be repaid to the Military Chest from the provincial funds. p. 270 March 9, Treasury Chambers.

Enclosed: Accounts for travelling expenses. p. 272

Unsigned to C. P. Thomson [Governor-in-Chief], No. 85. [Draft.] Requests information respecting the formation of a volunteer corps at Quebec. Transmits copy of a letter from the Treasury of 28 February, 1840. [Enclosure not at this place. See Q. 275, pt. 1, p. 264.] p. 267 March 14. [Colonial Dept.]

1840

March 19. [Colonial Dept.] Unsigned to Trevelyan. [Draft.] Refers to letter of 8 February, and requests consideration of Sir Richard Jackson's emoluments as Commander of the Forces. p. 338

Attached:

(1) Memorandum of Jackson respecting his emoluments, 1 December, 1839. p. 341

(2) Marquis of Normanby [Secretary of State] to the General Commanding in Chief, Downing St., 31 August, 1839. [Not transcribed. Note—"This letter was withdrawn and *another substituted* by the Sec. of State for the Colonies omitting the words 'without allowances'—upon my representation to His Lordship. R. D. Jackson."] p. 347

(3) Viscount Howick [Secretary at War] to Jackson, War Office, 16 September, 1839. States that Jackson has been appointed Commander of the Forces in the Canadas, and that he will receive pay without allowances. p. 348

March 25, Treasury Chambers. Trevelyan to Stephen. Acknowledges letters of 8 February and 19 March, and states that instructions have issued for the payment of military allowances to Lt.-Gen. Sir Richard Jackson, from the date on which he assumed the command of the forces. p. 296

March 31, Treasury Chambers. R. Gordon [Joint Secretary to the Treasury] to Stephen. Refers to letter of 23 March, 1839, respecting arrangements whereby officers need no longer attend at the distribution of presents to the Indians in Upper Canada. States that accounts have been submitted for the expenses of two officers of Lower Canada who have attended to this duty in that province. Requests that, if possible, Russell will issue orders for the discontinuance of this practice in Lower Canada. p. 297

March 31, Treasury Chambers. Gordon to R. Vernon Smith [Under Secretary]. Acknowledges letter of 17 June, respecting postal communications between Halifax and Quebec, and requests information as to steps which have been taken to improve these communications. p. 301

April 2, Treasury Chambers Trevelyan to Stephen. Reviews the question of composition money paid for horses owned by military officers and requests that steps be taken to discontinue this levy. p. 303

April 9. [Colonial Dept.] Unsigned to Thomson, No. 101. [Draft.] Transmits copy of Treasury letter of 2 April, and directs that measures be taken to relieve the public from the charge made for composition money for horses owned by officers of the General Staff. p. 307

April 10, Treasury Chambers. Trevelyan to Stephen. Refers to letter of 9 September, 1839, and states that directions have issued with regard to regular transmission of supplies for Indian presents. Requests information as to the discontinuance of presents to visiting Indians, and as to the diminution of the quantity required, which will have resulted from such a policy. p. 308

April 10, Treasury Chambers. Gordon to Stephen. Transmits return to the House of Lords, respecting proceeds of the Clergy Reserve funds invested in the British funds. p. 310

1840

Enclosed:

Return made by the Paymaster of Civil Services, 9 April, 1840. p. 311

Unsigned to Thomson, No. 105. [Draft.] Transmits copy of Treasury letter of 31 March, and directs discontinuance of the attendance of military officers at the distribution of Indian presents, unless there should be some objection to the adoption of this course. p. 300 April 13. [Colonial Dept.]

Unsigned to Trevelyan. [Draft.] Acknowledges letter of 2 April, and states that directions have issued respecting the taxation of horses owned by military officers. p. 306 April 13. [Colonial Dept.]

Gordon to Stephen. Transmits copy of a letter from the Admiralty, respecting the memorial of Mrs. E. Walker praying for the continuance of her pension in spite of her re-marriage. p. 312 April 13. Treasury Chambers.

Enclosed:

Unsigned to the Secretary of the Treasury, Admiralty, 6 April, 1840. [Draft.] States that Mr. Walker has no claim to be reinstated on the pension list. p. 313

Unsigned to Gordon. [Draft.] Acknowledges letter of 31 March, and states that instructions have issued to the Governor General to discontinue the attendance of military officers at the distribution of presents to the Indians in Lower Canada, unless there should be some sufficient reason for continuing this practice. p. 299 April 16. [Colonial Dept.]

Trevelyan to Stephen. Transmits return of the actual expenditure for military and naval services in the Canadas 1838-1840. p. 314 April 16. Treasury Chambers.

Enclosed:

Return of expenditure. p. 316

Trevelyan to Stephen. Requests copy of a letter from Lt.-Gen. Sir Richard Hussey Vivian [Master General of Ordnance] respecting the defences of Canada, together with Stephen's reply thereto. p. 323 April 27.

Trevelyan to Stephen. Refers to letter of 16 March, and states that in compliance with Sir George Arthur's request, Indian stores will be sent to Canada to be used as extra presents to deserving Indians. p. 324 April 30. Treasury Chambers.

Unsigned to ————, circular. [Draft.] Transmits copy of rules and conditions to be observed in charters or legislative enactments for incorporating colonial banking companies. p. 501 May 4. Downing St.

Enclosed:

Rules. p. 502

Trevelyan to Stephen, immediate. States that instructions have issued for the supply of clothing and equipment for the militia and volunteers in the Canadas. p. 327 May 6. Treasury Chambers.

1840

May 9, Treasury Chambers. Gordon to Stephen. Acknowledges letter of 13 April, and states that orders have issued to remit postage on petitions to Parliament which were addressed to R. Gillespie. p. 328

May 14, Treasury Chambers. Trevelyan to Stephen. Transmits copy of a letter from the Ordnance, respecting supplies of clothing and equipment to the volunteers in Canada. p. 329

Enclosed:

R. Byham [Secretary to the Board of Ordnance] to the Secretary of the Treasury, Office of Ordnance, 12 May, 1840. Transmits copy of a report from the store-keeper. p. 331

Sub-enclosure:

Report. 11 May, 1840. p. 332

May 23. [Colonial Dept.] Unsigned to Trevelyan. [Draft.] Acknowledges letter of 14 May, and states that supplies for the volunteers should be sent as soon as possible. Declares that the Ordnance is the best judge as to the points raised in the report of the store-keeper. Trusts that no unserviceable swords or carbines will be sent. p. 330

May 30, Treasury Chambers. Trevelyan to Stephen. Refers to correspondence relating to the emoluments of Sir Richard Jackson, as Commander of the Forces, and requests to be informed as to whether it was intended to omit an allowance for a house in accordance with the arrangement made when the forces were commanded by Lord Seaton. p. 336

June 1, Treasury Chambers. Gordon to Stephen. Transmits copy of a letter from the Admiralty respecting the departure of the Halifax contract vessels. p. 349

Enclosed:

Sir John Barrow [Second Secretary to the Admiralty] to Gordon Admiralty, 21 May, 1840. Requests a decision as to the day and time at which vessels shall leave Liverpool and Halifax. p. 350

June 3, Treasury Chambers. Trevelyan to Stephen. States that directions have issued for investing the sum of £1,166.0.4, which has been paid into the Military Chest on account of Clergy Reserves in Upper Canada. p. 354

June 3. Articles of Agreement with James Tobin for the conveyance of Newfoundland mails. p. 404

June 5, Treasury Chambers. Trevelyan to Stephen. Requests information as to advances made to Capt. Phillpotts for the survey of inland navigation. p. 355

June 6, Treasury Chambers. Trevelyan to Stephen. Transmits copy of a letter from the Receiver General of Upper Canada, and a report from the Executive Council of that province, respecting the dividends from the Clergy, Reserve fund, and giving the decision of the Treasury thereon. p. 357

Enclosed:

J. H. Dunn [Receiver General] to W. Sargent [Paymaster of Civil Services], Receiver General's Office, Toronto, 18 April, 1840. Transmits report of Executive Council and directs compliance with it. p. 361

Sub-enclosure: 1840

Report of Executive Council, Upper Canada, 13 April, 1840. p. 363

Unsigned to Lt.-Col. W. L. Maberly [Secretary to the Post Office]. [Draft.] States that the mails should be sent from the Colonial Office on the 3rd and 18th day of each month. Departure of the vessels from Halifax should be governed by local circumstances. p. 351 June 6. [Colonial Dept.]

Unsigned to Trevelyan. [Draft.] Acknowledges letter of 30 May, and states that it was not intended to give Jackson any advantages over those enjoyed by Lord Seaton, as Commander of the Forces. p. 337 June 9. [Colonial Dept.]

Trevelyan to Stephen. Acknowledges letter of 30 May, and states that the expense of the volunteer corps will be charged on the vote for special services in Canada. p. 371 June 9, Treasury Chambers.

Trevelyan to Stephen. Acknowledges letter of 4 June, and states that £5,000 will be advanced for the emigrant service in Canada, on the distinct understanding that it will be repaid as soon as the union shall have been effected. p. 372 June 9, Treasury Chambers.

Trevelyan to Stephen. Requests a report upon the objection to charging the provincial funds with the travelling expenses of officers who attended courts martial for the trial of political prisoners. p. 369 June 9, Treasury Chambers.

Trevelyan to Stephen. Transmits copy of a report from the Inspector of Small Arms, respecting the proposal to provide percussion locks on guns and rifles for Indian chiefs in Canada, and requests a report thereon. p. 373 June 10. Treasury Chambers.

Enclosed:

Report, 18 May, 1840. p. 374

Gordon to R. Vernon Smith [Under Secretary]. Requests an early reply to the Treasury letter respecting the dates of departure of the North American steam packets. p. 379 June 10. Treasury.

Trevelyan to Stephen. States that instructions have issued for the transfer and investment of £3,033.6.8 on account of the Clergy Reserves of Lower Canada. p. 380 June 13. Treasury Chambers.

Unsigned to Trevelyan. [Draft.] Acknowledges letter of 9 June, and refers to letter from the Colonial Office, of the same date, transmitting a further despatch from the Governor General on the subject of expenses of the courts martial. p. 370 June 15. [Colonial Dept.]

Unsigned to Trevelyan. [Draft.] Acknowledges letter of 10 June, and urges adoption of the report of the Inspector of Small Arms. p. 377 June 18. [Colonial Dept.]

Trevelyan to Stephen. States that instructions have issued for repaying the sum of £122.6.5½, being half the expense of special messengers to New York and Boston. Like payments will be made for the future. p. 381 June 20. Treasury Chambers.

