DOMINION OF CANADA

REPORT

OF THE

PUBLIC ARCHIVES

FOR THE YEAR 1932

ARTHUR G. DOUGHTY
Keeper of the Records

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1933

Price, $1.00

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Report of the Public Archives for the Year 1932

OTTAWA, January 20, 1933.

The Honourable,
The Secretary of State,
Ottawa.

SIR,—I have the honour to present to you the report of the Public Archives for the year 1932.

The appendix to the volume contains the third part of the excellent calendar prepared by the late William Smith, Assistant Deputy Minister of the department. The despatches which relate to Lower Canada are found in the G. Series. To add to the usefulness of Mr. Smith's work a full index of the three parts has been prepared and published herewith. Mr. Smith had prepared a calendar of the papers of Upper Canada found in the same series, and these will be published in due course.

The work in the department during the past year is shown in the report of the several divisions.

The department has received from Mrs. Hubert Neilson of Neilsonville, Quebec, an interesting collection of papers of the Neilson family, and a complete uniform of the Quebec Militia of 1775 in an excellent state of preservation. Some further gifts have been received from the Honourable Mary Macdonald to be added to the collection of the late Sir John A. Macdonald. A portrait of Mr. Miller Williams has been presented by Lady Kingsmill.

Your obedient servant,

A. G. DOUGHTY,
Deputy Minister.

REPORTS OF DIVISIONS

MANUSCRIPT DIVISION

MATERIAL FROM ENGLAND

PUBLIC SOURCES

Transcripts—

Public Record Office—

Audit Office

Series 12 and 13. American Loyalist Claims. Vol. 102. Bundle 55 (Rev. John McKenna).

Colonial Office—

Series 43, Entry Books of Commissions, Instructions, Letters and and Warrants. Vols. 62-70. North America General, 1822-28. Letters from Secretary of State (Domestic).

State Papers—

Domestic Naval. Vols. 119 and 120. Documents relating to Bishop St. Valier's imprisonment in England.

S.P.G. in F.P.—

Canada Letters received, 1860-67.

War Office—

Series 34. Vols. 10-15. Amherst Papers, 1759-62.

MISCELLANEOUS SOURCES

Butler, J. W.	Diary, 1838.
Gosse, P. H.	Journal, 1837.
Hudson's Bay Company.	Fidler's Journal, 1815.
Knight, Capt. James (Governor Hudson's Bay, 1692).	Journal, 1827-29.
	Commission and Will.
Northcliffe Collection.	Log of 1759.
Wingfield, David.	Diary, 1813-16.

MATERIAL FROM FRANCE

PUBLIC SOURCES

Transcripts—

I. Archives—

Colonies—

Series C^{IIa}. Correspondance Générale.
Vol. 105, folios 402-448 Lettres 1763.
" 124 Décisions 1718-23.

Series D^{1}. Correspondance relative aux troupes.
Vols. 1-3.
" 5-11.

Series E. Carton 32. Dossier Bigot.
95. " Coulon.

Marine—
Series A^1. Actes du Pouvoir Souverain. Vols. 80-86. Recueil Général des Ordonnances.
B^3. Lettres Reçues. Vol. 320. Dunkerque, 1728, édits, etc. 1744-1753.

C^7. Personnel Individuel. Carton 216. Dossier de Montbeillard.
Carton 237. Dossier de Costebelle.

Nationales—
Series G^7. Administration Financière. Carton 1312. Contrôle Général 1673-1699.

Maritimes (Rochefort)—
Series Ie. Vol. 143, 144, Dépêches de la Cour 1747 Des Versements.
375, l'Intendant avec la Cour 1746.

Départementales—
Charente Inférieure—
Series B. 50 and 54, Amirauté de Marennes 1679-1699.
" de Louisbourg 1727
" de Marennes 1695.
66 " de Brouages 1703.
75 " de la Rochelle.
81 and 81 bis " " " 1649, 1656
83 " " " 1663.
84 " " " 1664.
85 " " " 1665.
187 Registre de Guyenne 1632-1633.
189 " " 1638-1648.
190 " " 1639-40.
191 Amirauté de la Rochelle 1643-1644.
240 " " " 1735.
240 " " " 1735.
265 Registre de Louisbourg 1718.
266 Registre de ventes, acquisitions, 1730.

Diverses—
Séminaire de Missions Etrangères—
Vols. 26-31, 1764-1777.
33-38, 1782-1802.
200-214, Rome Procure 1651-1720.

Bibliothèques—
de l'Arsenal—
Bastille 12163' Dossier Porlier 1762.

de l'Institut
Collection Godefroy Vol. 291.

Nationale—
Fonds Français 4518-9 Receptes et dépences du Royaume 1610-1611.

Registres Epargnes 1618.

Collection Dangeau:
- 22595 Alsace etc.
- 22622 Gouvernement des provinces.
- 22623 " "
- 22628 Annales 1600-1650.
- 22640 " 1651-1660.
- 22643 " 1661-1670.
- 22646 " " - "
- 22647 " " - "
- 22649 " " - "
- 22650 " " - "
- 22651 " " - "
- 22656 " 1667-1670.
- 22658 " 1671-1680.
- 22659 " 1671-1680.
- 22660 " 1671-1680.
- 22669 " 1681-1690.
- 22670–5 " 1681-1690.
- 22680 " 1691-1700.
- 22682 " 1691-1700.
- 22684–90 " 1691-1710.

Nouvelles Acquisitions 9389—Origines Françaises Amérique du Nord les Razilly.

23607.

Collection Colbert—
Cinq cents, Vol. 204. Lettre a M. Talon 1669.
Mélanges de, 112 bis, lettres 1662.
Collection Clairambault 381 Mélanges, 1632-1635. Vol. 93.
Collection Dupuy, Vol. 318. Recueil de Privilèges.
Collection Fleury, Joly de, Vol. 2543. Guerre d'Amérique.
Collection Moreau, Vol. 841. Fontette.

Ministères—
Affaires Etrangères—
Correspondance Politique Angleterre, 455-459. Angleterre 1764.
Mémoires et Documents Asie. Vol. 6.
Guerre
Comité du Génie (Section Technique)—
Registre 66. Journal de Poilly.
Louisbourg 1758.

MISCELLANEOUS SOURCES

Colbert, Receipt for Annuities, 1 October, 1681.

MATERIAL FROM CANADA

PUBLIC SOURCES

Transcripts—
Province of Ontario—
Ottawa Protestant Orphans' Home—Record books.
Province of Quebec—
Gaspé—
Janverin Fish Company Journal, 1796-99.
Montreal—
Palais de Justice—Répertoire de N. B. Doucet, 1811-1817, 5873-7873.

Parish Register, by John Ogilvy, 1760-64.
St. Sulpice Library—Baby collection.
Documents Divers, 1673-1865.
Lettre de la Corne, 1767-98.
New York Journal de W. Berczy, 1792-3.
Lettres Diverses, 1746-1881.
Lettres de et à Monsieur Guy.
Dossier Affaire Fleming, 1781.
Seigneurie Isle de Montréal.

Quebec—
Archives—
Notre Dame des Anges (Justice Seigneurialle).
Prévôté de-Jugements en délibéré, 1749. Registre des Audiences, 1668.
Parish Registers—Sault au Recollet, 1765-80.
Saint Benoit.

Province of Saskatchewan—
Assiniboia Council, 1864. Extract from Minute Book.

Originals—
Department of Indian Affairs. Letter 29 March, 1795. Littlehales to Chew.

MISCELLANEOUS SOURCES

Baldwin, H., Toronto, Letters 1825-55 and 1918.
Beaudry Famille Généalogie.
Dubé, C., Voyage to the Klondike, 1895.
Hathaway, E. J., Biographical note.
Lee, C. M., Commission, 1832.
Macdonald, Sir J., "The last ten days", by R. W. Powell.
Neilson Mss., de Salaberry-Juchereau family papers.
Oliver, D. W., Reminiscences, 1914-18.
Rennie, Major General, Toronto, letters and documents, 1812-1865.
Roussel, "The Golden Dog" Mss.
Shannon, R. W., Regina, letter, 1914, from Mr. Bryce.
Smith, Wm.—British Commonwealth, 1923-24; Canadian Post Office; Hudson's Bay Company publication, Sir George Simpson; Labrador; Lafontaine letters, 1836; London Times, November 12, 1918; Marconi; Newfoundland, Confederation with Canada.
Taché, E., Letter 1850 to Felix Têtu (from J. F. Pouliot, M.P.).
Tupper, Sir C., Campaign fund (photostat).
Young, Professor A. H., Letter Oliver Wolcott to Governor Clinton, 1779.

ISOLATED PIECES (VOL. 14)

1812—Document *re* Mackinac.
1828—Document *re* Drummond Island.
1840—Letter *re* John Macdonald.

MATERIAL FROM ITALY

Rome, The Vatican, Archives Secrètes.

MATERIAL FROM UNITED STATES

PUBLIC SOURCES

Michigan, University of:—
Clements Library, Henry Hamilton Journals (Photostat).

MISCELLANEOUS SOURCES

Emery, B. F., "Transfer of Western Posts", 1796 (Photostat).

CLASSIFICATION, INDEX AND INFORMATION DIVISIONS

CLASSIFICATION

Two hundred and twenty volumes of criminal statistics covering the years 1915 to 1927 were received and placed in Room 36. These documents were sent to the Archives by the Dominion Bureau of Statistics, Department of Trade and Commerce.

The classification of Active Infantry Militia pay rolls of all Canadian regiments and battalions from 1866 to 1914 has been completed. These approximate 287,000 documents and are contained in 261 portfolios.

The nominal rolls and pay rolls covering service in the North West Rebellions of 1870 and 1886 have also been classified and placed in portfolios. They approximate 1,800 documents.

A start has been made in the preliminary classification of early Militia correspondence which contains reports, early returns and pay rolls. These documents have been separated and classified. The dates covered are from 1800 to 1866 and a few are of earlier date. The number of these documents is well over 100,000.

The list of the newspapers in the Archives has been revised and brought up to date.

RESEARCH AND INFORMATION

The number of requests for information, production of files and copy of documents received during the year and attended to is 1,832, being a large increase over any preceding year. The usefulness of the Public Archives is being more and more demonstrated, every year, through its section of information.

The range of subjects has been, as usual, of the most diversified character. With the year 1932, Canada has entered upon a series of historical centenaries; towns, counties, churches, etc., have celebrated or are preparing to celebrate anniversaries and this has already entailed much work and promises to last throughout the year 1933. Family histories and genealogies are still quite the fashion and demand much research work. To show the variety of requests for information I may mention, amongst others, the following subjects, the first paper mills, the first out ovens, manufacture of stoves; the history of trunk and valise manufactures in Canada, that of soap and perfumes, the finding and working of salt beds, etc. They came from historians, associations, colleges, students of all descriptions and other people from every part of Canada, the United States and Europe. Some have even come from Australia. They were seeking information relating to the creation of counties, towns, parishes; the establishment of churches, schools, banks and other commercial institutions. The construction of forts, roads and bridges, biographical and genealogical data, grants of land, coat of arms, uniforms, etc., have all furnished their quota. Much research work is also called for by descendants of United Empire Loyalists and desires are satisfied in most cases.

Official information has also been furnished to the different departments of the Provincial and the Federal Governments, particularly to the Post Office, the Interior, the Public Works, Trade and Commerce and the National Defence.

In the several sections, the data extracted for historical and general purposes have proven of great value and the many questions and requests for verification of militia rank and service in order to obtain pensions and for military histories have also been dealt with.

In the Great War Section, 182 files were examined and prepared for final custody. The data for the researches in this section were taken chiefly from Admission and Discharge Books of hospital units in the Great War and from the files concerning administration and operation of the Canadian Expeditionary Forces.

INDEX

	No. of cards.
The index of the Quebec Gazette is being continued. It now reaches towards the end of the year 1815..	24,000
In Series C (Military), cards typewritten and placed in the drawers..	12,000
Four volumes of muster rolls and pay lists of the Loyalist Regiments which served during the American Revolution have been indexed..	6,430
The registers of the Protestant Church in Montreal (baptisms, marriages and burials) covering the years 1765-1787 were indexed..	1,970
More Canadian biographies have been indexed and placed in drawers..	2,990
Researches indexed.. .. ..

LIST OF ACCESSIONS

Alberta Province—

Township	11,	Range	3,	West	of	Fifth	Meridian.
"	11,	"	13,	"	"	Fourth	"
"	11,	"	14,	"	"	"	"
"	12,	"	3,	"	"	Fifth	"
"	12,	"	5,	"	"	"	"
"	19,	"	6,	"	"	"	"
"	19,	"	7,	"	"	"	"
"	20,	"	1,	"	"	Fourth	"
"	20,	"	6,	"	"	Fifth	"
"	22,	"	6,	"	"	"	"
"	24,	"	4,	"	"	"	"
"	25,	"	7,	"	"	"	"
"	25,	"	20,	"	"	Fourth	"
"	29,	"	20,	"	"	"	"
"	30,	"	27,	"	"	"	"
"	30,	"	28,	"	"	"	"
"	31,	"	27,	"	"	"	"
"	32,	"	4,	"	"	"	"
"	39,	"	17,	"	"	Fifth	"
"	40,	"	13,	"	"	"	"
"	42,	"	19,	"	"	"	"
"	45,	"	18,	"	"	"	"
"	46,	"	19,	"	"	"	"
"	46,	"	23,	"	"	"	"
"	47,	"	19,	"	"	"	"
"	47,	"	20,	"	"	"	"
"	47,	"	25,	"	"	"	"
"	48,	"	5,	"	"	"	"
"	48,	"	19,	"	"	"	"
"	48,	"	20,	"	"	"	"
"	48,	"	25,	"	"	"	"
"	49,	"	19,	"	"	"	"
"	50,	"	27,	"	"	"	"
"	52,	"	1,	"	"	"	"
"	53,	"	2,	"	"	"	"
"	53,	"	12,	"	"	"	"
"	54,	"	20,	"	"	"	"
"	54,	"	21,	"	"	"	"
"	55,	"	20,	"	"	"	"
"	55,	"	21,	"	"	"	"
"	59,	"	14,	"	"	"	"
"	59,	"	15,	"	"	Fourth	"
"	59,	"	18,	"	"	"	"
"	60,	"	13,	"	"	Fifth	"
"	60,	"	15,	"	"	Fourth	"
"	60,	"	16,	"	"	"	"
"	60,	"	18,	"	"	"	"
"	60,	"	19,	"	"	"	"
"	60,	"	24,	"	"	"	"
"	70,	"	11,	"	"	"	"
"	77,	"	3,	"	"	Sixth	"
"	77,	"	10,	"	"	"	"
"	77,	"	24,	"	"	Fifth	"
"	78,	"	8,	"	"	Sixth	"

Township	78,	Range	11,	West	of	Sixth	Meridian.
"	79,	"	10,	"	"	"	"
"	79,	"	11,	"	"	"	"
"	82,	"	12,	"	"	"	"
"	82,	"	13,	"	"	"	"
"	83,	"	12,	"	"	"	"
"	86,	"	4,	"	"	"	"
"	87,	"	1,	"	"	"	"
"	87,	"	9,	"	"	"	"
"	89,	"	26,	"	"	Fifth	"
"	101,	"	22,	"	"	"	"
"	101,	"	23,	"	"	"	"
"	101,	"	24,	"	"	"	"
"	102,	"	22,	"	"	"	"
"	102,	"	23,	"	"	"	"
"	103,	"	21,	"	"	"	"
"	103,	"	22,	"	"	"	"
"	104,	"	22,	"	"	"	"

Artillery Lake, Northwest Territories. Topographical Map of Artillery Lake, Northwest Territories (Exploratory). National Topographic Series. Sheets 75 N.E. and 75 N.W. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographic Survey of Canada.