1840

June 22, Treasury Chambers. Trevelyan to Stephen. Acknowledges letters of 9 and 15 June, and states that in consequence of representations made therein, the province will be relieved from payment of the allowances and expenses of officers who served on courts martial for the trial of political offenders. p. 382

June 27, Treasury Chambers. Trevelyan to Stephen. Acknowledges letter of 18 June, and states that instructions have issued to transmit improved guns and rifles to be given as presents to Indians. Officers in Canada are to be instructed to effect reductions with reference to the increased value of these guns and rifles. p. 383

June 29. [Colonial Dept.] Unsigned to Thomson, No. 167. [Draft.] States that improved guns and rifles will be transmitted for use as presents to the Indians. In view of the greater cost involved, all possible reduction should be made in the number distributed. p. 385

June 29, Treasury Chambers. Trevelyan to Stephen. Acknowledges letter of 25 June, and states that orders have issued to advance the sum of £378 to E. Dowling, as legal adviser to the Governor General. Requests to be informed as to arrangements made with respect to Dowling's remuneration. p. 387

July 3, Treasury Chambers. Trevelyan to Stephen. Acknowledges letter of 23 June, with reference to bodies of Indians who have moved to Upper Canada on the discontinuance of the grant of presents to visiting Indians. Directs that these presents shall be given to such Indians as may become resident within some fixed time. p. 390

July 3, Treasury Chambers. Trevelyan to Stephen. Discusses advances made to Lt.-Col. Phillpotts for the survey of inland navigation, and requests information relating thereto. p. 392

July 6. [Colonial Dept.] Unsigned to Thomson, No. 176. [Draft.] Transmits copy of Treasury letter of 3 July, and requests a report upon advances made to Lt.-Col. G. Phillpotts. p. 394

July 9. [Colonial Dept.] Unsigned to Trevelyan. [Draft.] States the circumstances under which Dowling was appointed legal adviser to the Governor General. The extent of his remuneration has been reserved for the decision of that officer. p. 388

July 9, Treasury Chambers. Gordon to Stephen. Acknowledges letter of 27 May, and states the extent to which reductions will be made in the rate of postage between the British Isles and the North American colonies. The Governor General is to appoint a commission to investigate and report upon the British North American post office, its rates of postage, remuneration of officers, and other matters. p. 395

July 14. [Colonial Dept.] Unsigned to Trevelyan. [Draft.] States that the Governor General has not concurred with Arthur in the propriety of sending out Indian stores as extra presents, and requests that arrangements for transmitting them should be suspended. p. 326

July 14, [Colonial Dept.] Unsigned to Gordon. [Draft.] Acknowledges letter of 9 July, respecting the British North American post office, and states that steps will be taken to carry out the recommendations contained therein. p. 400

Unsigned to ————, circular. [Draft.] Transmits copy of Treasury letter of 9 July, respecting the post office, and directs co-operation with the Governor General in obtaining the necessary information for an enquiry into the system in use in British North America. p. 401 **1840** July, Downing St.

Gordon to Stephen, immediate. Acknowledges letter of 2 July, and assents to the substitution of a lower rate of duty upon wines imported into British North America. This change will be effected in any bill that may be submitted to amend the customs law. p. 403 July 14, Treasury Chambers.

Trevelyan to Gordon. Acknowledges letters of 9 and 14 July, and consents to an annual appropriation of £1,500 for the emigrant service. Provision is to be made in the estimates for each year. p. 425 July 18, Treasury Chambers.

Unsigned to Commissioners of Colonial Land and Emigration. [Draft.] States that the Treasury has consented to the expenditure of £1,500 for the emigrant service. Provision is to be made in the estimates for each year. p. 427 July 22. [Colonial Dept.]

Trevelyan to Stephen. Acknowledges letter of 23 July and states that instructions have issued to provide additional supplies for 21 men of the cavalry and 512 of the infantry. p. 428 July 24, Treasury Chambers.

Trevelyan to Stephen. Acknowledges letter of 23 July, and states that directions have issued to add the sum of £1,459.5.0 to the principal invested on account of Lower Canada Clergy Reserves. This step has been taken to remedy the irregularity caused by the method of making payments to the Church of Scotland. p. 429 August 1, Treasury.

Trevelyan to Stephen. Acknowledges letter of 30 May, and states that consent cannot be given to the petition of the Montreal Board of Trade, praying that that harbour should be made a free port. p. 430 August 3, Treasury Chambers.

Enclosed:

(1) D. Le Marchant [Secretary to the Board of Trade] to Gordon, Whitehall, 15 July, 1840. States that without further information, the Board of Trade cannot consent to make Montreal a free port. p. 432

(2) T. Lack [Assistant Secretary to the Board of Trade] to Spring Rice [Secretary], Whitehall, 19 July, 1831. Explains the rights given to the port of Montreal. p. 433

Gordon to Stephen. Transmits copy of a letter from the Admiralty, fixing the dates 1 May and 1 November as the days upon which navigation of the St. Lawrence shall be considered as opened and closed, in relation to Mr. Cunard's contract. p. 435 August 5, Treasury Chambers.

Enclosed:

R. More O'Ferrall [First Secretary of the Admiralty] to Gordon, [Admiralty], 29 July, 1840. p. 436

1840
August 5, Treasury Chambers. Trevelyan to Stephen. Transmits copy of a letter from R. I. Routh, Commissary General, respecting the expense of conveying despatches between Toronto and Kingston, and requests information thereon. p. 439

Enclosed:

Routh to Trevelyan, No. 3998, [Commissariat], Montreal, 19 June, 1840. p. 453

Sub-enclosures:

(i) F. E. Knowles [Deputy Commissary General] to Col. F. Halkett [Assistant Military Secretary], Toronto, 2 May, 1840. States that the charge for conveying despatches between Toronto and Kingston should be defrayed from the provincial funds. p. 443

(ii) Halkett to Knowles, Assistant Military Secretary's Office, 4 May, 1840. Acknowledges letter of 2 May, and states that the question has been referred to the Governor General. p. 445

(iii) Knowles to Halkett, Toronto, 27 May, 1840. Transmits copy of a letter from S. B. Harrison, stating that the Governor General concurs in opinion that the cost of conveying despatches should be met from the Imperial funds. [Letter not at this place.] p. 446

(iv) Halkett to Knowles, May 28, 1840. States that the Lieutenant-Governor requests that payment be made from the Military Chest. p. 447

(v) Contract with W. Weller for conveyance of despatches, Toronto, 25 November, 1839. p. 448

(vi) Account for conveyance of despatches. p. 450

(vii) Receipt given by Weller, Toronto, 28 May, 1840. p. 452

August 5, Treasury Chambers. Trevelyan to Stephen. States that orders have issued to invest £5,000, which has been deposited at Quebec on account of the Clergy Reserve fund of Lower Canada. p. 455

August 7. [Colonial Dept.] Unsigned to Trevelyan. [Draft.] Requests information as to the officer to whom the balance due from the late Earl of Durham should be paid. Transmits copy of a letter from Col. G. Couper stating that the Treasury of Lower Canada is indebted £849 to the credit of Durham's mission. Instructions will be sent to pay that sum into the Military Chest. Encloses a statement of receipts and disbursements in the supplementary account of Durham's mission. [Enclosures not at this place.] p. 459

August 18, Treasury Chambers. Gordon to Stephen. Directs that payment of the balance due from the late Earl of Durham should be made to the Paymaster of Civil Services. The Treasury concurs in the instruction to the Governor General respecting the payment of £849 into the Military Chest at Quebec. p. 457

1840

Gordon to Stephen, immediate. Requests that Russell will urge the Governors of the North American colonies to continue efforts made to improve communications. p. 461 August 19, Treasury Chambers.

Gordon to Stephen. Acknowledges letter of 22 July, and states that directions have issued to adjust the discrepancies found in the Parliamentary return respecting the Clergy Reserve fund. p. 462 August 19, Council Chambers.

Unsigned to Governors of the North American colonies. Circular. [Draft.] Urges adoption of measures to facilitate regular and rapid communications. p. 302 August 24, Downing St.

Unsigned to Lt.-Col. W. L. Maberly [Secretary to the Post Office]. [Draft.] Acknowledges letter of 21 August, and states that Russell has no objection to adopting the suggestion of the Admiralty with reference to the period during which the mails between Pictou and Quebec should be conveyed by the St. Lawrence. p. 441 August 25, [Colonial Dept.]

T. Crafer [for the Secretary] to Stephen. Acknowledges letter of 21 August, and states that there is no objection to the proposed instruction on the subject of sums that may be due from purchasers of Clergy Reserves in Upper Canada. p. 464 September 5, Treasury Chambers.

Gordon to Stephen. Transmits copy of a letter from the Postmaster General, respecting the charge intended to be made by the British American Navigation Company for the conveyance of government despatches. Directs that these despatches should be sent via Boston and Halifax, whenever possible. p. 465 September 7, Treasury Chambers.

Enclosed:

Earl of Lichfield to Treasury, General Post Office, 29 August, 1840. p. 466

Gordon to Stephen. Requests information as to the time during which the packets carrying winter mail between Annapolis and St. John should wait for return mails. p. 468 September 18, Treasury Chambers.

Unsigned to Lt.-Col. W. L. Maberly [Secretary to the Post Office]. [Draft.] Requests information as to the period for which winter packets should wait for return mails at St. John. p. 469 September 23, [Colonial Dept.]

Crafer to Stephen. Gives direction as to the method to be adopted in making payments to the Church of Scotland, out of the Clergy Reserve funds of Lower Canada. p. 470 September 26, Treasury Chambers.

Trevelyan to Stephen. Requests information as to a further advance to Lt.-Col. Phillpotts on account of the survey of internal navigation. p. 472 September 28, Treasury Chambers.

Unsigned to ————, circular. [Draft.] Transmits copy of instructions with respect to security to be given by parties in temporary charge of offices of pecuniary trust in the colonies. p. 510 October 7, Downing St.

Enclosed:

Instructions. p. 511

1840

October 12, Treasury Chambers. Trevelyan to Stephen. Acknowledges letter of 29 September, and states that the Treasury consents to leave the distribution of the emigrant grant to the discretion of the Governor General, provided accounts thereof are furnished. p. 474

October 12, Treasury Chambers. Trevelyan to Stephen. Transmits copy of a letter from the Commissary General respecting sums advanced from the Military Chest on account of the Attorney General of Lower Canada and for state prisoners. Requests to be informed as to Russell's decision as to the repayment of the sums due to the Military Chest by that province. p. 475

Enclosed:

R. I. Routh [Commissary General] to Trevelyan, No. 4114. Quebec, 20 August, 1840. p. 476

Sub-enclosure:

T. W. C. Murdock [Chief Secretary] to Commissary General, Montreal, 17 August, 1840. States that reference has been made to the Colonial Secretary respecting the repayment of these sums. As no reply has been received as yet, the Governor General cannot come to any decision as to the sums mentioned in Routh's letter. p. 477

October 16, Treasury Chambers. Trevelyan to Stephen. Acknowledges letter of 26 September, and states that directions will issue for the admission of the charge for Col. G. Phillpotts' survey of inland navigation. p. 479

October 19. [Colonial Dept.] Unsigned to Sydenham, No. 241. [Draft.] Transmits copy of letter from the Treasury, 6 June, 1840, respecting the dividends from the Clergy Reserve fund, and requests a report thereon. p .368

October 19. [Colonial Dept.] Unsigned to Trevelyan. [Draft.] Acknowledges letter of 12 October, and states that the question of debt payment mentioned therein, was raised in Russell's letter to the Treasury, of 24 July, to which no answer has been received as yet. p. 478

October 20. [Colonial Dept.] Unsigned to Sydenham, No. 242. [Draft.] Transmits copy of Treasury letter of 5 August, respecting the conveyance of mails between Toronto and Kingston, and requests a report thereon. p. 442

November 30, Treasury Chambers. Trevelyan to Stephen. Acknowledges letter of 3 November, and states that the Treasury cannot consent to Lord Sydenham's proposal to waive the charge for furniture retained for the use of the provincial government. p. 481

November 30, Treasury Chambers. Trevelyan to Stephen. Acknowledges letter of 4 November, and consents to allow the charge of £183.10.11, which was paid to forward emigrants from Colonel Wyndham's estate. This may be charged to the fund for the relief of sick and indigent immigrants, on the understanding that no charges of a like nature be made for the future. p. 482

Trevelyan to Stephen. Acknowledges letter of 10 September, and states that the Treasury did not expect that Lord Sydenham could give a pledge for the repayment of the £5,000 advanced for the emigrant service. The sum was advanced on the understanding that application for repayment should be made to the Legislature of the united provinces. p. 484 **1840** December 2, Treasury Chambers.

Trevelyan to Stephen. Acknowledges letter of 30 November, and states that the Treasury concurs in the arrangements made for remuneration to Mr. Dowling, as legal adviser to the Governor General. Orders have issued in this regard. p. 486 December 7, Treasury Chambers.

Trevelyan to Stephen. Acknowledges letter of 24 July, and requests to be informed as to whether the Colonial Department is in receipt of the further report promised by Lord Sydenham, with respect to the means by which aid could be given to Upper Canada, upon the completion of union and a financial settlement between the provinces. p. 487 December 11, Treasury Chambers.

Unsigned to Trevelyan. [Draft.] Acknowledges letter of 11 December, and states that Russell has not yet received Sydenham's report upon the financial assistance required by Upper Canada. p. 490 December 18. [Colonial Dept.]

Gordon to Vernon Smith. Acknowledges letter of 26 November, and states that the Commissioner of Customs has granted additional leave to Major J. Wray, Clerk of the Customs, at Montreal. p. 491 December 18, Treasury Chambers.

Gordon to Stephen. Transmits copy of a letter from the Postmaster General, and points to the necessity of improving communications between the provinces. States there is no foundation for the assumption that the British North American post office is a source of revenue for the British Government. Even before recent reductions in postage, the whole revenue was absorbed by the cost of management. p. 492 December 21, Treasury Chambers.

Enclosed:

Earl of Lichfield to Treasury, General Post Office, 26 November, 1840. Transmits copy of a report from the Deputy Postmaster General of Canada. p. 495

Sub-enclosure:

T. A. Stayner [Deputy Postmaster General] to Lt.-Col. W. L. Maberly [Secretary to the Post Office], Montreal, 27 October, 1840. Reports on steps taken to improve communications. p. 496

Unsigned to ————, circular. [Draft.] Transmits copy of Treasury letter of 21 December, respecting postal communications, and directs that it should be laid before the Legislature. p. 499 December 23. [Colonial Dept.]

Trevelyan to Stephen. Acknowledges letter of 14 December, and states that the Paymaster of Civil Services has been authorized to receive balances due from the account of the Earl of Gosford. p. 500 December 24, Treasury Chambers.

1841 January 28. [Colonial Dept.] Unsigned to Lord Sydenham [Governor-in-Chief], No. 292. [Draft.] States that the Treasury has ordered the investment of £5,000 which has been deposited to the credit of the Clergy Reserve fund of Lower Canada. p. 456

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PUBLIC OFFICES, 1840

ORDNANCE

1840 February 12. Ordnance. R. Byham [Secretary to the Board of Ordnance] to J. Stephen [Under Secretary]. Acknowledges letter of 22 July, and approves of the Lower Canada Ordinance respecting Ordnance property. States that the legal adviser has urged that a clause be added, saving the rights of the Crown, but the Board of Ordnance are of opinion that it would be more advisable to pass a short amendment act, if necessary. p. 3

Note:—Ordnance letters of 4 March, 3 April, 25 April, 4 May (3). Missing. Supposed to be in the Military Department. p. 5

May 6. Ordnance. Byham to Stephen. States that R. Eaton and J. S. Elliott have been instructed to proceed to Canada to investigate and report on Ordnance matters. Requests that Russell will communicate this introduction to the Governor General. p. 7

May 11. [Colonial Dept.] Unsigned to C. P. Thomson [Governor-in-Chief]. No. 123. [Draft.] Transmits copy of Ordnance letter, and directs that such measures as the law officers may advise are to be taken to remedy the defects in the proclamations of 9 and 17 December, 1839, for appropriating land on the St. Louis road, which is required for defence. [Enclosure not at this place. See G. 47, p. 415.] p. 6

May 18. [Colonial Dept.] Unsigned to Byham. [Draft.] Acknowledges letter of 6 May, and transmits copy of a despatch to Thomson. p. 9

Enclosed:

Unsigned to Thomson, 16 May, 1840, separate. [Draft.] Transmits copy of Ordnance letter of 6 May, introducing Messrs. Elliott and Eaton. p. 10

June 19. Ordnance. E. Elliot [for the Secretary] to Stephen. Acknowledges letter of 4 June, and regrets that it is impossible to comply with the request that additional engineer officers should be sent to Canada. These duties could be equally well performed by assistant engineers under the direction of an engineer officer. p. 11

June 25. [Colonial Dept.] Unsigned to Elliot. [Draft.] Acknowledges letter of 19 June, and states that while the arrangement proposed therein may answer the purpose for the moment, it would not be satisfactory in the event of fortifications being undertaken during the course of the next year. p. 13

G. Butler [for the Secretary] to Stephen, immediate. Acknowledges letter of 21 August, and states that supplies for the troops in Canada are now in shipping for Montreal. The additional supplies will be ready next week. p. 15 **1840** August 22, Ordnance.

Byham to Stephen. Requests Russell's opinion as to possible arrangements whereby the heavy charge for postage for the public service could be avoided. p. 16 November 16, Ordnance.

Unsigned to Byham. [Draft.] Acknowledges letter of 16 November, and states that Russell is unable to suggest means of obviating postal charges. p. 17 November 30. [Colonial Dept.]

WAR OFFICE

L. Sulivan [Deputy Secretary at War] to Stephen. Refers to letter of 30 November, and requests information as to the promised report on the appointment of Captain C. Wetherall, as stipendiary magistrate. p. 19 February 28, War Office.

Sulivan to Stephen, immediate. [Draft.] Acknowledges letter of 21 February, and gives information required for a return to the House of Commons, as to the expenses of the outfit, etc., of the Governor General and his suite. p. 21 March 5, War Office.

Unsigned to Sulivan. [Draft.] Acknowledges letter of 28 February, and states that the report in question has not been received as yet. p. 20 March 7, [Colonial Dept.]

Sulivan to Stephen. Requests information as to fees or emoluments attached to the office of clerk of the Court of Requests, at Terrebonne, to which Lieut. John Mackenzie appears to have been appointed. p. 24 March 18, War Office.

Sulivan to Stephen, immediate. Acknowledges letter of 7 March, and gives reasons why it is not possible to state the exact proportion of military expenditure incident upon the Rebellion in Canada. Explains certain items. Transmits copy of a statement for ordinary army services, 1838-1840. p. 25 March 20, War Office.

Enclosed:

Statement. p. 28

Sulivan to Stephen. Transmits correspondence respecting tolls levied on macadamized roads and requests that measures should be adopted to exempt soldiers from such exactions. [Note: enclosure not received.] p. 30 July 3, War Office.

Sulivan to Stephen. Requests information as to the salary and emoluments of Colonel Rowan, as private or civil secretary, between 1833 and 1838. p. 32 July 13, War Office.

Sulivan to Stephen. Requests information as to the appointment of Alexander Fraser to be Lieut.-Colonel of the 5th provisional battalion of militia. p. 33 July 18, War Office.

1840

December 26, War Office. J. B. Macaulay [Secretary at War] to Lord John Russell [Secretary of State]. Replies to a series of questions submitted by Sir Richard Jackson, with reference to volunteering from regiments of the line, for the formation of the Royal Canadian Regiment. Requests Russell's opinion before an answer is sent. p. 34

Enclosed:

Lord Hill [General Commanding-in-Chief] to Macaulay, Horse Guards, 26 November, 1840. Transmits copies of papers respecting the formation of the Royal Canadian Regiment, and requests a report thereon. [Papers not at this place.] p. 45

Attached:

Unsigned to Sulivan. [Draft.] 9 January, 1841. Acknowledges letter of 26 December, and states that Russell expects to receive a modified plan for the formation of this regiment. Comments on certain points which have been raised in this connection. p. 47

NORTH AMERICAN COLONIAL ASSOCIATION

February 28, York Place. R. Gillespie [Agent, North American Colonial Association] to Stephen. Requests information as to the fate of the new charter for McGill College, which was approved by the Attorney General about 12 months ago. p. 50

April 1, York Place. Gillespie to Russell. Requests relief from payment of £2.18.8 postage paid on petitions to Parliament, sent from Quebec. Requests an interview in order to discuss Canadian affairs. p. 51

April 3, York Place. Gillespie to Russell. States his opinions upon Canadian affairs, with a view to maintaining the ascendancy of the British element. p. 55

April 13, [Colonial Dept.] Unsigned to C. E. Trevelyan [Assistant Secretary to the Treasury]. [Draft.] Transmits copy of Gillespie's letter of 1 April, and recommends that the sum paid for postage should be refunded. p. 53

April 13, [Colonial Dept.] Unsigned to Gillespie. [Draft.] States that Russell has recommended that the Treasury should refund the sum paid for postage on petitions to Parliament. p. 54

May 22, York Place. Gillespie to Russell. Submits further observations upon representation under the union. p. 63

May 27, York Place. Gillespie to Russell. Submits further observations on union. p. 68

June 2. [Colonial Dept.] Unsigned to Gillespie. [Draft.] Acknowledges letter of 3 April, 22 and 27 May. p. 73

June 11, York Place. Gillespie to Russell. Submits further observations upon representation under the union. Urges that the clause to establish district-councils should be deleted. Requests information as to the progress made in passing the new charter for McGill. p. 74

1840

Gillespie to Russell. States his objection to the system of apportionment of the Clergy Reserve revenues, as laid down in the bill now before Parliament. p. 79 — June 16, York Place.

Unsigned to Gillespie. [Draft.] Acknowledges letter of 11 June. States that the new charter for McGill has been referred to the Governor General. p. 77 — June 19, [Colonial Dept.]

Gillespie to Russell. Submits observations upon opposition to the Act of Union. p. 81 — June 22, York Place.

Gillespie to Russell. Points out the danger incident in delaying the proclamation of union. Trusts that the amendment of the Duke of Wellington, may be negatived in the House of Commons. p. 84 — July 11, York Place.