Atlas.—Saint John City & County. New Brunswick. Roe & Colby, Saint John, N.B. 1875.

Atlas Maritimus Or a Collection of Sea-Charts, describing the Coasts, Capes, Bays, Rivers, Roads & Ports; the Sands Shoals, & Dangers of the known parts of the whole World. Gathered from the latest & Best Discoveries of divers Able Navigators of Our own and other Nations. John Seller.

Aylmer Lake. Lake Aylmer to Lake Beechey. 108-65. Geographical Sections, General Staff, Department of National Defence. No. 363a.

Barlow Lake. Topographical Map of Barlow Lake to Dubawnt Lake. Geographical Section, General Staff, Department of National Defence. No. 358c. 1932.

Beechey Lake. Topographical Map of Lake Beechey to Bathurst Inlet. 107-66. Geographical Section, General Staff. Department of National Defence. No. 363b. 1932.

British Columbia. Province of. N.W. ¼, Township 6, Range 28, W. of Sixth Meridian.

Camsell River, Northwest Territories. Topographical Map of Camsell River (Northwest Territories). (Exploratory). National Topographic Series. Sheets 86 S.E. and 86 S.W. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada.

Canada, Dominion of. Map of Canada. Department of the Interior. Honourable Thomas G. Murphy, Minister. W. W. Cory, Deputy Minister. National Development Bureau. F. C. C. Lynch, Director. J. E. Chalifour, Chief Geographer. 1930.

Index Map of National Topographic Series covering portions of Ontario, Quebec and Maritime Provinces. Published by Department of National Defence, and Department of the Interior. Geographical Section, General Staff, 1932.

Coppermine River, Northwest Territories. Topographical Map of Hunter Bay—Coppermine River. Northwest Territories. (Exploratory). National

Topographic Series. Sheets 86K and 86J. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada. 1932.

Dillon, Saskatchewan. Topographical Map of Dillon, Saskatchewan. (Provisional Edition) National Topographic Series. Sheet No. 73N. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada. 1932.

Dismal Lakes, Coppermine, Northwest Territories. Topographical Map of Dismal Lakes—Coppermine. Northwest Territories (Exploratory) National Topographic Series. Sheets 86N and 86O. Department of the Interior. Hon. Thomas G. Murphy, Minister, H. H. Rowatt, Deputy Minister. Topographical Survey of Canada.

Dubawnt Lake, Northwest Territories. Topographical Map of Dubawnt Lake to Beverly Lake. Geographical Section, General Staff. Department of National Defence. No. 358d. 1932.

Duck Island, Ontario. Topographical Map Ontario Duck Island. Sheet No. 30N/15. Published by the Geographical Section, General Staff, Department of National Defence. 1932.

Ferryland, Map of Ferriland, Newfoundland. W.O. 34, Vol. 12, p. 537. Copied by C. Pettigrew at P.R.O. Feb. 1932.

Fort Reliance, Northwest Territories. Topographical Map of Fort Reliance to Sifton Lake. Geographical Section, General Staff, Department of National Defence. No. 357a. 1932.

Foster Lake, Saskatchewan. Topographical Map of Foster Lake, Saskatchewan (Provisional Edition) National Topographic Series. Sheet No. 74A. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada. 1932.

Frontenac County, Ontario. Map of the United Counties of Frontenac, Lennox and Addington, Canada West. From actual Surveys under the Direction of H. F. Walling, Putnam & Walling, Publishers. Kingston, C. W. 1860.

Grassy Island, Northwest Territories. Topographical Map of Grassy Island to Beverly Lake. Geographical Section, General Staff, Department of National Defence. No. 357c. 1932. Also Inset—Sifton Lake to Thelon River.

Great Bear Lake, Northwest Territories. Aerial Survey of part of Great Bear Lake, Hunter Bay, Labine Point and Conjuror Bay, N.W.T. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada.

Great Slave Lake, Northwest Territories. Topographical Map of Great Slave Lake (Eastern Sheet) Northwest Territories. Sheet 7. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister.

Green Lake, Saskatchewan. Topographical Map of Green Lake, Saskatchewan (Provisional Edition) National Topographic Series. Sheet No. 73J. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada.

Hunter Bay, Northwest Territories. Topographical Map of Hunter Bay—Coppermine River. Northwest Territories. (Exploratory) National Topographic Series. Sheets 86K and 86J. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada. 1932.

Ignace, Ontario. Topographical Map of Ignace, Ontario. (Provisional Edition) National Topographic Series. Sheet No. 52G. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada. 1932.

Ile-a-la-Crosse, Saskatchewan. Topographical Map of Ile-a-la-Crosse, Saskatchewan. (Provisional Edition) National Topographic Series. Sheet No. 73 O. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada. 1932.

Kindersley, Saskatchewan. Topographical Map of Kindersley (West of Third Meridian) Saskatchewan, Canada. Sectional Sheet No. 167. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada. 1932.

Kississing, Saskatchewan. Topographical Map of Kississing, Saskatchewan, Manitoba. (Provisional Edition) National Topographic Series. Sheet No. 63N. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada. 1931.

Labrador, Coast of. Map of the Province of Quebec and the Adjoining Coast of Labrador. MSS Colonial. 1929.

Lac de Gras, Northwest Territories. Lac de Gras to Bathurst Inlet. 109-66. Geographical Section, General Staff, Department of National Defence. No. 362b.

Lac de Gras to Bathurst Inlet. 110-65. Geographical Section, General Staff. Department of National Defence. No. 362a.

Lennox and Addington Counties. Map of the United Counties of Frontenac, Lennox and Addington, Canada West. From actual Surveys under the Direction of H. F. Walling. Putnam & Walling, Publishers. Kingston, C. W. 1860.

Louisburg. Projet Dun Corps De Cazernes pour huit Compagnies et Soldats et trente deux officiers, et qui fera Etably contre le mur Crenelle de l'Enceinte de Louisbourg. 1739. Verrier. Archives Nationales Colonies C11A 126 pièce 105. 1739.

Louisbourg, 1723. Archives Nationales, Colonies C11A, 126, pièce 10. 1723.

Plans et Profils d'une Digue et d'une porte busque'e avec des Ecluses, que l'on propose d'Etablir uers le fond du Port de Louisbourg, pour former un bassin, dans lequel les battimts pescheurs hiuerneronts 1739. Archives Nationales Colonies C11A, 126, pièce 107. Verrier. 1739.

Plan du Port et de la Ville de Louisbourg Avec ses Batteries et sa Perspective, ou est répésenté les batteries faites par les Anglais pour l'attaque de la ditte Ville. 1759.

Magaguadavic River, New Brunswick. No. XXIV. Plan of the Rivers Scoudiac and Magaguadavic from the Actual Surveys thereof made in 1796, 1797 & 1798 under the Authority of the Commissioners. Appointed pursuant to the 5th Article of the Treaty of Amity, Commerce of Navigation between His Britannic Majesty & the United States of America the former of which Rivers was decided by the said Commissioners to be the true River St. Croix intended by the Treaty of Peace between those Powers. C.O. Lib. New Brunswick No. 19. 1796.

Manitoba Province—

Township	1,	Range	7,	East	of	Principal	Meridian.
"	10,	"	26,	West	"	"	"
"	11,	"	26,	"	"	"	"
"	25,	"	5,	East	"	"	"
"	27,	"	6,	"	"	"	"
"	27,	"	7,	"	"	"	"
"	28,	"	3,	"	"	"	"
"	28,	"	7,	"	"	"	"
"	31,	"	7,	West	"	"	"
"	43,	"	25,	"	"	"	"

Township 48, Range 14, West of Principal Meridian.
" 55, " 26, " " " "
" 57, " 27, " " " "
" 60, " 21, " " " "
" 60, " 22, " " " "
" 65, " 2, " " " "
" 65, " 3, " " " "
" 65, " 27, " " " "
" 65, " 28, " " " "
" 65, " 29, " " " "

Plan of Sections 6 and 7, Township 17, Range 14, East of Principal Meridian.

Miminiska, Ontario. Topographical Map of Miminiska, Ontario. (Provisional Edition) National Topographic Series. Sheet No. 52P. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada. 1932.

Mistaya, British Columbia. Topographical Map of Mistaya, British Columbia and Alberta. National Topographic Series. Sheet No. 82N/NE. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada. 1931.

Montreal, Quebec. Plan de Ville Marie dans l'isle de Montreal, Envoyé par Mr. Denonville le 13 novembre 1685. No d'ordre 466. Ministère des Colonies, D.F.C. No. 466. 1685.

McLeod Lake, Northwest Territories. McLeod Lake to MacKay Lake 110-64. Geographical Section, General Staff. Department of National Defence. No. 364. 1932.

New Brunswick, Province of. Part of New Brunswick. C.O. Lib. New Brunswick, No. 18. Copied by C. Pettigrew at P.R.O. July, 1932. 1795?

A Sketch of the Communication between the Bay of Fundy and the River St. Lawrence by the River St. John, from Captain Peach's Observations and route in the year 1761 and of others since that time. Endorsed-River St. John. C.O. Lib. New Brunswick No. 13. 1761.

Map of Part of New Brunswick from Frenchman's Bay to Fredericton. C.O. Lib. New Brunswick No. 18. 1795?

Ontario, Province of. Plan of the Province of Upper Canada divided into Counties by Order of His Excellency John Graves Simcoe, Esqre. Lt. Governor and Commander in Chief of the same, etc., etc., etc. Drawn by His Excellency's most Obedient and most Humble Servant W. Chewett, D.P. Surveyor. Endorsed: Canada Upper Case 37 No. 53. 1793. No. 59 (Dup) 1910.

Parent, Quebec. Topographical Map of Parent, Quebec. Provisional Edition. National Topographic Series. Sheet No. 31 O/NE. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada.

Peterborough, Ontario. Topographical Map of Peterborough, Ontario. Sheet No. 31 D/8. Published by the Geographical Section, General Staff. Department of National Defence. 1932.

Pointe-Du-Bois, Manitoba. Topographical Map of Pointe-Du-Bois Manitoba-Ontario. Provisional Edition. National Topographic Series. Sheet No. 52L. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada.

Port Mouton, Nova Scotia. Topographical Map of Port Mouton, Nova Scotia. Provisional Edition. National Topographic Series. Sheet No. 20 P/NE. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada. 1931.

Quebec, Province of. Map of the Province of Quebec and the Adjoining Coast of Labrador. MSS Colonial. 1929.

Rae, Northwest Territories. Topographical Map of Rae (Northwest Territories) Exploratory. National Topographic Series. Sheets 85 N.E. and 85 N.W. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada. 1932.

Rainy Lake, Ontario. Topographical Map of Rainy Lake, Ontario. Provisional Edition. National Topographic Series. Sheet No. 52C. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada.

Reindeer Lake, Northwest Territories. Topographical Map of Reindeer Lake to Point Lake. Geographical Section, General Staff. Department of National Defence. No. 356b. 1932.

Revelstoke, British Columbia. Topographical Map of Revelstoke, British Columbia. National Topographic Series. Sheet No. 82 L/N.E. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada.

Rice Lake, Ontario. Topographical Map. Rice Lake Sheet. Ontario. Sheet No. 31 D/1. Published by the Geographical Section, General Staff, Department of National Defence, 1932.

Rocky Lake Settlement, Manitoba. Plan of Rocky Lake Settlement and Lot 38 Group 371 Township 59 Range 28 West of Principal Meridian. Province of Manitoba. Department of Mines and Natural Resources, Winnipeg, 31st August 1932.

Rossignol, Nova Scotia. Topographical Map of Rossignol, Nova Scotia. (Provisional Edition) National Topographic Series. Sheet No. 21A/S.W. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada.

Saskatchewan, Province of.

Township	21,	Range	13,	West	of	Second	Meridian.
"	33,	"	16,	"	"	Third	"
"	34,	"	15,	"	"	"	"
"	35,	"	17,	"	"	"	"
"	36,	"	31,	"	"	Principal	"
"	44,	"	21,	"	"	Second	"
"	44,	"	22,	"	"	"	"
"	45,	"	10,	"	"	"	"
"	46,	"	9,	"	"	"	"
"	46,	"	10,	"	"	"	"
"	47,	"	7,	"	"	Third	"
"	49,	"	25,	"	"	"	"
"	50,	"	14,	"	"	"	"
"	54,	"	12,	"	"	"	"
"	57,	"	15,	"	"	"	"
"	58,	"	15,	"	"	"	"
"	61,	"	30,	"	"	Principal	"
"	62,	"	16,	"	"	"	"
"	62,	"	17,	"	"	"	"
"	62,	"	25,	"	"	"	"
"	63,	"	16,	"	"	"	"
"	63,	"	17,	"	"	"	"
"	64,	"	16,	"	"	"	"
"	64,	"	17,	"	"	"	"

Scoudiac River, New Brunswick. No. XXIV. Plan of the Rivers Scoudiac and Magaguadavic from the Actual Surveys thereof made in 1796, 1797 and 1798 under the Authority of the Commissioners. Appointed pursuant to the 5th Article of the Treaty of Amity, Commerce of Navigation between His Britannic Majesty and the United States of America, the former of which Rivers was decided by the said Commissioners to be the true River St. Croix intended by the Treaty of Peace between those Powers. C.O. Lib. New Brunswick No. 19. 1796.

Seneca Villages, New York State. A Map of the Seneca Villages and the Jesuit and French Contacts 1615-1708. Research by A. M. Stewart, Rochester, N.Y. Alexander M. Stewart, 30 Audubon St., Rochester, N.Y. Author and Publisher. Del. Helen M. Erickson. 1931.

Sounding Creek, Alberta. Topographical Map of Sounding Creek, Alberta, Canada. Sectional Sheet No. 166. West of Fourth Meridian. Topographical Survey of Canada, Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. 1932.

Stony Rapids Portage, Northwest Territories. Topographical Map of Stony Rapids Portage to Wholdaia Lake. Geographical Section, General Staff. Department of National Defence. No. 358a. 1932.