Unsigned to Gillespie. [Draft.] Acknowledges letter of 11 July, and states that Russell believes that Gillespie is mistaken in his interpretation of the amendment proposed by the Duke of Wellington. p. 87 — July 15, [Colonial Dept.]

Gillespie to Russell. [Not transcribed. See Q. 270, pt. 3, p. 598.] [N.B.] States that Special Council has been engaged in a study of the Registry Bill. p. 88 — November 28, York Place.

Unsigned to Gillespie. [Draft.] Acknowledges letter of 28 November. p. 89 — December 3, [Colonial Dept.]

LAND BOARD

Report of A. C. Buchanan, Jr. [Emigrant Agent]. [Printed.] [See Q. 271, pt. 2, p. 308A.] p. 99 — January 12, Quebec.

T. F. Elliot, R. Torrens, and Hon. E. E. Villiers [Commissioners of Colonial Lands and Emigration] to Russell. [Printed.] Discuss proposals for systematic emigration to Canada. p. 93 — April 21, 2 Middle Scotland-yard.

Thomson to Russell. No. 112. [Printed.] [See Q. 272, pt. 1, p. 173.] p. 107A — May 26, Montreal.

Stephen to Colonial Land and Emigration Commissioners. [Printed.] [See Q. 271, pt. 2, p. 303.] p. 106 — May 29, Downing St.

Russell to Thomson, separate. [Printed.] [See Q. 272, pt. 1, p. 174A.] p. 109A — June 19, Downing St.

Thomson to Russell, No. 124. [Not transcribed. See Q. 272, pt. 2, p. 318.] p. 113 — June 22, Montreal.

Stephen to Colonial Land and Emigration Commissioners. [Printed.] [See Q. 272, pt. 1, p. 174A.] p. 109A — June 25, Downing St.

Colonial Land and Emigration Commissioners to Stephen. [Printed.] [See Q. 272, pt. 1, p. 175.] p. 109 — July 2, Colonial Land and Emigration Office.

Russell to Governor General, No. 177. [Printed.] [See Q. 272, pt. 1, p. 176A.] p. 110A — July 7, Downing St.

1840

July 22, Downing St. — Stephen to Colonial Land and Emigration Commission. [Printed.] States that the Treasury has consented to an annual appropriation for the emigrant agency. Advances are to be made good in the estimates for next year. p. 111

July 28, Colonial Land and Emigration Office. — Commissioners to Stephen. [Printed.] Transmit a list of questions on subjects of interest to emigrants, and request that answers be obtained from the Lieut.-Governors. p. 111

Enclosed:

Questions. [See Q. 272, pt. 1, p. 179.] p. 111

August 5, Colonial Land and Emigration Office. — Commissioners to Stephen. [Printed.] Acknowledge address from the Assembly of Upper Canada, praying for the promotion of emigration and declaring a readiness to concur in the disposal of waste lands. Discuss practical steps to be taken to further such a scheme. p. 114

August 13, Downing St. — Russell to Sydenham, No. 201. [Printed.] [See Q. 272, pt. 1, p. 211.] p. 115a

August 17, Downing St. — Russell to Sydenham, No. 203. [Printed.] [See Q. 272, pt. 1, p. 180.] p. 117

Enclosed:

Commissioners to Stephen, Colonial Land and Emigration Office, 11 August, 1840. [Printed.] Refer to Buchanan's report for 1839, and transmit extracts of letter from government emigration agents, in order to show that there was no neglect in enforcing the rules laid down in the Passengers Act. p. 116

Sub-enclosures:

(a) Extract from a letter from Lieut. Henry, Government Emigration Office, Liverpool, 20 July, 1840. [Printed.] p. 116

(b) Certificate as to water supply, Liverpool, 6 June, 1839. [Printed.] p. 116

(c) Lieut. C. Friend [Agent] to S. Walcott [Secretary], Cork, 22 July, 1840. [Printed.] p. 116

(d) Robert Ramsay [Agent] to Walcott, Londonderry, 23 July, 1840. [Printed.] p. 116A

October 24, Downing St. — Enclosures in Russell to Sydenham, No. 246. [Printed.] [See Q. 273, pt. 1, p. 202.] p. 118

November 19, Downing St. — Russell to Sydenham, No. 262. [Printed.] [See Q. 273, pt. 1, p. 204.] p. 119

November 24, Montreal. — Sydenham to Russell, No. 197. [Printed.] [See Q. 274, pt. 1, p. 68.] p. 121A

Russell to Lord Sydenham [Governor-in-Chief], No. 267. [See Q. 270, pt. 3, p. 597.] p. 90 **1840** December 1. [Colonial Dept.]

Russell to Sydenham, No. 274. [Printed.] [See Q. 273, pt. 2, p. 270.] p. 121A December 22. Downing St.

Stephen to Colonial Lands and Emigration Commissioners. [Printed.] [See Q. 274, pt. 1, p. 68.] p. 121A December 23. Downing St.

BRITISH AMERICAN LAND COMPANY

G. R. Robinson [Governor, British American Land Co.] to Russell. Requests to be informed as to the decision upon propositions made by the Company. p. 125 March 6. London.

Unsigned to Robinson. [Draft.] Acknowledges letter of 6 March, and states that no reply can be given until the report of the Governor General shall have been received. p. 127 March 12. [Colonial Dept.]

Thomson to Russell, No. 77. [Not transcribed. See Q. 271, pt. 1, p. 109.] p. 134 March 24. Montreal.

Robinson to Russell. Requests to be informed as to whether the report of the Governor General has been received. States that he is leaving London on a tour of the United States and Canada. p. 128 April 24. Regent's Park.

Unsigned to Robinson. [Draft.] Acknowledges letter of 24 April, and states that a despatch from the Governor General has been received and is under consideration. p. 129 April 29. [Colonial Dept.]

N. Gould [Deputy Governor, British American Land Company] to R. Vernon Smith [Under Secretary]. Acknowledges letter of 27 May, and draws attention to the interview which took place on 29 November last, with reference to terms of payment. p. 130 June 12. Barge Yard, Bucklersbury.

Unsigned to Gould. [Draft.] Acknowledges letter of 12 June, and states that the Governor General has been instructed to take such measures as he may deem advisable to enforce the terms of the contract. Any further communication should be made to that officer. p. 132 June 18. [Colonial Dept.]

Gould to Smith. Acknowledges letter of 18 June, and regrets that Russell has declined further correspondence with the Company. Trusts that the Company will be afforded an opportunity to lay the case before the Governor General, before legal measures are employed. p. 135 June 24. London.

Unsigned to Gould. [Draft.] Acknowledges letter of 24 June, and states that the contents thereof will be communicated to the Governor General. p. 136 June 26. [Colonial Dept.]

Unsigned to Thomson, No. 166. [Draft.] Transmits copy of above letters of 24 and 26 June. p. 137 June 28. [Colonial Dept.]

1840

December 12, Barge Yard. Robinson to Russell. States that the course adopted in Canada towards the Company will involve it in ruin. Points to the useful work done and requests that the Governor General should be asked to refrain from such harsh proceedings. p. 138

Enclosed:

T. W. C. Murdock [Chief Secretary] to John Fraser [Commissioner of the British American Land Company], Montreal, 18 October, 1840. Acknowledges letter of 12 October, and states that steps will be taken to enforce the contract or to resume the land. p. 143

December 21. [Colonial Dept.] Unsigned to Robinson. [Draft.] Acknowledges letter of 12 December, and advises that Robinson should make proposals to the Governor General. p. 144

BANK OF BRITISH NORTH AMERICA

March 9, 7 St. Helen's Place. G. de B. Attwood [Secretary, Bank of British North America] to Secretary of State. Requests information as to the position with regard to the charter which was forwarded on 14 February, with an Order-in-Council approving thereof. p. 146

March 12. [Colonial Dept.] Unsigned to Attwood. [Draft.] Acknowledges letter of 9 March, and explains reason for which it was considered advisable to consult the Governor General, before taking further steps with regard to the charter. p. 147

March 14, London. Attwood to Smith. Acknowledges letter of 12 March, and requests that Russell will receive a deputation from the directors of the Bank. p. 150

Enclosed:

Attwood to Russell, London, 14 March, 1840. Prays for an interview for a deputation from the directors. p. 149

March 20. Memorial of Directors of the Bank of British North America, praying that the charter may be passed without further delay. p. 151

March 26. [Colonial Dept.] Unsigned to D. Le Marchant [Secretary, Board of Trade]. [Draft.] Transmits copy of above memorial of 20 March, and requests opinion as to whether the charter should be proceeded with immediately. p. 166

September 19, London. Attwood to Russell. Transmits copy of a memorial to the Treasury, praying for the establishment of a uniform standard of value throughout British North America, and requests consideration thereof. p. 167

Enclosed:

Memorial. p. 168

Draft Charter for the Bank of British North America. [See Q. 267, pp. 299, 316.] p. 176

74.] Unsigned to Colborne, No. 14. [Draft.] [See Q. 269C, p. 174] **1839** March 16.

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PUBLIC OFFICES, 1840

HUDSON'S BAY COMPANY

J. H. Pelly [Governor, Hudson's Bay Company] to Lord John Russell [Secretary of State]. Transmits register of persons employed in the territories of the Company, 1 June, 1838—1 June, 1839. p. 207 **1840** January 15, Hudson's Bay House, London.

Enclosed:

Register. p. 208

Pelly to Russell. Refers to previous correspondence respecting the lease of the King's Posts, and requests an early decision thereon. p. 246 May 14, Hudson's Bay House.

Unsigned to C. P. Thomson [Governor-in-Chief], No. 131. [Draft.] Refers to despatch No. 51, of 10 December, 1839, respecting the renewal of the lease of the King's Posts. Requests a reply thereto. p. 248 May 19, [Colonial Dept.]

Unsigned to Pelly. [Draft.] States that no reply has been received to the reference made to the Governor General, respecting the renewal of the lease of the King's Posts. That officer will be written to. p. 249 May 21, [Colonial Dept.]

Pelly to Russell. Acknowledges Colonial Office letter of 9 June, containing papers respecting allegations made by —. Schoolcraft, as to inducements held out to United States Indians to settle in the British territories. States that in his opinion, this is a fabrication of Schoolcraft, who has been much in prominence of late. p. 251 June 11, Hudson's Bay House.

Unsigned to J. Backhouse [Under Secretary, Foreign Affairs]. [Draft.] Refers to letter of 9 June, and transmits copy of Pelly's letter of 11 June, respecting allegations made by Mr. Schoolcraft. p. 255 June 19, [Colonial Dept.]

Pelly to Russell. Transmits register of persons employed within the territories of the Company, 1 June, 1839—1 June, 1840. p. 256 December 30, Hudson's Bay House.

Enclosed:

Register. p. 257

POST OFFICE

T. Laurence [Assistant Secretary] to J. Stephen [Under Secretary]. Transmits a further report from T. A. Stayner, Deputy Postmaster General at Quebec, respecting steps which have been taken to prevent illegal conveyance of mails by steamboats. p. 296 February 1, General Post Office.

1840

Enclosed:

Stayner to Lt.-Col. W. L. Maberly [Secretary of the Post Office]. General Post Office, Quebec, 28 November, 1839. p. 297

Sub-enclosures:

(i) Stayner to S. B. Harrison [Private Secretary], General Post Office, Quebec, 23 November, 1839. p. 310

Enclosed in Sub-enclosure:

Stayner to Hon. John Stewart [Chairman of Executive Council], Quebec, 22 November, 1839. Urges the adoption of legal methods against the offenders. p. 302

(ii) C. A. Hagerman [Attorney General, Upper Canada] to Stewart, Toronto, 7 September, 1839. States that the only remedy for this situation lies in instituting prosecutions. p. 300

February 3, General Post Office. Laurence to Stephen. Reports that despatches have been placed on board the *Sheffield*, and transmits receipt. p. 315

Enclosed:

Receipt of 1 February, for despatches. p. 316

February 22, General Post Office. Laurence to Stephen. Reports that despatches have been placed on board the *Great Western*, and transmits receipt. p. 317

Enclosed:

Receipt of 20 February, for despatches. p. 318

March 3, General Post Office. Laurence to Stephen. Reports that despatches have been placed on board the *British Queen*, and transmits receipt. p. 319

Enclosed:

Receipt of 29 February, for despatches. p. 320

March 26, General Post Office. Laurence to Stephen. Reports that despatches have been placed on board the *George Washington*, and transmits receipt. p. 321

Enclosed:

Receipt of 25 March, for despatches. p. 322

April 2, General Post Office. Laurence to Stephen. Reports that despatches have been placed on board the *United States*, and transmits receipt. p. 323

Enclosed:

Receipt of 1 April, for despatches. p. 324

April 20, General Post Office. Lt.-Col. W. L. Maberly [Secretary of the Post Office] to Stephen. Reports that despatches have been placed on board the *Great Western*, and transmits receipt. p. 325

1840

Enclosed:

Receipt of 15 April, for despatches. p. 326

Maberly to Stephen. Reports that despatches have been placed on board the *Unicorn*, and transmits receipt. p. 327 May 20, General Post Office.

Enclosed:

Receipt of 16 May, for despatches. p. 328

Maberly to Stephen, immediate. Gives the views of the Postmaster General as to the dates for departure of mail steamers under the new contract, and requests Russell's opinion thereon. p. 329 June 5, General Post Office.

Laurence to Stephen. Reports that despatches have been placed on board the *Great Western*, and transmits receipt. p. 331 June 6, General Post Office.

Enclosed:

Receipt of 4 June, for despatches. p. 332

Laurence to Stephen. Reports that despatches have been placed on board the *Great Western*, and transmits receipt. p. 333 July 28, General Post Office.

Enclosed:

Receipt of 25 July, for despatches. p. 334

Laurence to Stephen. Reports that despatches have been placed on board the *President*, and transmits receipt. p. 335 August 5, General Post Office.

Enclosed:

Receipt of 1 August, for despatches. p. 336

Laurence to Stephen. Transmits copy of a letter from the Treasury, respecting the proposal to fix a date during which mails should be conveyed by Cunard, by way of the St. Lawrence. Requests a report thereon. p. 337 August 21, General Post Office.

Enclosed:

R. Gordon [Secretary to the Treasury] to Postmaster General, 5 August, 1840. Transmits copy of Admiralty letter, suggesting that mails should be carried by way of the St. Lawrence, from 1 May to 1 November, of each year. [Enclosure not at this place.] p. 339

Laurence to Stephen. Transmits copy of a letter from T. W. Moore, packet agent at Boston, respecting the proposal of the British and American Steam Naviation Company, to charge despatches at the rate of 10 guineas per bag of 4 lbs. and under, and 2 guineas per pound above that weight. The Treasury has been requested to report thereon. p. 340 August 28, General Post Office.

Enclosed:

Moore to Maberly, Boston, 1 August, 1840. p. 341

1840 Sub-enclosure:

Wadsworth and Smith [Agents of the British and American Steam Navigation Company] to Moore, 4 Jones Lane, New York, 21 July, 1840. p. 343

September 12, Bristol. Receipt of J. Hosken [Commander of the *Great Western*] for despatches. p. 345

October 14, General Post Office. Maberly to Stephen. Acknowledges letter of 23 September, and states that the question of the time for which steamers should wait for return mails at St. John during the winter months, has been referred to the Deputy Postmaster General at Halifax. Some delay will necessarily ensue before a reply can be received. Suggests that the mail contract should be framed so as to leave this time to be fixed at a future date. p. 346

November 9, General Post Office. Maberly to Stephen. Reports that despatches have been placed on board the *Great Western*, and transmits receipt. p. 348

Enclosed:

Receipt of 7 November, for despatches. p. 349

AGENT AT NEW YORK

January 2, Agent's Office, New York. T. W. Moore [Agent] to Stephen. Transmits despatches, by the *North America*. p. 351

January 7, Agent's Office, New York. Moore to Stephen. Transmits despatches, by the *Roscoe*. p. 352

January 10, Agent's Office, New York. Moore to Stephen. Transmits despatches, by the *Montreal*. p. 354

January 13, Agent's Office, New York. Moore to Stephen. Transmits despatches, by the *Stephen Whitney*. p. 355

January 20, Agent's Office, New York. Moore to Stephen. Transmits despatches, by the *Columbus*. p. 356

January 25, Agent's Office, New York. Moore to Stephen. Transmits despatches, by the *Sheridan*. Reports that the *British Queen* has not arrived as yet. p. 357

February 1, Agent's Office, New York. Moore to Stephen. Transmits despatches, by the *South America*. Captain Pringle has charge of despatches from the Governor General. p. 358

February 10, Agent's Office, New York. Moore to Stephen. Transmits a despatch from Harvey, by the *Wellington*. Despatches received from the Colonial Office have been forwarded to Thomson. p. 360

February 13, Agent's Office, New York. Moore to Stephen. Transmits, at Captain Pringle's request, a parcel of public documents. p. 361

February 19, Agent's Office, New York. Moore to Stephen. Transmits despatches, by the *England*. Explains delay. p. 362

February 20, Agent's Office, New York. Moore to Stephen. Transmits despatches, by the *Quebec*. p. 363

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Moore to Stephen. Transmits a despatch from Harvey, by the *Virginian*. Reports the arrival of the *Great Western*. p. 364 March 13, Agent's Office, New York.

Moore to Stephen. Transmits despatches, by the *Great Western*. Reports arrival of the *British Queen*. p. 365 March 19, Agent's Office, New York.

Moore to Stephen. Transmits despatches, by the *British Queen*. p. 367 April 1, Agent's Office, New York.

Moore to Stephen. Transmits a despatch from Jackson, by the *Sheffield*. p. 369 April 13, Agent's Office, New York.

Moore to Stephen. Transmits despatches, by the *Siddons*. p. 370 April 25, Agent's Office, New York.

Moore to Stephen. Transmits despatches, by the *Cambridge*. p. 371 May 1, Agent's Office, New York.

Moore to Stephen. Transmits despatches, by the *Great Western*. p. 372 May 9, Agent's Office, New York.

Moore to Stephen. Transmits despatches, by the *Columbus*. p. 374 May 19, Agent's Office, New York.

Moore to Stephen. Transmits despatches, by the *British Queen*. p. 375 June 1, Agent's Office, New York.

Moore to Stephen. Transmits a despatch from Arthur, by the *England*. Reports arrival of the *Great Western*. Despatches have been forwarded. p. 376 June 19, Agent's Office, New York.

Moore to Stephen. Transmits despatches, by the *Great Western*. p. 377 July 1, Agent's Office, New York.

Moore to Stephen. Transmits a despatch from Jackson, by the *Independence*. p. 378 August 7, Agent's Office, New York.

Moore to Stephen. Acknowledges letter of 24 July, and explains arrangements of his office. No change will be necessary as a result of the establishment of the North American steam packets. p. 379 August 17, Agent's Office, New York.

Moore to Stephen. Transmits despatches by the *Great Western*. Reports arrival of the *Acadia*, at Boston, and of the *President*. Despatches have been forwarded. p. 383 August 18, Agent's Office, New York.

Moore to Stephen. Transmits copy of a letter from Messrs. Wadsworth and Smith, Agents of the British and American Steam Navigation Company, refusing to reduce the charge for despatch bags. Copy of this letter has been forwarded to the Governor General. Moore will avail himself of the services of any trustworthy person who may take passage on the vessels of that Company. p. 385 August 31, Agent's Office, Boston.

Enclosed:

Wadsworth and Smith to Moore, 4 Jones's Lane, New York, 26 August, 1840. p. 387

Moore to Stephen. Transmits a despatch, by the *Acadia*. p. 391 September 1, Agent's Office, Boston.

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September 1, Agent's Office, New York. Moore to Stephen. Transmits despatches, by the *President*. p. 392

September 14, Agent's Office, New York. Moore to Stephen. Transmits a despatch and letter, by the *Stephen Whitney*. p. 393

September 17, [Colonial Dept.] Unsigned to Moore. [Draft.] Acknowledges letter of 31 August, and expresses approval of the course adopted with respect to the charge made by the British and American Steam Navigation Company. p. 390

Septiember 19, Agent's Office, New York. Moore to Stephen. Transmits a despatch, by the *Columbus*. p. 394

October 10, Agent's Office, New York. Moore to Stephen. Transmits despatches in charge of Captain Sterling, who sails on the *Great Western*. p. 395

November 2, Agent's Office, New York. Moore to Stephen. Transmits a despatch, by the *President*. p. 396

November 19, Agent's Office, New York. Moore to Stephen. Transmits despatches, by the *North American*. p. 397

December 1, Agent's Office, Boston. Moore to Stephen. Transmits despatches, by the *Britannia*. p. 398

December 8, Agent's Office, New York. Moore to Stephen. Transmits despatches, by the *Great Western*. p. 399

MISCELLANEOUS OFFICES

April 7, H. M. Printing Office. T. Macdonald to R. Vernon Smith [Under Secretary]. States that the books presented to the Houses of Assembly, of Canada and of Prince Edward Island, have been shipped. Transmits bills of lading. p. 401

Enclosed:

Bills of lading. p. 402

April 29, Whitehall. Richard Mayne [Commissioner of Police] to Stephen. Acknowledges letter of 25 April, and transmits copies of reports and regulations governing metropolitan and county police. p. 406

July 20, 46 Montague Square. Rev. James Grant [minister of South Leith] to Lord John Russell [Secretary of State]. Expresses thanks for consideration shown to the views of the Colonial Committee of the Church of Scotland, with respect to Clergy Reserves. Makes further suggestions thereon. p. 415

July 25, [Colonial Dept.] Unsigned to Grant. [Draft.] Acknowledges letter of 20 July, and states that Russell cannot agree to suggestions made therein. It had been hoped that the liberality shown to the committee would not have led to further demands. p. 421

Memorial of the Committee of the General Assembly of the Church of Scotland, 1840. Makes observations respecting the Bill for the sale of the Clergy Reserves in Upper Canada. p. 407 — 1840 No date.