Taschereau, Quebec. Topographical Map of Taschereau, Quebec. Provisional Edition. National Topographic Series. Sheet No. 32D/ NE. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada.

Toronto, Ontario. Topographical Map of Toronto, Ontario, Canada. Sheet No. 30 M. Published by the Geographical Section, General Staff, Department of National Defence. 1932. G.S.G.S. No. 361.

Wellington, Ontario. Topographical Map of Wellington, Ontario. Sheet No. 30N/14. Published by the Geographical Section, General Staff, Department of National Defence. 1932.

Wholdaia Lake, Northwest Territories. Topographical Map of Wholdaia Lake to Barlow Lake. Geographical Section, General Staff, Department of National Defence. No. 358b.

Yellowknife River, Northwest Territories. Topographical Map of Yellowknife River to Reindeer Lake. Geographical Section, General Staff, Department of Natonal Defence. No. 356a. 1932.

Yoho, British Columbia. Topographical Map of Yoho, British Columbia and Alberta. National Topographic Series. Sheet No. 82 N/SE. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada. 1932.

HISTORICAL RESEARCH AND PUBLICITY DIVISION

I. RESEARCH

One hundred and fifty-eight special investigations were made by the Division, in the interest of the federal and provincial governments, public and private institutions, and individuals. Several of these required long and difficult research work. The preparation of aids to future research, particularly bibliographical and biographical, has been continued.

II. PUBLICATIONS

Work on further instalments of the Catalogue of Pictures, and on other proposed publications, has been temporarily suspended because of a reduction in the staff.

III. PAINTINGS, DRAWINGS AND PRINTS

Pictures received, 253.
Volumes received (collections and catalogues of pictures), 12.
Pictures catalogued, 2,189.

More than 40,000 pictures have now been catalogued. The reorganization of the files of unframed pictures, to which reference was made in the last report, is practically complete.

IV. PHOTOSTATS AND PHOTOGRAPHS

Photostat negatives prepared and indexed, 133.
Photograph negatives prepared and indexed, 161.

During the year, 141 photographic and 337 photostatic prints of material in the Public Archives were supplied by this Division. The large decrease in these numbers, as compared with those of recent years, has been due to the restrictions imposed on this service at the beginning of the fiscal year 1932-1933. The interest of the public in the work of the Division remains unabated.

V. LANTERN SLIDES

Lantern slides prepared and indexed, 112.
Lantern slides loaned, 756.

There are now 663 lantern slides, of many of which one or more duplicates are available. New regulations adopted at the beginning of the fiscal year have resulted in a decrease in the number of applications for loans.

LIBRARY DIVISION

Books and pamphlets received and card-indexed	1,190
Books loaned to students and staff	11,110
Index-cards prepared and typed	17,500
Newspaper and magazine articles classified	2,500
Researches made for bibliography and information	207

Volume II of Catalogue of Pamphlets, 1878-1931, prepared by Librarian and issued as Archives Publication No. 13.

BINDERY DIVISION

Volumes bound	2,851
Requisitions for repairs	123
Portfolios, tagfolders, etc., for manuscripts	1,451
Maps and pictures mounted	1,325
Manuscripts repaired and bound (Vols.)	218
Photostat maps assembled	338
In various stages of progress	237

PHOTOGRAPHIC DIVISION

Pages photostated	10,327
Plates made	105
Prints from plates	410

APPENDIX A

(Continued)

Calendar of State Papers, Addressed by the Secretaries of State for the Colonies to the Governors General or Officers Administering the Province of Lower Canada, from 1787 until 1841.
(Series G of Public Archives)
1838–1841

1838 G. 41. (1838)

Downing St., Nov. 1. Glenelg to Durham. No. 129. Requesting that Hale be required to pay fees for renewal of patent as Receiver General on demise of Crown. p. 1

Downing St., Nov. 5. Glenelg to Durham. No. 130. Enclosing letter from Wm. Booth respecting some property left to him in Montreal. (Enclosure.) p. 5

Downing St., Nov. 8. Glenelg to Durham. No. 131. Acknowledging despatch No. 59 of Sept. 17, and calling attention to his (Glenelg's) despatch No. 72 of July 18 on same subject of militia claims to Crown Lands. As Durham's measure was in accordance with principles of that despatch, it was approved. Delays and obstacles interposed by officials in Lower Canada had already engaged attention and instructions given for corrective measures. Any other necessary measures to same end would be approved. p. 16

Downing St., Nov. 9. Glenelg to Durham. No. 132. Acknowledging despatch No. 64 of Sept. 2, respecting claim of T. H. Thompson for arrears of salary as Clerk of Court of Escheats. p. 32

Downing St., Nov. 12. Glenelg to Durham. No. 133.

"In my despatch of the 26 Ultimo, I abstained from any notice of Your Lordships despatch, No. 67 of the 28 September & of the observations contained in Your dispatch No. 68 of the same date on the proceedings which in your opinion ought to have been taken by Her Majestys Government with regard to the Ordinance of the Special Council of Lower Canada therein referred to—having thought it desirable to reserve for a separate communication my remarks on those subjects.

Her Majestys Government have attentively considered the statements which you have addressed to me of your views as to the legality of that Ordinance. Without intending to enter on a legal discussion or to offer any further opinion than that which on the authority of the Law Officers of the Crown I have already conveyed to you on this subject, I have to express my satisfaction that little difference of opinion exists between Your Lordship and ourselves as to the extent to which any valid legal objections could be urged against the Ordinance. Waving the question of your right to send to Bermuda persons under restraint, by virtue not of an order or sentence of transportation, but of an Ordinance of the Special Council of Lower Canada subjecting them to banishment to that particular place it is admitted on all hands that so far as it purported to confer on Her Majesty the power of imposing restraint on the parties named in it while in Bermuda, the ordinance was at least inoperative—

Your Lordship has now informed me that you were always fully aware of this defect, & that, "that part of the Ordinance was passed with a perfect knowledge that it was wholly inoperative, & that the Prisoners could not be compelled to remain in Bermuda, without the adoption of measures in aid of Your Legislature by the authorities of the Island or of the Empire". Your Lordship has further stated "it to have been the business of Her Majestys Government on the arrival of the Prisoners at the Bermudas either thro' the Imperial Parliament or thro' the Local Legislature to retain them there".—Her Majestys Government regret that until the receipt of Your recent despatches they had no reason to believe that such was Your view or opinion at the time when the Ordinance was passed. Neither in Your despatch

transmitting the Ordinance to this Country nor in your despatch to the Governor of Bermuda informing him of Your having sent the prisoners to that place was any allusion made to your expectations of the adoption of any such measures. As the Prisoners were sent to Bermuda within a few days after the passing of the Ordinance, and consequently long before it could possibly reach this Country, the intervention of the Legislature of the Bermudas on which you now appear to have relied could not have been made available at the suggestion of Her Majestys Government, for the purpose of authorizing their restraint on their arrival there. 1838

That object could only have been attained by a suggestion from yourself to the Governor of Bermuda of the expediency of recommending to the Local Legislature an Enactment of the required character, in case that Legislature should have been at the time in Session, and the Governor should have thought that such a recommendation would be favourably received.

The propriety of proposing a measure to the Imperial Parliament to supply the defect in the Ordinance did not escape the attention of Her Majestys Government. It was fully considered by them. Your Lordship will not expect me to state in a despatch the reasons which induced Her Majestys Government after full deliberation to think such a course inexpedient. That I abstained from adverting to it in my dispatch to Your Lordship of the 18th August was solely owing to the absence of any reference in your previous dispatches to the expectation which it appears Your Lordship entertained that such a course would have been adopted.—

There is one other topic to which I hoped it would have been unnecessary for me to recur, but which after the renewed allusion to it in Your Lordship's despatch No. 66, I cannot altogether pass over in silence.—I mean the appointment of Mr. Turton as an Executive Councillor. I abstained from replying to Your despatch of 30th July No. 30 on this subject from a conviction that the correspondence which had already taken place with regard to it, could not be continued without a wide departure from the ordinary Rules of official communications, and without exposing to needless pain the individual who had unfortunately been the occasion of it. The observations however which you have made in your dispatch of the 25 September compel me to remind you that Your selection of that Gentleman for the office of Your Legal Adviser, was made by you without any previous communication to Lord Melbourne or to myself, & without any knowledge on our part of Your intention, and that as soon as it was known to us Lord Melbourne stated to you the decided objection which he entertained to the appointment. In consequence of this intimation from Lord Melbourne you waived the appointment, expressing at the same time Your intention in consideration of the painful position in which Mr. Turton would otherwise be placed that he should proceed to Canada as your private friend. It was unquestionably the firm impression & expectation of Lord Melbourne and of myself that whatever assistance Mr. Turton might render to Your Lordship, would be given in a private capacity and that he was not to fill any official situation connected with Your Mission."—

p. 44

1838
Downing St., Nov. 15.

Glenelg to Durham. No. 134. "I have had the honor to receive Your Lordships dispatch of the 9th of October, No. 80, enclosing Copies of two Proclamations bearing date respectively the 8th and 9th of that month and published by you in the Quebec Gazette.

Of the proclamation of the 8th of October, I am commanded to convey to you Her Majestys approval.

The Proclamation of the 9th of October, Her Majesty's confidential Advisers regard not merely as a deviation from the Course which has hitherto been invariably pursued by the Governors of the British Possessions abroad, but as a dangerous departure from the practice and principles of the constitution. They consider as open to most serious objection an Appeal by such an officer to the Public at large from Measures adopted by the Sovereign with the advice and consent of the Parliament.

The terms in which that appeal has in this instance been made appear to Her Majestys Ministers calculated to impair the reverence due to The Royal authority in the Colony, to derogate from the character of the Imperial Legislature to excite amongst the disaffected hopes of impunity, and to enhance the difficulties with which Your Lordships Successor will have to contend.

The Ministers of The Crown having humbly submitted this opinion to The Queen it is, my duty to inform you, that I have received Her Majestys Commands to signify to Your Lordship Her Majestys disapprobation of your proclamation of the 9th of October.

Under these circumstances Her Majestys Government are compelled to admit that Your Continuance in the Government of British North America could be attended with no beneficial results.

I presume that before your receipt of this dispatch, Your Lordship will have delivered over the Government of Lower Canada to Sir John Colborne to whom I shall address the requisite instructions for his guidance." p. 61

Downing St., Nov. 15.

Glenelg to Colborne. No. 1. Transmitting copy of despatch to Durham No. 126 of Oct. 26, and instructing him to regard it as addressed to himself, so far as concerned measures for ensuring the security of the province, and for constituting a tribunal for trial of persons thereafter charged with treason or murder. (Despatch No. 126 enclosed.) p. 68

Downing St., Nov. 18.

Glenelg to Colborne. No. 2. Stating with reference to Durham's despatch No. 50 of August 31, that Treasury had authorized Bishop of Montreal to draw salary at rate of £1,000 a year from death of Bishop of Quebec until April 1, 1838. p. 105

Downing St., Nov. 19.

Glenelg to Colborne. No. 3. Enclosing papers respecting request of Samuel Fisher for assistance in recovering property from a bankrupt. (Three enclosures.) p. 108

Downing St., Nov. 19.

Glenelg to Colborne. No. 4. "The views of Her Majesty's Government as to the proper course to be taken for the protection of the Loyal Inhabitants of Lower Canada against the intrigues or violence of the disaffected, have been fully stated in my Despatch to the Earl of Durham of the 26th of October No. 126, a Copy of which I enclosed for your guidance in my Despatch of the 15th of this Month, No. 1. It may however not improbably occur to you that Lord Durham's Proclamation of the 9th of October, has to some extent, superseded the instructions contained in my Despatch of the

26th October, which was addressed to His Lordship before I was aware even of the existence of that proclamation. I am therefore anxious to relieve you from any embarrassment which you may feel in acting upon instructions incompatible with some passages of a Public Proclamation so recently addressed to Her Majesty's Subjects in North America by the Officer representing The Queen in that part of Her Majestys Dominions. 1838

In my Despatch of the 18th of August No. 89, written on the unhesitating assumption that the disallowance of the Ordinance, 1 Vict: Cap. 1, did not bring within the reach of the General Amnesty of the 28th June the persons who had been expressly excepted from it, I explained the course which it would be proper for the Local Government to pursue respecting them. I must suppose, altho' Lord Durham's Despatch is silent on that subject, that his Lordship did not proceed to a public announcement of the opposite Construction of the Law, except in submission to some legal authority to which he considered himself bound to defer. But whatever may have been the weight due to that Authority, Her Majesty's Government must regard, both as unnecessary and inexpedient, the public declaration by the Governor of the Province of a legal right, of which Her Majestys Confidential Advisers did not admit the existence. It was a question which, if raised by any of the parties more immediately interested, should under such Circumstances have been left by the Local Government to the decision of the Legal Tribunals of the Province. Her Majesty's Ministers adhere to their Original view of this question. They see no reason to retract or qualify the opinion that the amnesty acquired no new force or extension by the disallowance of the Ordinance. It is however needless to pursue a discussion which, under the altered Circumstances of the Case, could lead to no practical result. The Proclamation of the 9th of October has given to the Amnesty of the 28th of June a construction which, however erroneous, pledges the faith of the Government for the impunity of all Political offences, by whomsoever committed, previously to that date.

At the same time I cannot suppose that there is any reason for regarding the return of the exiles to Lower Canada with less apprehension now, than was felt and expressed by Lord Durham himself in the Month of June. The evil is indeed greatly aggravated, for they will return not as objects of the Royal Clemency but in an apparent triumph over the Government and the Law.

Lord Durham's public announcement of the impunity of these persons was not even qualified by a reference to that condition of the Amnesty of the 28th June which required those who should claim the benefit of it to give such security for their future good and loyal behaviour as the local Government might direct. Her Majesty's Ministers are however of opinion that this condition is still binding and that you are at liberty to enforce it in any case in which you may consider such a measure desirable.

I trust that the course of proceeding which my Despatch of the 26th of October contemplates will be sufficient to protect the loyal Inhabitants from the suspense and agitation which might result from the unrestrained attempts of the disaffected to propagate their own views and to excite disorder—But it cannot be too clearly understood nor too generally made known, that Her Majesty's Government are resolved and prepared to use all the resources at their command for this purpose. If the measures which I have already pointed out in

1838 my Despatch of 26th October should be inadequate to that end, you may rely on the unequivocal sanction and firm support of the Ministers of the Crown in any further proceedings which in the exercise of your powers as Administrator of the Government you may take for defeating intrigues against the public peace and the Royal Authority even though these intrigues should be conducted in such a manner as not to render the Authors of them amenable, to the Legal Tribunals in the ordinary course of Law.

You will have observed that the instruction under the Sign Manual of the 13th April last authorizes the Officer administering the Government of Lower Canada for the time being in the absence of the Governor General to appoint Special Councillors for the purposes of the Act 1 Vic. Cap. 9." p. 124

Downing St., Nov. 21. Glenelg to Colborne. No. 5. Notifying him that his emoluments would be on same footing as before Durham's arrival. p. 135

Downing St., Nov. 24. Glenelg to Colborne. No. 6. "In my Dispatch of the 26 Octr., marked Confidential, I called the attention of the Earl of Durham to the intelligence which had been transmitted to Her Majesty's Government by Mr. Fox of extensive preparations alleged to have been made on the American Frontier for an attack on the possessions of Her Majesty in Canada—and I expressed the confidence of Her Majesty's Government that no precautions would be omitted by Lord Durham in conjunction with yourself & the Lt. Governor of Upper Canada to provide for the security of the Provinces in case any such designs as those referred to by Mr. Fox should be really entertained. From Lord Durham's Dispatches No. 84, of the 16th October, & No. 89, of the 20th Octr., both of which reached this Office on the 20th inst., Her Majesty's Government regret to learn that the intelligence communicated by Mr. Fox had been confirmed from other quarters, and that while his Lordship had great reason to apprehend that there had been suddenly formed throughout the Bordering States a widely ramified conspiracy bent on the invasion of the British Dominions in America, he at the same time entertained no doubt of the existence of an organization of the disaffected in Lower Canada which might lend a most pernicious aid to any attack from without.

From the latest communication from Mr. Fox to Her Majesty's Government dated the 18th Octr., I am induced to hope that the apprehension of a combined and organized attack from without may have been in some degree exaggerated, and I am happy to observe that Mr. Fox was inclined to believe that if peace should be preserved during the winter within the British Provinces, the alarm would result in nothing worse than frequent & idle threats of invasion, which, though harrassing to Her Majesty's Troops, and vexatious & irritating to the Loyal inhabitants on the Frontier would cause no serious injury.—At the same time it is impossible with the vague and uncertain information which we possess to trust to anything but the ability to meet and repeal hostile aggression. Her Majesty's Government, therefore, cannot hesitate to approve of the precautions which at the suggestion of Lord Durham you were about to take for this purpose. They feel entire confidence in your foresight, energy, & judgment, and with the means at your disposal, they can entertain no apprehension as to the result of an attack on either of the Canadian Provinces from the American Frontier. I trust indeed that the preparations which you may have found it necessary to make may

have been on a less extensive scale both as to men and expenditure than was anticipated by Lord Durham, but the sources of information to which you have access will enable you to judge more correctly than we can do at this distance of the nature & extent of the danger and as to the preparations that may be necessary for encountering it—, Her Majesty's Government can impose on you no further restrictions than those which your own experience and a regard to the public interests would dictate. 1838

Her Majesty's Government have not perused without grave concern the description given by Lord Durham of the internal state of the Canadas. I am unwilling to enter into a discussion as to the causes of the prevailing excitement of the public mind in those provinces, but when I find that feeling ascribed to a prospect of a new change in the system of Government and to the disturbance by the Acts of Her Majesty's Ministers of a settled Policy which had been judged both by its advocates & its opponents to have been definitively adopted, I cannot refrain from observing that I consider it to have been the duty of the Local Government to have omitted no means of removing from the minds of the inhabitants so erroneous an impression, and of assuring them of the fact that the general Policy pursued by Lord Durham from the commencement of his Administration to the period when he first announced his intention of resigning his Office had met with the cordial approbation of Her Majesty's Government. The disallowance of the Ordinance 1. Vict: Cap: 1.—the grounds of which disallowance have been long since fully explained, was accompanied with the most explicit assurance of the undiminished confidence of H.M. Government in Lord Durham, & of their entire approval of the object & spirit with which that Ordinance had been framed. It was further accompanied with suggestions calculated to obviate the evils which the disallowance of the Ordinance might otherwise have been expected to produce. H.M. Ministers cannot admit that Lord Durham was entitled to devolve on them the responsibility for the rejection of those suggestions, & for the impression which appears to have consequently prevailed in Canada, that the Loyal Inhabitants of the Province were to look for no support from this Country, & that the system of Government was again to be changed. At the same time, they deeply regret the public declaration by which the Individuals comprised in the provisions of the Ordinance have, contrary to the express views & opinion of H.M. Government been encouraged to return to the Province, & that too at a moment when it is alleged by Lord Durham himself that "the indications of Conspiracy & dangerous designs, are numerous & undeniable & that a formidable organization, bound together by Secret Oaths & Secret signs, undoubtedly exists." To allay the excited feelings of which there is unhappily too conclusive evidence, to remove the erroneous apprehension of a change in the system of Government,—and to restore a confidence in the determination of Her Majesty's Ministers to support and protect the Loyal Inhabitants of Canada will be the end to which you will direct your earnest and unremitting endeavours. My recent instructions render it superfluous for me to address to you in this Dispatch any specific directions as to the measures to be adopted for counteracting the intrigues and designs of the disaffected. My chief object, at present, is to impress on you the no less important duty suggested by the Dispatches before me of re-assuring the Loyal and Faithful Subjects of Her Majesty in the Province, and of strengthening their attachment to their Sovereign and to the British Empire." p. 138

1838

Downing St., Nov. 24. Glenelg to Colborne. (Separate.) Referring to despatch No. 6 of same date, Colborne was enjoined to restrain within narrowest limits possible the raising and arming volunteers to meet crisis. The increase of existing animosities by arming one part of population against another and the fostering in one class a taste for excitements of military life were evils of greatest kind, only to be justified by overruling necessity. There was also question of expense which was embarrassing Government. Suggestions made for reducing this expense, and memorandum sent for guidance, of arrangements for employing volunteers in recent Kaffir War at Cape of Good Hope. (Memo. enclosed.) p. 150

Downing St., Nov. 24. Glenelg to Colborne. No. 7. Enclosing copy of letter from Messrs. Kearsey, Hughes and Thomas soliciting assistance in recovery of property from bankrupt. (Enclosure.) p. 161

Downing St., Nov. 26. Glenelg to Colborne. No. 8. Acknowledging Durham's despatches Nos. 55 and 56 of Sept. 13, and stating that rules of service preclude granting pensions to J. G. Naacke and Samuel Brogden. p. 169

Downing St., Nov. 30. Glenelg to Colborne. (Circular.) Requesting return of number of seamen and marines sent to Colonial Hospitals between 1830 and 1836 (inclusive.) p. 171

Downing St., Nov. 30. Glenelg to Colborne. No. 9. Drawing attention to despatch No. 53 of March 30, with address from House of Lords, for certain returns relating to Clergy Reserves, and asking that information be furnished. p. 172

Downing St., Nov. 30. Glenelg to Colborne. No. 10. Acknowledging Durham's despatch No. 93 of Oct. 20, calling attention to Passengers Act and its administration, and enclosing copy of Dr. Poole's evidence. It would appear that Durham was not aware subject was dealt with in despatch to Gosford dated Sept. 12, 1836, and no further representations had been made on subject to Colonial Secretary. If there were reports from Dr. Poole in Quebec, they should be sent to him. p. 174

Downing St., Dec. 4. Glenelg to Colborne. No. 11. Transmitting, in connection with Gosford's despatch No. 108 of Oct. 24, 1837, and Glenelg's No. 51 of March 20, letter from Treasury explaining why it would be inexpedient that privilege of franking should be granted to principal officers of Government in Lower Canada. (Enclosure.) p. 181

Downing St., Dec. 10. Glenelg to Colborne. No. 12. Acknowledging despatches Nos. 1, 3-6, and confidential of Nov. 5, reporting his assumption of Government, the breaking out of insurrection on Richelieu, proclamation of Martial Law in District of Montreal, and entire dispersion of insurgents. Governor's proceedings were approved; and praise bestowed for gallantry of Militia. p. 189

Downing St., Dec. 11. Glenelg to Colborne. No. 13. Acknowledging Durham's despatch No. 95, of Oct. 22, and stating that Colborne's reports to the Commander in Chief had been transmitted to him, with reference to necessity of strengthening the military forces in Canada. Account was given of additional regiments which were being sent to Nova Scotia where they would be available for service in Canada if required. p. 193

Downing St., Dec. 12. Glenelg to Colborne. No. 14. Stating protest had been received from J. H. Kerr, acting for a sister of Miss Sophia S. Holland, against granting whole sum of £500 to latter as granddaughter of Major

Holland, in compensation for garden of Chateau St. Louis, which belonged to Major Holland. It was claimed that Mr. Kerr's client was entitled to share equally in grant. Instructions given to have papers sent to Colonial Secretary. p. 198 **1838**

Glenelg to Colborne. No. 14 A. Announcing that Government had decided to appoint him Governor General of British North America, pending appointment of permanent successor to Durham. His powers would be the same as those conferred upon Durham. These were to be found in Despatch No. 8 of April 3, 1838. p. 200 Downing St., Dec. 12.

Glenelg to Colborne. (Separate.) Transmitting four commissions appointing him Governor of Upper and Lower Canada, Nova Scotia and New Brunswick with instructions; also commission appointing him Captain General and Governor in Chief of British North America. Commission appointing him Governor of Prince Edward Island would be sent direct to Lieut. Governor of that colony, as it contained provision for separation of Legislative and Executive Councils. p. 204 Downing St., Dec. 12.

Glenelg to Colborne. No. 15. On provision to be made for families of those who had fallen in engagement with rebels in Lower Canada. Officers and men in militia and volunteer corps, wounded, and widows of those killed in active service, were to be treated as regards pensions and gratuities in same manner as if these corps belonged to regular forces. The families of Chartrand and McKechnie should receive gratuities payable out of Provincial revenues. List of other special cases should be submitted to Colonial Secretary. p. 207 Downing St., Dec. 13.

Glenelg to Colborne. No. 16. Acknowledging Durham's despatches Nos. 91 and 98 of Oct. 20 and 25, and conveying approval of the appointments of James Stuart as successor to Chief Justice Sewell, of Solicitor General O'Sullivan to succeed Chief Justice Reid, and of Andrew Stuart to be Solicitor General. p. 214 Downing St., Dec. 14.

Glenelg to Colborne. No. 17. Acknowledging despatch No. 4 of Nov. 17, and stating that ordinances accompanying despatches were under consideration. Enquiring names of Special Council. p. 217 Downing St., Dec. 14.

Glenelg to Colborne. No. 18. Transmitting Order in Council disallowing ordinance "to provide for the security of the Province of Lower Canada." p. 220 Downing St., Dec. 14.

Enclosure:— Dec. 11.

Extract from Report of Committee of Council for Trade for disallowing an Ordinance passed in Lower Canada in June 28, the ground being "because so much of it as relates to the custody of the persons therein mentioned in the Bermuda Islands was beyond the competency of the Governor and Special Council by whom the said Ordinance was enacted." p. 222

Glenelg to Colborne. No. 19. With reference to Governor's despatch to Lord F. Somerset of Oct. 31, with correspondence with Sir George Arthur respecting measures for defence of Upper Canada, entire approval was conveyed of arrangements outlined for defence of both provinces, and of general views expressed to Arthur. Latter was instructed that all arrangements of that nature should be subject to concurrence of Colborne. p. 225 Downing St., Dec. 14.

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Downing St., Dec. 14.

Glenelg to Colborne. (Confidential.)

"Her Majesty's Government have had under their consideration a Dispatch from Mr. Fox dated the 19 Ulto., reporting the events connected with the affairs of Canada which up to that date had come to his knowledge, and the representations which he had addressed on the subject to the Government of the United States.

As Mr. Fox is in direct Communication with you and as the circumstances which he reports are the same as those of which I have also received information from you, it is unnecessary that I should recapitulate the substance of his Dispatch—I proceed therefore at once to inform you of the views which Her Majesty's Government entertain of the more important points adverted to by Mr. Fox.

In respect to the number & size of the Vessels employed in the Canadian Lakes Her Majesty's Government approve of his suggestion that no communication should at present be addressed to the United States Government. If any representation is made to Mr. Fox by the Government of the United States upon this subject Mr. Fox will be instructed to say that he will immediately transmit such representations for the consideration of Her Majesty's Government, and that he is persuaded that the United States Government, animated by a sincere desire to perform the duties of good neighbourhood towards Great Britain, will give Her Majesty's Government Credit for being anxious to keep within the letter of the Agreement of 1817, as far as is consistent with the paramount consideration and imperative duty of Self Defence. Mr. Fox will add that the Agreement of 1817 contemplates a State of Peace between the two Countries, and limits the amount of Naval Force on both sides to the extent which may be sufficient for ordinary purposes of police during Peace; and if the Government of the United States had been able by the exertion of its own Authority to prevent open War from being carried on against the British Possessions by Citizens of the Union, Her Majesty's Government would have had no sufficient reason for aiming beyond the limits prescribed by the Agreement of 1817; but the power & authority of the United States Government have been insufficient to preserve Peace between the people of the two Countries, and although the most friendly relations subsist between the two Governments, yet large Bodies of Armed Citizens of the United States have made War against the British Territory.

In this strange and anomalous state of things, the Possessions of the British Crown being hostilely invaded by a People whose Government is at peace with Great Britain, Her Majesty's Government must consider themselves released from all restrictions as to the Nature and extent of the Means which it may be necessary for them to employ, in order to repel invasion, and to defend from attack the Possessions of the British Crown.

With respect to retaliatory incursions into the United States, Mr. Fox will be instructed to state to the Government of the United States that H M Government would very sincerely regret the occurrence of any case in which it would be necessary for H.M. Troops or armed subjects to pursue bands of Rebels or Pirates beyond the Frontier of the British Possessions, and that Her Majesty's Government hope and trust that no such case of necessity will occur; but that nevertheless it might happen that a Band of Plunderers having organized and armed within the United States, in spite of the Vigilance of the United States authorities, might, notwithstanding all the endeavours of those Authorities, cross over the Boundary Line and invade the

Possessions of the British Crown; and that it is possible Her Majesty's Forces, after having defeated and dispersed those Bands, might be obliged, with a view to their more complete destruction, to pursue them for a short way across the Frontier: But that H.M. Government are persuaded that if this should unavoidably happen, the United States Government will see in the circumstances of the moment a sufficient excuse for the irregularity, and will not take it ill, if acts of positive War against Great Britain committed by individual citizens of the Union should lead, not to retaliation for the sake of vengeance, but to some little overstepping of the Boundary of the Union, for the purpose of more effectually abating a danger which the authorities of the States would, in such a supposition, have been unable to control. **1838**

Having thus placed you in possession of the purport of the communication which Mr. Fox has been instructed to address to the Government of the United States, I have to add that notwithstanding the nature of that communication, H M Government would very much regret that any circumstances should occur which might afford to the Govt. of the United States even a plausible pretext for complaining of the invasion of their territory by H.M. Forces or armed subjects, or which might increase the risk of hostile collisions between the two Countries. As I am persuaded that you concur in these sentiments I have no doubt that you will use every exertion to prevent the violation by British subjects of the United States territory, notwithstanding the unjustifiable proceedings to which the loyal inhabitants of Canada have been exposed by Brigands from the United States.