Enclosed:

Bill. [Printed.] Annotated by the committee. p. 412

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MISCELLANEOUS, 1840

A

John Atkins and Son to J. Stephen [Under Secretary]. Refer to previous correspondence respecting half pay due to Lieut. J. Hale, and request that the Admiralty should be notified of the date of his appointment as Receiver General which took place on 28 December, 1838. p. 3 — March 2, Walbrook.

Unsigned to Atkins and Son. [Draft.] States that the Governor General has been requested to report as to the date of Hale's appointment. No reply has been received as yet. The Admiralty will be notified so soon as this report is received. p. 4 — March 9, [Colonial Dept.]

Unsigned to Lord Sydenham [Governor-in-Chief], No. 261. [Draft.] Transmits extract from a memorandum by the Consul General for France, respecting persons supposed to have emigrated to Canada and to have died there. Requests a report thereon. [Enclosure not at this place.] p. 5 — November 18, [Colonial Dept.]

B

Messrs. Brockelbank & Rolt to Lord John Russell [Secretary of State]. Request to be put on an equal footing with Messrs. Chapman & Co., their competitors in the contract for supplying masts to the Admiralty. p. 7 — March 20, 72 Cornhill.

Unsigned to C. P. Thomson [Governor-in-Chief], No. 116. [Draft.] Refers to despatch No. 81, of 26 February, and transmits copy of an Admiralty letter of 14 April, recommending that Messrs. Brockelbank & Rolt should be put on the same footing as Messrs. Chapman & Co., with respect to cutting masts. Directs that this recommendation should be put into effect. [Enclosure not at this place. See Q. 275, pt. 1, p. 32.] p. 9 — April 24, [Colonial Dept.]

Unsigned to Messrs. Brockelbank & Rolt. [Draft.] Acknowledges letter of 20 March, and states that the Governor General has been instructed to grant them facilities equal to those accorded to Messrs. Chapman & Co. p. 10 — April 29, [Colonial Dept.]

J. E. B. Bethune [Counsel for the Home Office to ———] States that he has received final directions from Russell, with respect to the civil list. A schedule for the salaries of the judges should be prepared. The bill is to be circulated on Monday. p. 11 — Saturday, H.O.

1840

April 29, Thorncroft, Leatherhead. Bethune to Russell. States that he is detained at home as a result of an accident. Explains the draft of the Clergy Reserve Bill, which he has sent to Hansard. p. 12

May 4, Paisley. James Baxter to Secretary of State. States his services, for which he has received a pension, and requests a grant of land as a military claimant. p. 46

June 3, Longford. S. B. Bailey [constable] to ————. Acknowledges letter of 4 September, 1838, and requests to be informed as to whether Thomas Griffith is dead, as was reported in a newspaper. p. 47

May 4, King's Bench Walk, Temple. Henry Bliss [Agent for New Brunswick] to Russell. Transmits copy of the bill for the union of the two provinces, with his observation thereon. Requests consideration thereof. p. 17

Enclosed:

Bill. [Printed.] Annotated. p. 19

June 24, King's Bench Walk, Temple. Bliss to [Russell]. Suggests the expediency of passing an act of indemnity for those who defended the Government in Upper and Lower Canada. Draws attention to cases of persons such as Papineau who have been affected by temporary ordinances of the Special Council. p. 53

June 25, King's Bench Walk, Temple. Bliss to Russell. Transmits copy of a petition from the Chamber of Commerce of St. John, representing the need for an alteration with respect to the duty on wines imported into the North American colonies. Points out the justice of this claim and requests consideration thereof. p. 55

Enclosed:

Petition of the Chamber of Commerce of St. John, New Brunswick, 18 June, 1836. p. 59

June 26, King's Bench Walk. Bliss to Stephen. States objections to the timber ships bill, now before Parliament, and urges that the interests of the colonies should be consulted before passing a measure which would affect the trade so severely. p. 65

July 2. [Colonial Dept.] Unsigned to C. E. Trevelyan [Assistant Secretary to the Treasury], immediate. [Draft.] Refers to letter of 4 July, 1838, and transmits copy of letter from H. Bliss, 25 June, 1840, with respect to duties on wines. Request a decision thereon. p. 63

July 2. [Colonial Dept.] Unsigned to Bliss. [Draft.] Acknowledges letter of 25 June, and states that it has been referred to the Treasury for a decision thereon. p. 64

June 24, 4½ Temple Bar, Dublin. Walter Bogard to Russell. Transmits memorial to the Queen. p. 49

Enclosed:

Memorial of Walter Bogard, Dublin, 24 June, 1840. Prays for a loan to enable him to go to America in order to claim property left by his brother. p. 50

Bogard to Russell. Acknowledges letter of 30 June, and states that he wishes to go to Virginia, where his brother's property lies. Intends to ship tobacco from that state. Trusts that the loan will be made to him. p. 71 — 1840 August 7, Dublin.

J. Buchanan [Consul] to Stephen. States that T. W. Moore [Packet Agent] will remove to Boston, on removal of the packets. Offers his services in conveying despatches by way of New York. p. 70 — June 30, H.M. Consulate, New York.

C

R. F. Cooke to Russell. Represents the unfavourable position in which the British settler in Upper Canada finds himself in relation to the settler in the United States. Points in particular to the fact that United States wheat, etc., is imported into the colonies, free of charge, while the Upper Canadian wheat must pay a duty of 1s. per bushel. p. 74 — April 27, Cayuga, Upper Canada.

Stephen to Trevelyan. Transmits copy of Cooke's letter of 27 April, and requests consideration of the representations made therein. p. 78 — July 24, [Colonial Dept.]

John Cronan to Colonial Secretary. States that he received a pension on his discharge from the Glengarry Fencibles, but that this has not been paid since his return to Kilkenny. Transmits copy of a letter from the Royal Hospital, Chelsea, stating that application should be made to the authorities in Canada. p. 79 — October 9, Kilkenny.

Enclosed:

John Fasson [for the Secretary] to Cronan, Royal Hospital, Chelsea, 6 October, 1840. p. 81

Attached Note:

Cronan must have been in receipt of the allowance given to commuted pensioners. This cannot be continued after the date of his return from Canada. p. 82

Unsigned to Cronan. [Draft.] Acknowledges letter of 9 October, and gives reason for which Cronan is not entitled to a pension. p. 83 — October 16, [Colonial Dept.]

Rev. John Cook [minister of St. Andrew's Church, Quebec] to [Russell]. Calls attention to the hardship entailed upon him by the withdrawal of his salary, while the Bishop of Quebec still retains part of his emoluments. p. 85 — November 30, Gould Square.

Attached:

Unsigned to Cook, 6 January, 1841. [Draft.] Explains the reasons for which Cook's former allowance cannot be paid. p. 87

D

E. Dowling to Russell. States his acceptance of the office of legal adviser to the Governor General. Reports the terms agreed upon in conversation with D. Le Marchant. Requests an advance of £300 for outfit and travelling expenses. p. 90 — June 24, 42 Hart St., Bloomsbury.

1840
June 25, 42 Hart St. Dowling to Russell. Requests an additional advance of £78.15 for his passage in the *British Queen*. p. 93

June 30, 42 Hart St. Dowling to R. V. Smith [Under Secretary]. Acknowledges receipt of despatches to be delivered to the Governor General, but states that he has not received a package addressed to Moore. p. 94

July 6, Chambly. Lt.-Col. D. David to Russell. Complains of his removal from the Commission of the Peace, and requests that reason should be shown for this step. p. 95

September 17. [Colonial Dept.] Unsigned to Sydenham, No. 229. [Draft.] Transmits copy of a letter from Lord Seaton, explaining the grounds upon which David was removed from the Commission of the Peace. David is to be informed that Russell sees no reason to question the decision of Seaton in the matter. [Enclosure not at this place. See Q. 277, pt. 2, p. 368.] p. 97

January 28, Cleveland Row. Earl of Durham to Russell. Refers to previous correspondence with the Marquis of Normanby, and transmits account of Adam Schluep, for the entertainment of Durham at the Globe Hotel, Quebec, together with memoranda of the reason why this claim should be resisted. p. 99

Enclosed:

(1) Account, June, 1838. p. 101

(2) Memorandum of Col. G. Couper [Military Secretary], Quebec, 2 November, 1838. p. 103

(3) Memorandum of Lieut. later Capt. S. R. Conroy, A.D.C., Quebec, 13 October, 1838. p. 109

(4) Memorandum of Capt. the Hon. F. Villiers, 10 October, 1838. p. 111

(5) Memorandum of I. R. Eckhart [Clerk to Private Secretary], 10 October, 1838. p. 112

(6) A. Campbell [Notary Public] to Couper, Quebec, 1 September, 1838. Transmits copy of instrument of notification and tender. p. 117

Sub-enclosure:

Instrument. p. 114

(7) Campbell to Couper, Quebec, 1 November, 1838. Reports proceedings in connection with Schluep's account. p. 118

Attached:

(1) Certificate that Campbell is a notary public, 2 November, 1838. p. 120

(2) A. Schluep to Durham, Globe Hotel, Quebec, 6 November, 1839. Explains the bill and requests payment. p. 123

(3) Observations of Col. G. Couper on the letter from Schluep to Durham, 6 November, 1839. p. 126 **1840**

Unsigned to Durham. [Draft.] Acknowledges letter of 28 January, and expresses a wish that Durham should decide upon the course of proceeding with regard to this claim. Should Durham be still desirous to leave the question to be decided by the Government, it will be referred to the Treasury. p. 132 February 7. [Colonial Dept.]

Louise, Lady Durham to [Russell]. States that Durham's illness prevents him from replying to Russell's letter of 30 January. p. 134 February 8. Cleveland Row.

Durham to Russell. States that the furniture for the public rooms of the Governor's residence, was handed over to the provincial government and suggests that the cost of that furniture should be charged to Lower Canada. p. 135 May 27. Cleveland Row.

Durham to Russell. States that Schluep has consented to accept £550 stg. in payment of his claim. Discusses balance left on closing the account of the mission and requests instructions as to whom it should be paid. p. 140 May 30. Cleveland Row.

Enclosed:

(1) Statement of remittances. p. 142

(2) Receipt in settlement of Schluep's claim. p. 143

(3) Account for furniture. p. 144

Col. G. Couper to A. Blackwood [Under Secretary]. States that Schluep had consented to accept £550 in sterling, as full payment of his claim. The price of the furniture for Government House was £849 sterling. p. 139 June 6.

Unsigned to Trevelyan. [Draft.] Transmits copies of Durham's letters of 28 January, and 27 May, 1840, and states that Schluep has consented to accept the sum of £550 in satisfaction of his bill. The balance due on the furniture for Government House is to be paid into the Military Chest. p. 137 June 9 [Colonial Dept.]