I have to request that you will confidentially communicate the purport of this Despatch to Sir G. Arthur." p. 229

Glenelg to Colborne. No. 20. Transmitting Order in Council of Dec. 12, approving of Report of Committee of Privy Council for Trade and Foreign Plantations recommending that Ordinances passed in April and May No. 1 to No. 24, except Nos. 2 and 14 be left to their operation. (Order in Council not herewith.) p. 242 Downing St., Dec. 16.

Glenelg to Colborne. No. 21. Enquiring on behalf of man's mother, for information respecting T. Ostell. p. 243 Downing St., Dec. 18.

Glenelg to Colborne. No. 22. Stating that Mr. Roebuck complained that the provision to defray contingencies of late House of Assembly did not mention his salary as agent for Lower Canada for 1836 and 1837, and requesting explanation p. 248 Downing St., Dec. 18.

Glenelg to Colborne. No. 23. Stating, with reference to Durham's despatch No. 114 of Nov. 1, that Treasury had directed payment of expenses sanctioned by him on account of survey of Welland Canal. p. 253 Downing St., Dec. 21.

Glenelg to Colborne. No. 24. Acknowledging Durham's despatch No. 107 of Oct. 30, with a copy of his proclamation respecting "Squatters" who had settled and cultivated portions of the Crown Lands without title, and approving of arrangement to give these squatters right of pre-emption of land on which they were settled to extent of 200 acres each, at upset price of land in the district. Precautions to be employed to prevent imposition. p. 256 Downing St., Dec. 22

Glenelg to Colborne. No. 25. Stating, with reference to Durham's despatch No. 110 of Oct. 30, that 11 convicts whose names are given arrived at Liverpool on Dec. 18, and were placed in jail there. Discrepancy noted between Judge's reports and particulars given in Downing St., Dec. 22.

1838 despatch, for which explanation was requested. Under peculiar circumstances, Durham's resolution to carry into effect sentence of transportation notwithstanding instructions of May 25, 1837, was approved, as state of jails must have rendered this measure inevitable. p. 265

Downing St., Dec. 25. Glenelg to Colborne. (Circular.) Stating that arrangement had been made for supplying annually to each of the colonies, so many copies of Imperial Acts as may be required for the respective legislatures and courts of justice. p. 269

Downing St., Dec. 25. Glenelg to Colborne. No. 26. Transmitting correspondence from Treasury respecting payment of £200 sterling to Major Hall, Asst. Quarter Master General on account of secret service, and directing that, if this sum was properly payable from Colonial funds, it be repaid from Military Chest in Canada. (Four enclosures.) p. 272

Downing St., Dec. 26. Glenelg to Colborne. No. 27. Stating, with reference to Durham's despatch No. 62 of Sept. 19, that Treasury desire further information to enable them to deal with question of stationing in St. Lawrence a Government steamer of light draft for service of Governor. (Enclosure of letter from Treasury.) p. 278

Downing St., Dec. 27. Glenelg to Colborne. No. 28. Stating with reference to Durham's despatch No. 109 of Oct. 30, that on recommendation of Secretary of War, Treasury had consented to grant of allowance to troops serving in Canada to enable them to defray expense of additional clothing. p. 291

Downing St., Dec. 27. Glenelg to Colborne. No. 29. Acknowledging despatch No. 9 of Nov. 27, and directing that Mr. Harwood be informed that, after reconsideration, he could not admit claim of grand daughters of M. Lotbinière to 150,000 acres of land under Order in Council dated 1776. p. 295

Downing St., Dec. 28. Glenelg to Colborne. No. 30. Stating that Treasury, after consideration of despatch of Oct 12, had no fund at their disposal from which pension could be granted to Donald McGillis for services in first and second American wars, but that case should be laid before Legislature of Upper Canada for sympathetic consideration. p. 299

Downing St., Dec. 29. Glenelg to Colborne. No. 31. Stating with reference to his despatch of 13th inst. marked separate, that Admiralty had issued instructions for preparation of his commission as Vice-Admiral of Upper and Lower Canada, of Nova Scotia, New Brunswick and Prince Edward Island. p. 304

Downing St., Dec. 31. Glenelg to Colborne. (Confidential.)

"Before you can receive the present dispatch, you will in all probability have already been obliged to perform the duty of determining upon the fate of the persons convicted of participating in the late transactions in the Canadas. Her Majesty's Government have no doubt you will have acted in the difficult circumstances in which you are placed in the manner most calculated to ensure the future peace of Her Majesty's North American Dominions. We are aware that the crisis demands promptitude of action, and that this second rebellion may have called for measures of a more severe character than those which were applicable to the former. I conclude that you have considered the Instructions contained in my Dispatches of the 6th Jany & 21st of April last, as not applicable to this new & very different state of affairs. But to obviate any possible misconception which

might arise on that subject, I have to desire that you will regard those Instructions as no longer in force. Assuming that the fate of the principal delinquents will have been decided, there may now be parties in custody as to whose disposal you may entertain some doubts. I am, therefore, to express to you the wish of the Government that unless in cases of those more heinous offenders, transportation may be substituted for the infliction of a capital sentence. At the same time the Government are persuaded that your intimate acquaintance with the present state of the Colony, and of the circumstances under which the individuals in question have become amenable to punishment will enable you to decide justly & impartially, without listening to resentment on the one hand or yielding to false humanity on the other, on the most proper course to be adopted towards each offender." p. 306 **1838**

Glenelg to Colborne. No. 32. Transmitting Royal warrants for appointment of James Stuart as Chief Justice of Lower Canada; Michael O'Sullivan, as Chief Justice of Montreal; Andrew Stuart, as Solicitor General. p. 315 Downing St., Dec. 31.

Colborne to Glenelg. No. 3. Acknowledging despatch No. 4 of Nov. 19, containing observations on Durham's Proclamation of Oct. 9, with reference to refugees and exiles. In view of outbreak in Nov. 1838, none of those excepted from the general amnesty of June 28, could be allowed to take up residence in Lower Canada without jeopardizing peace of colony. Rodier and Cartier, two refugees, returned to Montreal nine or ten days before outbreak, and petitioned to remain. Their petition was granted on their giving security for future good conduct, and they appeared grateful. Several of the Bermuda exiles were on frontier for some time; one of them Goddu entered province and proceeded to St. Cesaire his family home. He was ordered to leave province on pain of arrest. Since his departure he petitioned for pardon, which was under consideration. Wolfred Nelson, Bouchette and Gauvin having attended meeting of Patriots in New York for purpose of continuing hostilities could have no claim under Proclamation of Oct. 9. Resolution expressed to exercise full powers as Administrator in adopting such vigorous measure as appeared to be necessary. p. 318 Government House, Montreal, Jan. 8.

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Glenelg to Colborne. No. 33. Acknowledging Durham's despatch No. 86 of Oct. 19, and authorizing that the £500 paid to Church of Scotland in Lower Canada from the interest on the sales of the Clergy Reserves be continued until further notice. p. 1 **1839** Downing St., Jan. 1.

Glenelg to Colborne. No. 34. Stating that no legal objections were found in Provincial Ordinances No. 1 to No. 12 inclusive, and that they would be submitted for approval. p. 5 Downing St., Jan. 1.

Glenelg to Colborne. No. 35. Stating that Treasury requested that £1,000 advanced from Military Chest to Attorney General be repaid from Provincial funds. p. 7 Downing St., Jan. 2.

Glenelg to Colborne. No. 36. Acknowledging despatch of Nov. 30; and conveying approval of several measures for restoration of peace in Lower Canada and of his sending 73rd Regt. to Upper Canada. p. 10 Downing St., Jan. 3.

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Downing St., Jan. 4. Glenelg to Colborne. No. 37. Stating that Treasury, having considered memorial from Mr. Wicksteed transmitted in Durham's despatch No. 102 of Oct. 26, on behalf of the officers of the Legislature whose functions were suspended, saw no reason for altering decision as to rate of compensation for those officers. p. 13

Downing St., Jan. 5. Glenelg to Colborne. (Confidential.) Referring to reports he had heard of proceedings taken by Government of Lower Canada against the Russian Consul at Boston, he enclosed an extract from letter written by a member of Parliament, describing chief witness against Consul as worthless character. (Enclosure.) p. 15

Downing St., Jan. 10. Glenelg to Colborne. No. 38. Transmitting letter from Admiralty suggesting some alterations in buoys and lights in St. Lawrence, and requesting that suggestions might be investigated and reported upon. (Enclosure.) p. 19

Downing St., Jan. 11. Glenelg to Colborne. No. 39. Transmitting, in connection with his despatch No. 10 of Nov. 30, copy of report of Agent General for Emigration on alleged remissness of Agents for Emigrants at British outports in enforcing provisions of Passengers Act. (Two enclosures.) p. 25

Downing St., Jan. 12. Glenelg to Colborne. (Circular.) Transmitting new warrant for regulation of barracks. (Enclosure not herewith.) p. 49

Downing St., Jan. 14. Glenelg to Colborne. No. 40. Acknowledging Durham's despatch No. 92 of Oct. 20, and reviewing the statements as to maladministration in Crown Lands Department which in Colonial Secretary's opinion were not borne out by facts adduced in report. There was no ground in his opinion for reversing confirmation of sale to Bruce, Shillito and McIntyre of 66,242 acres in District of Gaspé. p. 50

Downing St., Jan. 15. Glenelg to Colborne. No. 41. Requesting, in connection with his despatch No. 15 of Dec. 13, that information be furnished as to probable amount of pensions which would become payable during that year. p. 58

Downing St., Jan. 18. Glenelg to Colborne. No. 42. Acknowledging despatch marked confidential of Dec. 14, and conveying approval of the suspension of Judges Bedard and Panet. p. 61

Downing St., Jan. 18. Glenelg to Colborne. No. 43. Acknowledging despatch marked confidential, of Dec. 19, and conveying approval of the establishment of Court for trial of offences connected with late insurrection, and of decision to permit sentence of death to be carried into execution in case of two out of ten prisoners convicted of high treason. p. 63

Downing St., Jan. 18. Glenelg to Colborne. (Private.) Transmitting copy of despatch to Arthur. p. 66

Enclosure:—

Downing St., Jan. 18. Glenelg to Arthur. No. 199. Informing him that a number of political convicts had arrived at Liverpool on Dec. 17, and were lodged in jail there. On Dec. 28, on affidavits of Joseph Hume and J. A. Roebuck, writ of habeas corpus was issued to bring before Court the following—John Grant, Linus Wilson Miller, William Reynolds, Ira Anderson, James Brown, Randal Wixon, William Alves, Robert Leonard Watson, John Goldsbury Parker, Finlay Malcolm, and Paul Bedford. After two hearings, adjournment was made until 21st Jan. It was hoped decision could be communicated by next mail. p. 68

Sub-enclosures:— **1839**

Affidavits (separate) of Joseph Hume and John Arthur Roebuck, to the effect they had good reason to believe that John George Parker and eight other persons were brought to Liverpool, without trial, and detained in jail at Liverpool illegally. p. 72

Glenelg to Colborne. (Confidential.) Stating, with reference to confidential despatch from Colborne of Dec. 19, that measures would be taken for conveying such political prisoners as had been sentenced to transportation, direct from Canada to penal colonies. This however would be impossible before opening of navigation. In the meantime they were to be held in Canada. Enquiry as to probable number of such prisoners. p. 77 Downing St., Jan. 18.

Glenelg to Colborne. Transmitting opinion of Law Officers to effect that conduct of Judges Panet and Bedard in issuing writ of Habeas Corpus in case of John Teed was not consistent with law. p. 80 Downing St., Jan. 25.

Enclosure:—

J. Campbell and R. M. Rolfe. Temple, Jan. 1839.

"We have had the honour to receive Your Lordship's letter of the 19th instant, transmitting to us the Copy of a despatch from Sir John Colborne with respect to the suspension of Messrs. Panet and Bedard, two of the Puisne Judges of the District of Quebec from their Offices, and requesting our opinion whether the proceedings of these Judges on the occasion referred to were consistent with law.

Having perused all the documents connected with this case, and maturely considered the subject, we have to report to Your Lordship that, in Our opinion, the Proceedings of Messrs. Panet and Bedard on the occasion referred to were not consistent with law.

We think that the Writ of Habeas Corpus to bring up the body of John Teed was improperly issued by Mr. Panet on the 21st of Novr. 1838; and that his Judgment and that of Mr. Bedard on the return of this Writ, holding that it had properly issued, are entirely erroneous.

The Warrant of T. A. Young on which Teed was in custody, shewed that he was committed on suspicion of high treason. Therefore the Judge before whom a copy of the Warrant was laid, had notice that the Ordinance passed by the Special Council on the 8th of November took away the power of bailing the prisoner; and if that Ordinance was Valid, the Writ ought to have been refused. The doctrine is well settled that whether a Writ of Habeas Corpus be applied for before the full Court or a single Judge, and whether under the Statute or at Common law, some probable ground for granting it must be disclosed by affidavit; and if it appears that when the prisoner is brought up he must, on his own shewing, necessarily be remanded, the Writ ought not to be granted.

We consider it unnecessary to discuss the question whether the Habeas Corpus Act 31 Car 2 was introduced into Canada by 14 Geo: 3.

The writ of Habeas Corpus ad subjiciendum was unquestionably introduced into Canada as part of the Criminal Law of England: but there is great difficulty in saying that the specific regulations respecting that Writ and for bringing to trial persons charged with offences introduced into England by 31 Car 2 were applicable to Canada before the provincial Ordinance of 1784.

Assuming however that 31 Car 2 was introduced into Canada by the Authority of an Act of Parliament of the United Kingdom we

1839 are of opinion that it was suspended by the Ordinance of 8th November made under the Imperial Statute of 1 Vic C. 9. The two Judges have picked out and relied upon a particular expression to be found in this Statute, instead of looking to the general frame and scope of the Statute and the other enactments which it contains wholly at variance with the Construction they put upon the particular expression. The proviso respecting Acts of the Parliament of Great Britain is evidently to be confined to Acts of the same Nature as those expressly mentioned; and cannot be supposed intended to prevent the Special Council from passing any Ordinance at all to vary the Criminal Law of Canada from what was the Criminal law of England in the 14th year of King Geo. 3. If the intended sense were given to the proviso, the Special Council would be wholly inadequate for the purpose for which it is declared to have been created, and several of the most important enactments in 1st Vic: C. 9 would be entirely nugatory.

We think the two Judges would have been right in deciding that the return to the Habeas Corpus by the gaoler was insufficient, if the Writ had properly issued; but that their judgment upon the invalidity of the Ordinance of 8th November is contrary to law.

As to the Habeas Corpus directed to Colonel Bowles, if the proceedings upon it are disconnected from the proceedings upon the Habeas Corpus directed to the Gaoler, they appear to us to be regular. Affidavits were laid before Mr. Bedard shewing an unlawful detention of Teed,—without disclosing that he had been committed on suspicion of Treason, on shewing any thing to bring his case within the Ordinance of 9th November. Supposing the Writ to have lawfully issued to Colonel Bowles, he was in contempt for disobeying it, and subject to an attachment.

Considering however that there was upon the files of the Court an affidavit clearly shewing that Teed had been committed on suspicion of high Treason, that this Affidavit had previously been brought to the notice of M. Bedard as well as of M. Panet, and that both Judges knew that Teed had been transferred to the Custody of Colonel Bowles upon the original charge against him, we are bound to say that in Our opinion the Habeas Corpus to Colonel Bowles ought not to have issued, and that the subsequent proceedings against him were unjustifiable." p. 82

Downing St., Jan. 25. Glenelg to Colborne. No. 45. Referring to statement in Durham's despatch No. 92 of Oct. 20 that, contrary to terms of Imperial Act 7 & 8 Geo. IV. c. 62, upwards of 110,000 acres of Clergy Reserve lands had been sold in one year, and that, of the whole, three-sevenths had been sold, and not to people intending to settle but to speculators, Colonial Secretary desired report on all facts. p. 92

Downing St., Jan. 26. Glenelg to Colborne. No. 46. Setting out in detail proceedings in Liverpool on the writ of Habeas Corpus in behalf of the Canadian prisoners who were under sentence of transportation. Court of King's Bench decided against prisoners, but application was made to Exchequer Court, the result of which was until then undecided. p. 98.

Downing St., Jan. 26. Glenelg to Colborne. No. 47. Enclosing further communication from Count Mandelsloh, respecting case of Charles Maysenhölder, and directing that proper measures be taken. (Enclosure.) p. 107

Downing St., Jan. 26. Glenelg to Colborne. Instructing that Queen's commendation be conveyed to Caughnawaga Indians for gallantry in defeat of rebels on Nov. 4, and enquiring whether, in place of presents usually given, medals or other honorary rewards might not be bestowed on those who had distinguished themselves. p. 113

Glenelg to Colborne. (Confidential.) Transmitting report of Attorney and Solicitor General, as to competency of court established by Ordinance of Lower Canada, 2 Vict. c. 3, to try and condemn to death persons convicted in connection with late insurrection, that competency being questioned by Solicitor General of Lower Canada. p. 116

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Downing St., Jan. 26.

Enclosure:—

J. Campbell & R. W. Rolfe to Glenelg.

Temple, Jan. 1839.

"We have had the Honor to receive Your Lordship's letter of 19th Instant, transmitting to us the Copy of a Confidential Despatch from Sir John Colborne respecting the Measures which he had taken for the Establishment of a Court for the Trial of Offences committed during the late insurrection, the proceedings of that Court and his intention to allow the execution of two of the Persons who had been Sentenced to Death, and with reference to the Ordinance of the Governor and Special Council of Lower Canada 2 Vic. C. 3 desiring us to take Sir John Colborne's Despatch into consideration and to report to Your Lordship Our opinion whether the opinion entertained by the Solicitor General of Lower Canada of the incompetency of the Court established under the Ordinance in question to try Prisoners under the charge of Treason rests on any valid foundation—

Unfortunately we are not informed of the reasons which have induced the Solicitor General of Lower Canada to come to this opinion; but we have given the subject the most deliberate consideration and we have to report to Your Lordship that in Our opinion the Court Established under the Ordinance in question is competent to try Prisoners under the charge of Treason.

We adhere to the opinion we have repeatedly expressed that the Special Council Established in Lower Canada by 1 Vic. c. 9. is not restrained from passing Ordinances which may alter the Criminal Law in Canada and make it different from the Criminal Law of England as it existed at the passing of the Canada Act 14. Geo. 3.

We conceive that the power of the Special Council to Legislate respecting criminal law and the administration of it in Lower Canada is supreme—as was the power of the former Legislature of Lower Canada before it was suspended.—If this be so, it is impossible to make any distinction in point of Law between an Ordinance altering the mode of Trial of common Assaults and subjecting them to the summary jurisdiction of a Magistrate instead of being referred to a Jury and an Ordinance altering the mode of Trial in cases of Treason and enacting that instead of a Jurv they shall be tried by a Court Martial.—In 1 Vic. C. 9—there is no exception with regard to Treason, and the mode of Trying it may be altered as much as of any other offence.—

It has been said by Lord Denman that any Ordinance of the Special Council contrary to the first principles of equity and Justice is void; but this doctrine does not proceed upon any express restriction upon its framers and must be equally applied to the Acts of any Supreme Legislature.

That the mode of trial prescribed by the Ordinance 2 Vic. C. 3. is such as cannot lawfully be prescribed by a Supreme Legislature it is impossible for any one to contend in a British Court of Justice, after the late Irish Coercion Act and various other Acts to be found in the Statute Book of the United Kingdom.—

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If necessity will justify what is called Martial Law by Proclamation (which is a cessation of all Law) while the necessity endures, no objection can reasonably be made, where the same necessity exists, to a modification & mitigation of Martial Law by Legislative Enactment.— p. 119

Downing St., Jan. 27.

Glenelg to Colborne. No. 48. Enclosing correspondence with Treasury, in which they stated there was no objection to three following Ordinances, provided Colonial Secretary sanctioned amounts of pensions, and that provisions of Imperial Act 1 Vict. cap. 9 had been complied with; and adding that Ordinances would be submitted for confirmation. p. 125

No. 30. An Ordinance to make provision for defraying the Civil Expenditure of the Provincial Government from the 1st day of April 1838, to the 10th day of October of the same year.

No. 31. An Ordinance to make good two certain Sums of Money therein mentioned, advanced in payment of certain indispensable expenses of the Civil Government of Lower Canada between the 1st day of March 1838, and the 31st day of October of the same year.

No. 32. An Ordinance to appropriate certain Sums annually to enable Her Majesty to defray the expense of Pensions conferred on the Honourable Jonathan Sewell Esquire and the Honourable James Reid Esquire.

Downing St., Jan. 29.

Glenelg to Colborne. (Circular.) Sending a copy of Montgomery Martin's Statistical Account of the Colonies of the British Empire, and urging greater care in preparation of Returns. p. 133

Downing St., Feb. 1.

Glenelg to Colborne. No. 49. Acknowledging despatch No. 16 of Dec. 26, with list of Executive Council, and enquiring whether appointments were intended to be merely temporary. He was abstaining from submitting names to H.M. for confirmation until he heard. p. 134

Downing St., Feb. 3.

Glenelg to Colborne. No. 50. Stating that proceedings of Court Martial enclosed in despatch of Dec. 25, had been submitted to General Commanding in Chief to ascertain whether they were in accordance with Military Law and usages of General Courts Martial. p. 137

Downing St., Feb. 6.

Glenelg to Colborne. No. 51. Stating that Treasury, to whom were referred Durham's despatch No. 54 of Sept. 13, expressed regret that there was no fund from which relief could be granted to widow of Rev. R. Q. Short, Rector of Three Rivers. p. 139

Downing St., Feb. 7.

Glenelg to Colborne. (Circular.) Transmitting copy of Durham's Report with part of appendix. p. 141

Downing St., Feb. 7.

Glenelg to Colborne. No. 52. Enclosing letter from Count Molé to Foreign Office, interceding for a French man named Charles Hindenlang, said to have been taken prisoner at Odelltown; and requesting that such consideration be given to the intercession as facts would justify. (Two enclosures.) p. 142

Downing St., Feb. 7.

Glenelg to Colborne. Acknowledging despatches Nos. 13, 14, 16, 17, 18, 1 & 2, and confidential, of Dec. 14, 19 and 31, and unnumbered of Dec. 25, and Jan. 2. p. 149

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Glenelg to Colborne. No. 53. Stating that despatch No. 18 of Dec. 31, was referred to Law Officers, who reported their opinion that proceedings of Judge Vallière de St. Real in granting writ of Habeas Corpus on behalf of Celestin Houde were contrary to law. (Enclosure.) p. 150 — Downing St., Feb. 8.

Glenelg to Colborne. No. 57. Transmitting, in connection with despatch No. 18 of Dec. 14, certificate of date on which Ordinance providing for security of province of Lower Canada was received at Colonial Office. Ordinance was received, according to certificate on Nov. 20, 1838. p. 155 — Downing St., Feb. 8.

Glenelg to Colborne. No. 54. Acknowledging despatch No. 3 of Jan. 8, and conveying approval of measures taken with respect to persons excepted from amnesty of June 28, 1838. p. 157 — Downing St., Feb. 9.

Glenelg to Colborne. No. 55. Acknowledging despatch No. 85 of Nov. 20, and transmitting Order in Council leaving to their operation, Ordinances No. 28, establishing system of Police in cities of Quebec and Montreal, and No. 29 for preventing discharge of certain persons until they should have given security. (Order in Council not herewith.) p. 159 — Downing St., Feb. 9.

Glenelg to Colborne. No. 56. Transmitting, in connection with his despatch No. 19 of Dec. 14, requisition from Arthur for arms and military stores, and requesting opinion as to whether so large a quantity was required. (Enclosure.) p. 161 — Downing St., Feb. 9.

Glenelg to Colborne. No. 58. Transmitting copy of letter from Treasury desiring information relative to certain Field Allowances issued to staff and regimental officers serving during insurrection of 1837, and requesting report. (Two enclosures.) p. 166 — Downing St., Feb. 15.

Marquis of Normanby to Colborne. (Circular.) Announcing his succession to position of Colonial Secretary, on resignation of Lord Glenelg. p. 182 — Downing St., Feb. 20.

Normanby to Colborne. (Circular.) Transmitting Royal Warrant authorizing use of new seal for Province of Lower Canada and requesting return of old seal. p. 183 — Downing St., Feb. 23.

Normanby to Colborne. No. 1. Transmitting copy of letter from Admiralty, stating extent to which Captain Sandom was authorized to procure services of steam vessels on Canadian lakes. (Enclosure.) p. 184 — Downing St., Feb. 24.

Normanby to Colborne. No. 2. Requiring information necessary to furnish House of Commons with copy of Report of Commissioners appointed to enquire into losses sustained during late rebellion, also of names of claimants and amounts claimed. p. 187 — Downing St., Feb. 25.

Normanby to Colborne. (Confidential.) Transmitting, with reference to Durham's despatch No. 106 of Oct. 30, two letters from Treasury regarding commuted pensioners in Upper and Lower Canada. p. 190 — Downing St., Feb. 25.

Enclosures:—

(1) G. J. Pennington to Stephen. Transmitting copy of letter addressed by Treasury to Secretary of War. p. 193 — Treasury Chambers, 19 Feb.

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Treasury, Chambers, Feb. 9.

(2) F. Baring to Secretary of War. Stating that several communications had been received, representing the destitute condition of many of the late pensioners in Canada; that Treasury considered it would be inexpedient to renew the pensions; that relief should be granted only to those in urgent need, and should not be in the form of money, but of clothing and food, and provision for shelter for the homeless. Estimate should be prepared on this line. p. 195

Downing St., Feb. 26.

Normanby to Colborne. (Confidential.) Stating that Fox, Minister at Washington, had sent copies of correspondence between himself and Buchanan, British Consul at New York, from which it appeared that latter had been in communication with Papineau respecting conditions in Canada; and that Buchanan had been informed that Government entirely disapproved of his proceedings in the matter. p. 201

Downing St., Feb. 26.

Normanby to Colborne. No. 3. Conveying H.M.'s approval of the gentlemen selected to form Special Council, and of Chief Justice Stuart's having declined a seat in the Council, as mentioned in despatch No. 4 of Jan. 15. p. 203

Downing St., Feb. 27.

Normanby to Colborne. No. 4. Requesting, in compliance with address of House of Commons, return of Revenue and Expenditure for each of year 1833-1838 inclusive. (Address of House.) p. 205

Downing St., Feb. 28.

Normanby to Colborne. No. 5. Acknowledging despatch No. 12 of Jan. 21, and expressing satisfaction at Judge Rolland having refused a writ of Habeas Corpus to J. G. Barthe accused of treasonable practices. p. 211

Downing St., Feb. 28.

Normanby to Colborne. (Private & Confidential.) Enclosing copy of despatch addressed to Arthur on subject of execution of capital sentences on persons convicted of treason. p. 213

Enclosure:—

Downing St., Feb. 28.

Normanby to Arthur. (Copy.)

"Referring to my public despatch of this date on the subject of the recent executions in Upper Canada, I cannot but express to you in this more private manner the regret with which I regard the great pain and arduous responsibility which you have been and are still called upon to undergo in the Service of the Crown in that Province. I sympathise in the strong feelings of natural repugnance which you entertain and express for the distressing task which has devolved on you of authorizing the execution of so many capital sentences, and I am persuaded that no one can desire so earnestly as yourself that this irksome necessity may be brought to a speedy & final close. Yet you will readily believe that I and my Colleagues feel a very deep solicitude on the subject. We concur with you in apprehending that exaggerated and unfair representations of what is passing in Upper Canada may involve our National Character in reproaches which, however unfounded and unjust can yet scarcely fail to be seriously prejudicial. So strong is the prevailing sentiment throughout the Civilized World in favor of a lenient administration of the Criminal Law, and against Capital Executions, that I fear it is vain to hope that justice will be done to the motives of those who act in opposition to it, however weighty or conclusive may be the arguments in defence of their conduct. On the other hand the strong pressure upon you of public opinion in the Province, under your Government

obviously renders it a duty of the most arduous kind to oppose yourself to the demand made for examples which it is hoped may prevent the recurrence of the crimes and outrages under which the peaceful and loyal Inhabitants have so severely suffered. I should not feel myself acquitted of my own obligations if I left you to contend unaided and alone against those demands. It is needless or rather it would be injurious to admonish you to limit within the narrowest possible bounds the number of prisoners upon whom the heavier sentences of the Law are to be inflicted. But as soon as in your judgment that limit is reached, it may be convenient and useful to you to be able to announce that you have the authority and instructions of the Ministers of the Crown to arrest all further proceedings of the same kind I have therefore to convey to you my authority for resisting in the name of Her Majesty's Government as well as in your own, every application and advice for the multiplication of Capital Executions from the first moment at which your own judgment may be satisfied that they should cease. I trust indeed that long ere this Despatch reaches you, the melancholy office of acquiescing in the exaction of such penalties will have ended, but as the case may possibly be otherwise I am anxious to take my full share of the responsibility of the utmost degree of forbearance and lenity which you may find it practicable to exercise." p. 215 **1839**

Normanby to Colborne. (Private.) Stating with reference to death of Receiver General Hale reported in despatch No. 1 of Jan. 2, that in view of anticipated changes in governmental arrangements it was considered inadvisable to make permanent appointment at the time. Mr. Jeffrey Hale would act as Receiver General on understanding that arrangement was merely temporary. p. 222 Downing St., Feb. 28.