Unsigned to Hedworth Lambton. [Draft.] Acknowledges Durham's letter of 30 May, and states that the accounts have been allowed. Lambton will be notified as to the person to whom the balance should be paid. The charge for the furniture for Government House is to be met by Lower Canada, and the Governor General has been instructed to make the necessary payment into the Military Chest. p. 152 August 13. [Colonial Dept.]

Lambton to Russell. Acknowledges letter of 17 August, and states that Lady Durham is prepared to pay the balance due from the Canadian account, to any person named. Requests that communications should be made through her solicitor. p. 151 August 17. Lambton Castle.

E

Memorial of H. Evans, Kingsey, Lower Canada, praying that arrears of rent should be remitted. p. 154 No date.

1840

January 24, [Colonial Dept.] Unsigned to Lt.-Gen. Sir Richard Jackson [Administrator]. [Draft.] States that he has received a memorial from H. Evans, respecting payments due on land held by him. Jackson is to call on Evans for a copy of this memorial, and to report on the allegations contained therein. p. 159

June 15, 42 Upper Stanhope St., Liverpool. J. H. Euse to Russell. Expresses his views with regard to the proposed union of the Canadas. p. 160

F

D. Fisher. [See Q. 277, pt. 2, p. 316, Redpath and Fisher.]

[January 2], Pontypool, Wales. S. Fletcher to Russell. Requests information as to Richard Povey, said to have died in one of the British American colonies. p. 174

January 9, [Colonial Dept.] Unsigned to Fletcher. [Draft.] Acknowledges letter of 2 January, and states that a more ample explanation would have to be given before Russell could obtain information respecting R. Povey. p. 175

January 31, Pontypool. Memorial of Melia and Maria Fletcher stating that they are the only relations of Richard Povey, who died in one of the British American colonies and who is said to have left property in London. p. 176

G

March 21, Bucklersbury, London. Gould, Downie, & Company to Russell. Requests that all contractors for cutting masts should be allowed the same privileges as those afforded to Messrs. Chapman & Co. p. 179

April 29, [Colonial Dept.] Unsigned to Messrs. Gould, Downie & Company. [Draft.] Acknowledges letter of 21 March, and states that as this firm has no contract with the Admiralty, Russell cannot intervene as had been done in the case of Messrs. Chapman & Co. p. 181

Rec'd. 1 May. A. W. Grey to R. Vernon Smith [Under Secretary]. States that he has received despatches for the British North American colonies, and will attend to Russell's directions. p. 182

June 4, Royal Exchange, Edinburgh. John Graham to Russell. Requests to be informed as to whether it is illegal to export arms to British America. p. 183

November 19, Kippen. James Graham to Russell. Enquires as to whether the Colonial Office is in possession of the will, or of any information respecting Archibald McMillan, who served in the 52nd Regt., and who is said to have died in South America about 16 years ago. p. 194

June 8, Reigate. Henry Grece to Russell. Refers to previous correspondence with the Marquis of Normanby, with respect to land taken for the Grenville Canal. Requests that payment should be made. p. 184

June 8, Geneva. Late High Commissioner [Earl of Gosford] to Stephen. Trusts that the interests of the Indians will not be overlooked in the union of the Canadas. p. 185

Gosford to Russell. Transmits copy of a petition from Madame de Gaspé to the Queen, together with a letter from T. W. C. Murdock, Chief Secretary, which accompanied it. p. 187 **1840** September 1, Worlingham Hall, Beccles.

Enclosed:

(1) Memorial of S. De Gaspé, Quebec, 25 July, 1840, praying for the release of P. Aubert de Gaspé, imprisoned for debt. [In French.] p. 190

(2) Murdock to P. A. de Gaspé. States that de Gaspé cannot be released from prison until arrangements have been made to liquidate the debt due from him. p. 188

Gosford to Russell. Transmits a further statement with respect to his accounts, and explains the reasons for the delay. Requests to be given instructions which will enable him to pay the balance due, into the hands of the Paymaster of Civil Services. p. 196 December 3, Gosford Castle.

Enclosed:

Statement. p. 198

Unsigned to Trevelyan. [Draft.] Transmits copy of Gosford's letter of 3 December, and requests that the necessary instructions should be issued. p. 199 December 14. [Colonial Dept.]

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MISCELLANEOUS, 1840

H

A. W. Hart to Lord John Russell [Secretary of State]. Expresses thanks for the courteous manner in which his letter of 18 November, 1839, had been received. Transmits copy of a letter from the Chief Secretary, respecting his father's claims to official notice in Canada. States his dissatisfaction with this letter, and requests that these claims will be made the subject of an enquiry, on the passage of the Union Bill. [Enclosure not at this place.] p. 201 February 25, 3 Union Buildings, Liverpool.

Unsigned to Hart. [Draft.] Acknowledges letter of 25 February and returns enclosure. Russell unable to comply with the request contained therein. [Enclosure not at this place.] p. 204 March 9, Downing St.

B. Hart to Russell. States his services and claims a signal mark of approval of his public acts. p. 206 July 14, 13 Frazer St., Liverpool.

Unsigned to Hart. [Draft.] Acknowledges letter of 14 July, and states that Hart's name could not be mentioned to the Queen, unless his claim was recommended by the Governor General. p. 215 July 25. [Colonial Dept.]

C. Herley to Russell. Enquires as to whether a British attorney can practise in the Canadian courts. Advocates the removal of any obstacle that may exist. p. 205 April 22, Barnstable.

1840

September 23, Ballina. J. Higgins [Public Notary] to the Under Secretary of State. Requests information as to W. Blackburn, who died intestate, at Quebec, about eight months ago. p. 216

November 14, 6 Peters Row, Dublin. G. Hutton to [Russell]. Requests information respecting Patrick Delmour, said to have been killed in the Rebellion in Canada, and to have left £60,000. p. 217

November 20. [Colonial Dept.] Unsigned to Sydenham, No. 263. [Draft.] Transmits copy of Hutton's letter of 14 November, and directs that an enquiry should be made respecting the fate of P. Delmour. p. 219

November 24. [Colonial Dept.] Unsigned to Hutton. [Draft.] Acknowledges letter of 14 November, and states that Russell has directed that an enquiry should be made respecting Delmour. p. 220

J

August 21, Colonial Society, St. James Sq. J. A. Jaques to Russell. States the losses which he has sustained as a result of his loyalty to the British cause, and requests an appointment as an emigrant agent. p. 225

No date. Great Holwell, Broomfield. John Jeffreys to J. Stephen [Under Secretary]. Transmits copy of a letter to Lieut.-Gen. Sir Lionel Smith, requesting Smith's help in establishing his character at the Colonial Office. States that he has no desire to quarrel with Russell, or with R. Vernon Smith. p. 222

Enclosed:

Jeffreys to Smith, Great Holwell. p. 223

K

No date. Blakefield, Tipperary. Petition of John Kenneilly to Russell, praying to be informed as to whether Michael or Thomas Hogan left a legacy of £4,000, in Canada. p. 230

December 9, Quebec. J. H. Kerr to Russell. Requests the return of papers which were submitted with the memorial of Mrs. Grant, in 1837 or 1838. p. 232

Attached:

Unsigned to Sydenham, No. 287, [Colonial Dept.], 22 January, 1841. [Draft.] Transmits documents which were submitted with the memorial of Mrs. Grant, and directs that they should be returned to the proper authority. p. 233

L

May 29, Manchester. Margaret Little to the Admiralty. Requests information as to the whereabouts of her daughter, Elizabeth Graham, or Elizabeth Henry, who is thought to be in the United States. p. 235

Enclosed:

M. Little to her daughter, no date. p. 236

J. Longly to the Secretary for the Colonies. Requests information as to the means to be adopted in order to secure the effects of A. Cowling, who died in America about twenty years ago. p. 238 — 1840 November 9, Dawgreen, Dewsbury, Yorkshire.

Lubock, Forster, & Co. to Stephen. Transmits document and requests to be informed as to whether the signature thereon is in the handwriting of D. Daly. p. 237 — June 15, London.

M

W. Madox to Stephen. States that W. Kenrick has been deprived of two rifles, in Canada, and requests permission or a guarantee that Kendrick can take a rifle with him. States that he has suggested that steps be taken to regain these rifles, and requests that Russell would authorize their return. p. 241 — March 18, 61 York Terrace, Regent's Park.

Unsigned to Madox. [Draft.] Acknowledges letter of 18 March, and states that Russell has no power to interfere with the seizure of Kendrick's rifle. Thinks that this seizure may have been made in connection with the recent disturbances, and feels that there would be no difficulty of that nature at the present time. p. 243 — March 21. [Colonial Dept.]

Count Mandelsloh to Russell. States that the balance due from the property of C. Maysenhölder has not been paid as yet, and requests that new instructions should issue. p. 245 — June 16, 2 Upper Gloucester St., Dorset Sq.

Unsigned to C. P. Thomson, [Governor-in-Chief], No. 155. [Draft.] Transmits copy of Count Mandelsloh's note of 16 June, and directs that the Attorney General should be instructed to take active measures to recover the property mentioned therein. p. 246 — June 20. [Colonial Dept.]

Russell to Mandelsloh. Acknowledges note of 16 June, and states that instructions will be issued with respect to the recovery of the property mentioned therein. p. 247 — June 23. [Colonial Dept.]

T. Manning to Stephen. States that he has commenced reading the papers sent by Stephen, and will call upon him tomorrow. p. 240 — March 18, 3 Serjeants' Inn, Chancery Lane.

H. Morton to Russell. Acknowledges letter of 25 August, and states that he has directed that the sum of £22.14.10, due from the accounts of the late Earl of Durham, should be paid to the Treasury. p. 248 — August 31, Lambton.

N

J. Neilson to Russell. Transmits a printed copy of proceedings of a committee to forward a petition to the Queen and to Parliament, and requests a delay in the passage of the Union Bill, in order to give the petitioners an opportunity to be heard. p. 250 — January 31, Quebec.

Enclosed:

Proceedings and Address. p. 252

Unsigned to Neilson. [Draft.] Acknowledges letter of 31 January, and presumes that any representation or address will be transmitted through the Governor. p. 251 — March 24. [Colonial Dept.]