Normanby to Colborne. No. 6. Acknowledging despatches Nos. 13, 14, 15 of Jan. 22, and stating that Court Martial proceedings had been referred to Advocate General, but approval was given of decision to allow law to take its course in case of five of those individuals, four of whom were implicated in murder of Mr. Walker. p. 225 Downing St., Feb. 28.

Normanby to Colborne. No. 7. Acknowledging despatch, marked confidential, of Dec. 31, and stating that the unauthenticated copies of three Ordinances passed on Dec. 12 and 21, had been laid before Law Officers, who reported that two were unobjectionable, but the one suspending operation of Habeas Corpus Act was beyond powers of Provincial legislation. Its repeal by Special Council suggested. Fortunately, this Ordinance was not indispensable as objections made by some Canadian Judges to validity of original Ordinance were unfounded. p. 227 Downing St., Feb. 28.

Enclosure:—

J. Campbell and R. M. Rolfe to Glenelg. Temple, Feb. 6.

"We have to acknowledge the receipt of Your Lordship's letter of the 4th Instant, transmitting to us the Copy of a Dispatch from Sir J. Colborne, enclosing three ordinances passed by himself and the Special Council of Lower Canada on the 12th and 21st of December last. Your Lordship requests us to report to Your Lordship our opinion whether there is any objection in point of Law to the approval of these ordinances by Her Majesty in Council.

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We have taken these ordinances with the dispatch of Sir J Colborne into our consideration; and we have now the honor of reporting to Your Lordship that to the two first Ordinances, namely 2 Vict. c. 13, and 2 Vict C. 14, being numbered respectively 45 and 46, we see no objection: But we regret to say that the other Ordinance namely 2 Vict C. 15 (No. 47) appears to us to be altogether beyond the competency of the Canadian Legislature. It purports to *enact and declare* that the English Statute 31 Car 2 C: 2, commonly called the Habeas Corpus Act, is not, nor ever was, in force in the Province of Lower Canada. Now, many of the most important provisions of that Act were undoubtedly introduced into the Province of Quebec by the first Quebec Act 14th Geo 3 C. 83; and at all events it is clearly beyond the power of the Governor and Special Council to put a Legislative construction on the effect of the British Statute. The Governor and Special Council appear to have fallen into the mistake of supposing that the Writ of Habeas Corpus originated in the Act of Charles the Second. Whereas that Statute merely *regulated* and *enforced* the right of the subject to the writ to which he was entitled at common law, independently of the Statute. There could have been no objection in point of law to an ordinance declaring the issuing of the writs in the case of Teed to have been illegal, and discharging the parties who had been taken by virtue of the attachments. But the ground for such an enactment ought to have been, not that the Stat: of Charles the Second never formed part of the Law of the province, but that the rights of the subjects to the writ had been duly suspended by the ordinance recently passed, to which the Judges improperly refused to attend." p. 231

Downing St., March 3.

Normanby to Colborne. No. 8. Acknowledging despatch No. 16 of Jan. 22, stating reason for delay in completing report on cases of those in custody on charge of treason, and explaining apparent irregularity of some arrests in District of Montreal; and expressing confidence in discretion and justice of his proceedings. p. 244

Downing St., Mar. 5.

Normanby to Colborne. No. 9. Transmitting Order in Council confirming three of Durham's Ordinances Nos. 30, 31, and 32 relating to Civil Expenditure, as well as two others, No. 14 for Incorporating of Bank of Montreal, and No. 30 making provision for survey of Lake St. Peter. (Order in Council not herewith.) p. 247

Downing St., March 6.

Normanby to Colborne. (Circular.) Transmitting appendix to Durham's Report, marked B. relating to Lands and Emigration. p. 249

Downing St., March 7.

Normanby to Colborne. No. 10. Desiring that thanks be conveyed to Thomas Blackwood of Montreal for letter containing some suggestions on Canadian affairs. p. 250

Downing St., March 9.

Normanby to Colborne. No. 11. Requesting, in compliance with address from House of Commons, return of names, fates, etc., of persons imprisoned for treasonable practices since Nov. 1, 1837. (Address enclosed.) p. 251

Downing St., March 11.

Normanby to Colborne. No. 12. Acknowledging despatch No. 24 of Jan. 31, and expressing satisfaction with his direction to Executive Council to collect information on certain remedial measures, immediately necessary for welfare of province, and stating that suggestions would receive most attentive consideration. p. 255

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Normanby to Colborne. No. 13. Acknowledging despatch of Jan. 29, and stating that papers enclosed had not affected decision respecting claim of Mr. Thomson for salary as clerk of Court of Escheats between August 1828 and August 1831. (See Glenelg's despatch of Nov. 9, 1838.) p. 257 — Downing St., March 15.

Normanby to Colborne. No. 14. Acknowledging despatch No. 17 of Jan. 22, and stating with reference to Ordinance respecting Bank of British North America that directors had applied for charter, which was subject to discussion as to terms with Treasury and Committee of Privy Council for Trade. Draft charter had been submitted, and directors had petitioned that repeal of Ordinance in question might be suspended until charter should have been completed. This was agreed to, and directions were given to Governor in that sense. p. 260 — Downing St., March 16.

Normanby to Colborne. Acknowledging despatches Nos. 2, 4 to 24 inclusive. p. 264 — Downing St., March 20.

Normanby to Colborne. No. 16. Observing that steamer Great Western had arrived at Bristol bringing very important intelligence from United States up to Feb. 25, but no despatches from Upper or Lower Canada. Despatches Nos. 25 to 29 (inclusive) reached late evening before. p. 265 — Downing St., March 21.

Normanby to Colborne. No. 15. Transmitting printed copy of petition from LaFontaine and Mondelet to House of Commons. Explanations of charges invited. (Enclosure.) p. 267 — Downing St., March 22.

Normanby to Colborne. No. 17. Acknowledging receipt of despatch No. 29 of Feb. 19, and conveying satisfaction with proceedings of Court Martial. Government specially gratified by opinion that no more executions would be necessary, and that Courts Martial might be dispensed with. Arrangements had been made for conveyance of prisoners sentenced to transportation, from Canada to Australia. Vessel would take both Upper and Lower Canadian convicts. p. 272 — Downing St., March 27.

Normanby to Colborne. Acknowledging despatches Nos. 25 to 36, inclusive, and confidential of Feb. 27. p. 276 — Downing St., April 4.

Normanby to Colborne. No. 18. Acknowledging despatch No. 27 of Feb. 5, and stating that a Royal Warrant would issue for Commission for trial in Lower Canada of offences committed at sea or within jurisdiction of Admiralty. p. 277 — Downing St., April 5.

Normanby to Colborne. No. 19. Transmitting with reference to Colborne's confidential despatch of Feb. 25, copy of letter from Treasury conveying decision as to assistance to be given to Commuted Pensioners, and requesting that necessary steps be taken as regards those in Lower Canada. p. 279 — Downing St., April 6.

Enclosures:—

(1) G. J. Pennington to Stephen. (Copy.) Setting forth regulations to be observed in the distribution of food and clothing to indigent persons of that class. p. 281 — Treasury Chambers, Mar. 25.

(2) List of Commuted Pensioners residing in Canada to whom it was proposed to grant relief. p. 291

Normanby to Colborne. No. 20. Transmitting copy of letter from Treasury, and directing, in conformity with their request, that certain advances from the Military Chest for secret service, be repaid from Provincial revenues. (Six enclosures.) p. 307 — Downing St., April 7.

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Downing St., April 15. Normanby to Colborne. No. 21. Acknowledging despatch marked confidential, and conveying approval of his sending at Sir John Harvey's request, four companies of 11th Regiment to Madawaska Settlement. p. 318

Downing St., April 16. Normanby to Colborne. No. 22. Stating, with reference to his despatch No. 17 of March 27, that H.M.S. "Buffalo" would take out some troops for Canada, and, after landing them, would take on board persons sentenced to transportation to Australia, and would proceed with them directly to destination. p. 321

Downing St., April 16. Normanby to Colborne. No. 23. Transmitting Order in Council leaving to their operation Ordinances mentioned in Glenelg's despatch No. 34 of Jan. 1, and Normanby's No. 7 of Feb. 28. (Order in Council not herewith.) p. 323

Downing St., April 18. Normanby to Colborne. No. 24. Transmitting copies of two letters from Foreign Office asking for information respecting Maine Boundary. p. 324

Enclosures:—

Foreign Office, April 15. (1) J. Backhouse to Stephen. Expressing concurrence in answer of Normanby to Colborne (of April 15). Requesting that Colborne be asked for information as to character of country between River St. John and boundary claimed by Americans westward of St. Francis, that is, tract included between St. Francis and St. John and line claimed by Americans down to point where highlands divide waters of Chaudiere from those of Penobscot; also, as to comparative inconvenience of having Americans in possession of country up to boundary claimed by them from head of St. Francis to head of Connecticut, or of having them confined entirely to country south of St. John up to southermost head of that river. It would also be desirable to have information as affecting military defence. p. 327

Foreign Office, April 15. (2) Backhouse to Stephen. Information desired from Harvey as to whether communication between New Brunswick and Canada would be effectually secured if England and United States were to divide disputed territory between them in equal portions making the St. John the boundary from point where due North Line from the St. Croix intersects St. John up to southernmost or southeasternmost head; also, whether road from New Brunswick to Canada might not be carried along north bank of St. John the whole way; also, what extent of settlement and amount of British population there were anywhere south of the St. John within disputed territory that would be ceded to Maine by proposed division, and through what points he would draw the line south of the St. John according to his scheme of division alluded to in letter to Colborne of Feb. 21. Harvey should be asked to explain meaning of proposal to give Americans free navigation of St. John, and how this would affect New Brunswick timber trade. p. 331

Downing St., April 21. Normanby to Colborne. No. 26. Transmitting letter from Treasury, requesting repayment to Military Chest of amount paid for secret service. (Enclosure.) p. 336

Downing St., April 23. Normanby to Colborne. (Confidential.) Acknowledging despatch No. 39 of March 15, and stating that measure respecting Canada in course of preparation would have effect of repealing restrictions on Special Council as to imposition of taxes and appropriation of Provincial Revenues contained in clauses 3 & 4 of Act 1 Vict. c. 9. p. 340

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Normanby to Colborne. No. 27. Transmitting, in connection with Glenelg's despatch No. 120 of Oct. 21, copy of letter from Foreign Office on subject of outrage committed by an American fishing schooner on British vessel "Sir Archibald Campbell." p. 342 — Downing St., April 23.

Enclosure:—

Backhouse to Stephen. Enclosing with reference to case, Advocate General's report that, should offenders come at any time within British jurisdiction they might be apprehended and dealt with according to law. (Enclosure.) p. 344 — Foreign Office, April 13.

Normanby to Colborne. (Circular.) Transmitting appendix C to Durham's Report, relating to municipal institutions. p. 350 — Downing St., April 29.

Normanby to Colborne. Acknowledging despatches Nos. 37 to 42 (inclusive), and confidential of March 18. p. 351 — Downing St., April 29.

Normanby to Colborne. No. 28. Transmitting for guidance, copy of letter from Treasury, relative to annual presents for Indian tribes, and pointing out necessity of sending home requisitions in autumn of preceding year. (Enclosure.) p. 352 — Downing St., April 29.

Normanby to Colborne. No. 29. Stating that petition had been received from R. Alexander praying that, in consideration of services in militia during recent disturbances, compensation might be granted for losses sustained by destruction of his property by fire, and directing that he be informed, with regret, that, as fire was not attributable to insurrection, claim could not be entertained. p. 361 — Downing St., April 30.

Normanby to Colborne. No. 25. Transmitting, in connection with Gosford's despatch of Aug. 26, 1836, and Glenelg's answer of Oct. 6 following, letter from Hudson's Bay Company offering to surrender their lease of the King's Posts on condition of being secured in exclusive right of hunting in those districts and of trading with Indians for furs and peltries, and requesting report be obtained from Executive Council on question. p. 367 — Downing St., April 20.

Enclosure:—

J. H. Pelly, Governor, to Normanby. Representing that Company hold transfer of lease of district known as "King's Posts"; that district was wilderness inhabited only by Indians, and that only business was fur trade and salmon fisheries on small scale; that lease which was for 21 years would expire in 1842 gave Company exclusive right of trade; that it was considered in Canada that upper parts of Saguenay River were well adapted for colonization and that timber trade and salmon fisheries might advantageously be thrown open to public; that Company, for public benefit, would surrender lease, but were anxious to retain exclusive right of hunting and of trading in furs and peltries with Indians not only until end of term but for further term of 21 years as the only practicable means of keeping peace in the country; lease was of little benefit to Company, last year's operations being conducted with a loss; their particular object was to maintain in their own territory bordering on that part of Canada, the restriction on use of spirituous liquors and all other beneficial regulations which had improved condition of Indians, and continue like benefits to Indians of King's Posts. p. 370 — Hudson's Bay House, Mar. 20.

His Excellency laid before Board foregoing despatch and letter. p. 375 — Council Chambers, Quebec, June 4.

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Council Chamber, Quebec, June 26.

Rough draft of Report of Council on application of Hudson's Bay Company. It was noted that Indians of King's Posts numbered about 400 souls; they had been accustomed to protection and fostering care of successive lessees of the Posts; were generally of mild and tractable disposition, and for most part had embraced Christianity; lessees supplied means of annual visit of missionary of Roman Catholic faith to the different posts, where small churches were erected, mainly by late order of Jesuits; they had no agricultural habits, nor were likely for that generation to forsake old habits, sojourning alternately in forest and on coast of St. Lawrence, where during winter they pursue the seal, living on the oil. They were not included in Schedule annexed to Report of Council on Indian Affairs dated June 13, 1837, nor did they ever receive assistance in presents or outfits from Government. Under these circumstances and before throwing country open to settlement some arrangement should be made for care of Indians, and proposition of Company seemed to offer most convenient and least expensive mode of protection and employment. It was recommended that new lease be granted to Company for 21 years to be limited to exclusive right of hunting and trading with Indians, including seal fishery, at reduced annual rent of not less than £800. There was no necessity for cancelling conditions of present lease further than stipulating in new lease a right of entry and occupation by Crown for purpose of settlement at any time before Oct. 1, 1842, when existing lease terminated. p. 377

Downing St., May 4.

Normanby to Colborne. (Confidential.) Transmitting copy of letter from Foreign Office enclosing letter with flying seal addressed to L. H. Putnam, and requesting that letter should be delivered to him. Government would also desire any authentic information to be procured regarding Putnam. (Four enclosures.) p. 381

Downing St., May 4.

Normanby to Colborne. No. 30. Transmitting, in connection with Glenelg's despatch No. 50 of Feb. 3, and Normanby's of Feb. 28, reports from Judge Advocate and Crown Officers to effect that proceedings of Courts Martial were in conformity with general practice, and that the Courts were legally constituted, and that objections raised by counsel for prisoners were properly over-ruled. (Three enclosures.) p. 394

Downing St., May 4.