1840

June 5, Barford, Salisbury. C. Nicholson to [Russell]. Requests information respecting R. Prangley, who was discharged from the 41st Regiment, at Quebec, 21 January, 1815, supposedly with a grant of land in Canada, and who is now entitled, if living, to a beneficial interest under the will of a testator lately deceased. p. 297

October 2, Six Mile Bridge, Clare Co., Ireland. Anne Nugent to the Secretary of State for the Colonies. Requests assistance in tracing property said to have been left by her uncle, Patrick Nugent, who died in America. p. 298

P

November 25, Hollymount, Mayo Co., Ireland. P. Plunket to the Secretary of State for the Colonies. Requests information as to the location of Fitzroy Harbour so that he can join his daughter and son-in-law. p. 300

Q

September 23, Boherbue, Limerick, Ireland. T. Quin [pensioner] to the Secretary of State for the Colonies. Requests information as to steps to be taken to lay claim to the property of W. Blackburn, who is said to have died in America. p. 304

R

June 16, 7 Wyndham Place, Bryanston Sq. N. C. Radiger [advocate, Lower Canada] to Russell. States that in the opinion of a large body of landholders, the Seminary is entitled to payment of arrears of seigniorial dues on property in Montreal. p. 311

June 23, 56 Tavistock Hotel, London. John Redpath and Duncan Fisher to Russell. Request an audience as representatives of the inhabitants of Montreal, who are petitioning against confirmation of the ordinance respecting the title of the St. Sulpice Seminary. Transmit a memorial in support of the petition. [Enclosure not at this place.] p. 316

June 27. [Colonial Dept.] Unsigned to Redpath and Fisher. [Draft.] Acknowledges letter of 23 June, and states that no such ordinance has been received or reported upon. An audience would therefore be useless. p. 318

July 1, Tavistock Hotel, London. Fisher and Redpath to Russell. Acknowledge letter of 27 June, and state objections to the confirmation of the ordinance in question. p. 319

July 6. [Colonial Dept.] Unsigned to Fisher and Redpath. [Draft.] Acknowledges letter of 1 July, and states that when the ordinance shall have been received, the objections to it will be taken into consideration. p. 326

June 19, 39 Woburn Place. T. Rees, LL.D., to Russell. Transmits copy of a resolution of the English Presbyterian Association, respecting religious parties in Canada, and requesting to be left free from interference by the Established Church of Scotland, with which they are not in sympathy. p. 313

Enclosed:

Resolution, 18 June, 1840. p. 315

1840

B. Rosselloty to Russell. Requests to be informed as to whether the Hon. W. Primrose holds an appointment under the Crown, and whether he is under Russell's authority. p. 307 January 2, 3 Warwick St., Charing Cross.

Unsigned to Rosselloty. [Draft.] Acknowledges letter of 2 January, and requests to be informed as to the object of the enquiry made therein. p. 308 January 11, [Colonial Dept.]

Rosselloty to Stephen. Acknowledges letter of 11 January, and states that Primrose is indebted to his tailor, has forfeited his word. Rosselloty intends to address Russell on this subject. p. 309 January 16, 3 Warwick St., Charing Cross.

W. Rothery to R. Vernon Smith [Under Secretary]. Requests copies of documents which are necessary in the preparation of the tables of fees for the Vice-Admiralty Court in the North American colonies. p. 310 January 19, Stratford Place.

S

Lord Seaton to Russell. Acknowledges letter of 3 January. Transmits papers respecting the proposed alterations to the charter for McGill College, and expresses his views thereon. p. 335 January 31, Lyneham.

Enclosed:

(1) Rev. J. Bethune, [Principal of McGill College] to Major T. L. Goldie [Civil Secretary], Montreal, 14 August, 1839. Discusses the opposition of the Royal Institution to the amended charter for McGill College and the part which he has taken in the discussion. p. 338

(2) Reply of Rev. John Bethune, Principal of McGill College, to the Statement of the Royal Institution, Montreal, 4 September, 1839. p. 341

(3) Rev. R. B. Burrage [Secretary of the Royal Institution] to Goldie, Quebec, 3 October, 1839. Discusses the reply of the Rev. John Bethune, 4 September, 1839, and accuses Bethune of not having acted in good faith. p. 354

Sub-enclosure:

Bethune to the Bishop of Montreal, Montreal, 6 July, 1839. Promises to vacate Burnside, on 1 May, provided that the full amount of his account shall be paid. p. 364

Seaton to Vernon Smith. Acknowledges letter of 14 February, and states that the imprests of money paid in December, 1839, were in payment for information given by a Polish member of the Executive Committee of the Patriots, at New York. The accounts were transmitted by the British Consul, and were received by the Military Secretary, before Colborne left Montreal. p. 366 February 17, Lyneham.

Seaton to Vernon Smith. Acknowledges letter of 17 August, and explains the circumstance under which Lt.-Col. David's name was omitted from the commission of the peace. p. 368 September 10, Lyneham.

1840
November 12, Lyneham. Seaton to Russell. Transmits a petition and other papers, relating to David Chisholme, who was deprived of his office as clerk of the peace for Montreal, during Lord Gosford's administration. States his opinion that Chisholme has refuted the charges made against him. p. 370

Enclosed:

(1) Petition of D. Chisholme, Montreal, 12 August, 1840. Prays for the restoration of his office, or for compensation for his losses. p. 372

(2) C. R. Ogden [Attorney General] to Chisholme, private Quebec, 12 July, 1840. States that no reference has been made to the Executive Council, with respect to Chisholme's memorial, and that the papers are not in that office. Trusts that Chisholme will avail himself of the offer made by Seaton, to be of service to him. p. 375

(3) Extract of a letter from John Fraser [late Provost of Inverness, and now Commissioner of the Land Company at Sherbrooke] to Chisholme, 3 May, 1838. Pays tribute to Chisholme, and states that he has written to Lord Glenelg on Chisholme's behalf. p. 377

(4) Fraser to Chisholme. [Extract.] Montreal, 18 March, 1839. States that in his opinion Chisholme's appointment to an office would be welcomed by the Colonial Office. p. 378

(5) Memorial and case of David Chisholme. [Continued in Q. 277, pt. 3.] p. 379

June 2, Foreign Office. E. W. H. Schenley to Russell. Offers to carry despatches to New York. p. 331

September 22, Magherafedt, Ireland. Mrs. Elizabeth Scullin to the Secretary at War. Applies for the effects and credit of her son Daniel Scullin, of the 4th incorporated militia, British America. p. 332

October 1, [Colonial Dept.] Unsigned to Sydenham, No. 234. [Draft.] Transmits copy of Mrs. Scullin's letter and requests information regarding the effects of D. Scullin. p. 333

October 2, [Colonial Dept.] Unsigned to Mrs. E. Scullin. States that the Governor General of Canada has been directed to make enquiries respecting the effects of the late D. Scullin. p. 334

January 30, Flanagolden, Limerick. M. Sheahan to the Secretary of War. Requests information as to the fate of Henry Morgan, who emigrated to British America some years ago. p. 330

January 17, 16 St. John St., Edinburgh. T. Stodart to Stephen. Requests information as to the destination of the Canadian convicts, among whom he has a brother-in-law. p. 328

January 24, 16 St. John St., Edinburgh. Stodart to Stephen. States that his brother-in-law is J. M. Aitchison, and that he was sent from Quebec, in the *Buffalo*, on 27 September, 1839. Wishes to know his destination and the extent of his punishment. p. 329

MISCELLANEOUS, 1840

Case of David Chisholme. [Continued from Q. 277, pt. 2, p. 379.] p. 419

Report of a meeting held at Quebec, to prepare a resolution with respect to the proposed re-union of the Canadas. Oppose union. January 18, Quebec. p. 499

T

— Taylor to Lord Glenelg. Transmits a paper respecting the French Canadian Missionary Society, and states that he will call upon Glenelg in a few days. March 31, 10 Wardrobe Place, Doctors Commons. p. 475

Enclosed:

The French Canadians of Lower Canada. Gives a history of the French Canadian Missionary Society, and appeals for contributions. p. 476

W. H. Tilstone to Russell. Transmits extract of a letter from his partner, Mr. Le Mesurier, of Quebec, on the subject of the union of the Canadas. February 24, 1 Crown Court, Threadneedle St. p. 472

Enclosed:

Extract. Relates the steps taken by J. Neilson and others in opposition to union. The British people will hold a public meeting to counteract this opposition, and a counter petition will be prepared. p. 473

U

G. W. Usborne to Russell. States that he is returning to Quebec, and offers to carry despatches. February 15, St. Paul's Coffee House. p. 493

W

Joshua Walmsley [Mayor of Liverpool] to Russell. Transmits a statement relative to the dismissal of Captain R. Fayrer from the S.S. *President*, together with testimonials in his favour No date, Town Hall, Liverpool. p. 515

Enclosed:

Report of a meeting of the friends of Captain Fayrer, 27 October, 1840. p. 516

Unsigned to the Mayor of Liverpool. [Draft.] Acknowledges letter respecting the dismissal of Fayrer, and states that there is no branch of the public service connected with the Colonial Department in which employment could be found for that officer. November 3. [Colonial Dept.] p. 567

Sir Henry Wheatley to R. Vernon Smith [Under Secretary]. Transmits the memorial of Emanuel Firmin. December 26. p. 568

1840

Enclosed:

Memorial of E. Firmin, Albany, New York, U.S.A., 23 November, 1840. Represents that he was convicted of felony, but received a pardon on 20 December, 1834, on condition of leaving the province. Prays to be allowed to return to Canada. p. 570

Sub-enclosure:

Certificate that Firmin is a respectable citizen, Albany, 25 May, 1840. p. 573

December 28. [Colonial Dept.] Unsigned to Sydenham, No. 275. [Draft.] Transmits petition from Firmin and requests a report thereon. p. 569

March 19. 4 Verulam Buildings, Gray's Inn. Williamson and Hill to the Secretary of State for the Colonies. State that John Robinson, who emigrated from Yorkshire, died recently at Plattsville, and that his heirs have encountered difficulty in securing the property left by him. Request information as to whether Plattsville is in British America or in the United States, and as to the law of descent in that country. p. 511

March 30. [Colonial Dept.] Unsigned to Williamson and Hill. [Draft.] Acknowledges letter of 19 March, and states that there is a place of this name in the United States, but that Russell must refer them to other sources of information. With respect to the law of property, Russell cannot give such information to private persons. p. 513

July 21. Frome. R. Wiltshire to the Secretary at War. Requests information as to the fate of his son, Charles Wiltshire, who was serving at Niagara on 20 June, 1839. p. 514

January 10. Richmond, Yorkshire. Rev. H. B. Worthington. Transmits a letter addressed to Mr. Simes [R. Symes], who is said to be a magistrate at Quebec. Requests that this letter may be given to Symes. [Enclosure not at this place.] p. 496

January 28. [Colonial Dept.] Unsigned to Lt.-Gen. Sir Richard Jackson [Administrator], No. 5. [Draft.] Transmits letter addressed to Mr. Simes [Symes], and requests that it should be delivered to him. p. 498

Series Q. Vols. 277A-B

DESPATCHES TO GOVERNORS, 1840

With the exceptions listed hereunder, the despatches in this volume are to be found in the Calendar of Series G. Vols. 46-50. *(Report of the Public Archives of Canada for 1932.)*

June 20. [Downing St.] Russell to Thomson. No. 155. [See Q. 277, pt. 2, p. 246.] p. 164

June 28. [Downing St.] Russell to Thomson. No. 166. [See Q. 276, pt. 1, p. 137.] p. 177

July 11. [Downing St.] Russell to Sydenham. No. 179. [See Q. 273, pt. 2, p. 258.] p. 13

July 21. [Downing St.] Russell to Officer Administrating the Government of Lower Canada. [See Q. 275, pt. 1, p. 124.] p. 27