Normanby to Colborne. (Circular.) Transmitting, in connection with circular of Oct. 24, communications from Treasury, stating that arrangements had been made for establishing steam communication between Great Britain and British North America; also, extract from report of Stayner, Deputy Postmaster General as to best route between Quebec and Halifax. Report desired from Governor as to route most desirable not only with reference to rapidity, but with reference to security as against United States. (Three enclosures.) p. 406

Downing St., May 5.

Normanby to Colborne. No. 31. Transmitting, in connection with Durham's report No. 93 of Oct. 20, and Glenelg's replies of Nov. 30 and Jan. 11, a number of papers bearing on the charges brought against emigration offers for remissness in execution of Passengers Act. (25 enclosures.) p. 424

Downing St., May 6.

Normanby to Colborne. No. 32. Acknowledging despatch No. 50 of April 2, and expressing satisfaction that arrangements made with State of Maine permitted the return to Quebec of troops sent to Madawaska Settlement. Regret at continuance of disorders on Missisquoi frontier. p. 556

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Normanby to Colborne. No. 33. Acknowledging despatch No. 58 of April 16, and conveying congratulations from Queen on complimentary address to him from Legislature of Upper Canada. p. 558 — Downing St., May 15.

Normanby to Colborne. No. 34. Transmitting, in connection with despatch No. 22, letter from Admiralty stating that H.M.S. "Buffalo" would not be ready for sea before first week in June. (Enclosure.) p. 560 — Downing St., May 17.

Normanby to Colborne. Acknowledging despatches Nos. 43 to 62 inclusive, and unnumbered of April 4. p. 562 — Downing St., May 17.

Normanby to Colborne. No. 35. Acknowledging despatch No. 37 of March 13, and enclosing letters from Foreign Office agreeing that the arrest at Montreal of the Russian Consul at Boston was unavoidable. (Two enclosures.) p. 563 — Downing St., May 17.

Normanby to Colborne. No. 36. Transmitting for attention letter enquiring as to fate of young man named Preece sent out by Children's Friend Society. (Enclosure.) p. 574 — Downing St., May 18.

Normanby to Colborne. No. 37. Acknowledging despatch No. 51 of April 8, and expressing regret at death of Chief Justice O'Sullivan; also, concurring in postponement of new appointment in view of reorganization of judicature. p. 578 — Downing St., May 20.

Normanby to Colborne. (Circular.) Transmitting copies of two Treasury Minutes giving grounds for decisions on claims by owners of three American vessels for services of certain slaves which had been brought to the Bahamas and Bermuda and were seized by British officers. (Two enclosures.) p. 580 — Downing St., May 25.

Normanby to Colborne. No. 38. Stating that H.M.S. "Buffalo" would sail forthwith. p. 594 — Downing St., May 28.

Normanby to Colborne. No. 39. Transmitting, with reference to his despatch No. 18 of April 5, a commission for trial at Quebec of offences committed at sea or within jurisdiction of Admiralty. p. 596 — Downing St., June 1.

Normanby to Colborne. No. 40. Acknowledging despatch No. 38 of March 14, and enclosing Royal warrants for appointment of Messrs. Pothier, McGill, de Rocheblave and Moffat to Executive Council. Fees and stamp duties were £31-19 for each. p. 597 — Downing St., June 3.

Normanby to Colborne. No. 41. Transmitting letter from Treasury, pointing out an inaccuracy in repaying Military Chest. (Enclosure.) p. 599 — Downing St., June 5.

Normanby to Colborne. No. 42. Acknowledging despatch No. 47 of March 28, and expressing regret, after review of case, that decision already communicated respecting application of Mr. Justice Kerr could not be reversed. p. 604 — Downing St., June 6.

Normanby to Colborne. No. 14. (Copy.) Stating that, on receipt of despatch No. 43 of March 20, he felt obliged to suspend proceedings regarding charter of McGill College, until objections urged against it by Royal Institution of Quebec were heard. Letter to Mr. Gillespie, agent for McGill College and his reply were enclosed. (Enclosures not herewith.) p. 608 — Downing St., June 11.

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Downing St., June 12.

Normanby to Colborne. (Confidential.)

"As I am aware of your anxiety to be informed of the measures contemplated by Her Majesty's Government for the Settlement of the Affairs of Canada, I avail myself of the opportunity afforded by the departure of the "Liverpool" Steam Vessel, to communicate with you on the subject.

It had been the intention of Her Majesty's Government to introduce into Parliament the Bill, of which I enclose you a Copy, and which, if agreed to, would have reunited the Provinces of Upper and Lower Canada, and would have made effectual provision for their future Government. Late events, however, and especially the recent proceedings in the Legislature of Upper Canada, of which intelligence was received on the 3rd Instant, have induced Her Majesty's Ministers so far to modify this Bill, as to defer for the present those provisions which relate to the reunion of the Provinces and their future Government. Accordingly, the Bill will be divided into two parts; the first extending the Authority of the Special Council of Lower Canada, and prolonging its existence to the year 1842; the second providing for the future reunion of the Canadian Provinces on the principles of a free and Representative Government. The first Bill only will be immediately pressed on the attention of Parliament, and will I trust, meet with their concurrence. The Second will be brought in, but will not be proceeded with during the present Session, nor until the Legislative Council and Assembly of Upper Canada, and the Special Council of Lower Canada shall have had an opportunity of communicating to Her Majesty's Government their views respecting it.

I shall take an early opportunity of communicating with you further on this subject, and of apprizing you of the proceedings in the Imperial Parliament. My present communication is necessarily restricted to a mere indication of the intentions of Her Majesty's Government, but I could not let this opportunity pass without apprizing you of them." p. 610

Downing St., June 13.

Normanby to Colborne. No. 45. Stating that Admiralty had received letter from Captain Sandom with communication addressed by latter to Colborne, relative to best mode of securing cooperation between Naval and Military forces in Canada, and expressing confidence that measures on line indicated had been adopted. p. 615

Downing St., June 14.

Normanby to Colborne. No. 46. Stating, with reference to Colborne's despatches No. 33 of Feb. 25, and No. 54 of April 13, that Treasury would release Colonel Gore and Major Hall from responsibility for sums advanced to them from Military Chest. p. 617

Downing St., June 18.

Normanby to Colborne. No. 47. Acknowledging despatch No. 67 of May 6, and expressing satisfaction with manner in which Governor, and Civil and Military officers had been vindicated against charges made by LaFontaine and Mondelet. p. 619

Downing St., June 19.

Normanby to Colborne. No. 48. Transmitting copy of letter from War Office, making certain enquiries respecting Captain Thomas Colman, who had been appointed a stipendiary magistrate. (Enclosure.) p. 621

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Acting G. Master to Colborne. Transmitting Royal warrant nominating Major General Sir James Macdonell to be a Knight Commander of the Bath, and requesting that he be invested with insignia of Order by Colborne. (Enclosure.) p. 624 — Kensington Palace, June 24.

Normanby to Colborne. No. 49. Transmitting letter from Treasury, respecting despatch of Arthur regarding expenses incurred for accommodation of state prisoners in Upper Canada. They decided that charges for maintenance or safe custody of state prisoners in provinces should be borne by Provincial Government, but those incurred for barrack accommodation for military engaged in protection of frontiers or in suppression of insurrectionary movements should be paid from Military Chest. (Enclosure.) p. 627 — Downing St., June 26.

Normanby to Colborne. No. 50. Transmitting letter from General Post Office with enclosure from Stayner, Deputy Postmaster General, relative to illicit conveyance of letters by steam boats in Canada, and requesting that measures be taken to put a stop to this illegal practice. (Three enclosures.) p. 633 — Downing St., June 27.

Normanby to Colborne. No. 51. Acknowledging despatch No. 78 of June 3, and stating that there were no funds from which assistance could be given for building of St. Patrick's Church, Quebec, but that if a sum should be granted by Provincial Ordinance, H.M. would give it favorable consideration. p. 650 — Downing St., July 1.

Normanby to Colborne. (Circular.) Transmitting, for attention, address of House of Commons, calling for returns showing Revenue, Expenditure, Sales of Land etc in North American, and Australian Colonies, from 1824 to 1837. (Enclosure.) p. 653 — Downing St., July 1.

Normanby to Colborne. No. 52. Acknowledging despatches No. 55 and No. 60 of April 13 and 17, and stating that Ordinances enclosed are under consideration. The delay in communicating decisions on them would be the less inconvenient as all would go into immediate operation. Comment on Ordinance relating to Seigniory of Montreal was postponed until report of Law Officers had been received. If proposed amendments to 1 Vict. c. 9 were enacted, Special Council could deal with subject. p. 658 — Downing St., July 2.

Normanby to Colborne. No. 53. Acknowledging despatch No. 84 of June 8, and stating that nomination of Geo. H. Ryland as Clerk of Executive Council had not been received, but if Colborne considered appointment should be confirmed, it would be done, but Ryland should understand that if union of provinces should deprive him of office, he would have no claim for retiring allowance on account of this appointment. p. 662 — Downing St., July 3.

Normanby to Colborne. No. 54. Acknowledging despatch of June 3, and stating that question of constructing a lock at St. Anne's Rapids on Ottawa River had engaged attention of Treasury, which decided that lock should not be constructed at public expense. Should, however, proposed amendment of 1 Vict. c. 9 be carried through, there would be no objection to Special Council making grant for purpose. (Enclosure.) p. 665 — Downing St., July 4.

Normanby to Colborne. (Circular.) Respecting appointments to Custom's service in Colonies. p. 670 — Downing St., July 4.

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Downing St., July 5.

Normanby to Colborne. Acknowledging despatches No. 63 to No. 86, inclusive, and unumbered despatches of March 1, April 1, and May 15. p. 673

Downing St., July 5.

Normanby to Colborne. No. 55. Transmitting, in connection with confidential despatch of June 12, two bills introduced into Parliament relating to Canada. The bill to amend 1 Vict. c. 9 was read the night before the second time. Bill for union of provinces, although introduced, would not be pressed that session. In meantime views of people concerned would be ascertained. (Union Bill not herewith). p. 674

Enclosure:—

Anno Secundo & Tertio

VICTORIAE REGINAE

CAP. LIII.

An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of Lower Canada.

(17th August 1839.)

31 G. 3. c. 31.

1 & 2 Vict. c. 9.

WHEREAS an Act was passed in the Thirty-first Year of the Reign of His Majesty King George the Third, intituled An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled "An Act for making more effectual Provision for the Government of the Province of Quebec in North America," and to make further Provision for the Government of the said Province, whereby, among other things, it was enacted, that there should be within each of the Provinces of Upper Canada and Lower Canada respectively a Legislative Council and an Assembly, to be constituted in manner therein described, and with such Powers and Authorities as therein mentioned: And whereas an Act was passed in the last Session of Parliament, intituled An Act to make temporary Provision for the Government of Lower Canada, whereby it was enacted, that from the Proclamation of the Act until the First Day of November One thousand eight hundred and forty so much of the said Act of the Thirty-first Year of the Reign of His Majesty King George the Third, and of any other Act or Acts of Parliament, as provides for the Constitution or calling of a Legislative Council or Assembly for the Province of Lower Canada, or confers any Powers or Functions upon them or either of them, should cease; and by the said Act now in recital Provision is made in the meantime for the Appointment by Her Majesty of a Special Council for the Affairs of Lower Canada, and for the making of Laws or Ordinances for the Government of the said Province by the Governor thereof, with the Advice and Consent of the Majority of the Councillors present at any Meeting of the Council: And whereas it is expedient that some of the Provisions contained in the said lastly-recited Act should be altered: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Number of Councillors forming the Special Council in manner provided by the said Act passed in the

The Special Council to consist of not less than Twenty Members, and no Business to be transacted unless Eleven be present.

last Session of Parliament shall not be less than Twenty, and that no Business shall be transacted at any Meeting of the said Special Council at which there are not present at least Eleven Councillors.

Repeal of Provision of 1 & 2 Vict. c. 9. preventing the making of permanent Laws; but all permanent Laws to be laid for Thirty Days before Parliament previous to being confirmed.

II. And be it enacted, That from and immediately after the passing of this Act so much of the said recited Act passed in the last Session of Parliament as provides that no Law or Ordinance made by the Governor of the said Province of Lower Canada, with such Advice and Consent as therein mentioned, shall continue in force beyond the First Day of November One thousand eight hundred and forty-two, unless continued by competent Authority, shall be and the same is hereby repealed: Provided always, that every Law or Ordinance which by the Terms and Provisions thereof shall be made to continue in force after the said First Day of November One thousand eight hundred and forty-two shall be laid before both Houses of Parliament within Thirty Days after a Copy thereof shall be received by One of Her Majesty's Principal Secretaries of State, under the Provisions of the said Act of the last Session of Parliament, if Parliament shall be then sitting, or otherwise within Thirty Days after the then next Meeting of Parliament; and no such Law or Ordinance shall be confirmed or declared to be left to its Operation by Her Majesty until such Law or Ordinance shall first have been laid for Thirty Days before both Houses of Parliament, or in case either House of Parliament shall, within the said Thirty Days, address Her Majesty to disallow any such Law or Ordinance.

Repeal of the Provision of 1 & 2 Vict. c. 9. prohibiting Taxation; but no new Tax to be levied except for Public Works and Objects of Municipal Government; and such Taxes not to be appropriated by Government.

III. And be it enacted, That from and immediately after the passing of this Act so much of the said recited Act passed in the last Session of Parliament as provides that it shall not be lawful, by any such Law or Ordinance as therein mentioned, to impose any Tax, Duty, Rate, or Impost, save only in so far as any Tax, Duty, Rate, or Impost which at the passing of that Act was payable within the said Province of Lower Canada might be continued, shall be and the same is hereby repealed: Provided always, that it shall not be lawful for the said Governor, with such Advice and Consent as aforesaid, to make any Law or Ordinance imposing or authorizing the Imposition of any new Tax, Duty, Rate, or Impost, except for carrying into effect local Improvements within the said Province of Lower Canada, or any District or other Local Division thereof, or for the Establishment or Maintenance of Police, or other Objects of Municipal Government, within any City or Town or District or other local Division of the said Province: Provided also, that in every Law or Ordinance imposing or authorizing the Imposition of any such new Tax, Duty, Rate, or Impost, Provision shall be made for the levying, Receipt, and Appropriation thereof by such Person or Persons as shall be thereby appointed or designated for that Purpose, but that no such new Tax, Rate, Duty, or Impost shall be levied by or made payable to the Receiver General or any other public Officer employed in the Receipt of Her Majesty's ordinary Revenue in the said Province; nor shall any such Law or Ordinance as aforesaid provide for the Appropriation of any such new Tax, Duty, Rate, or Impost by the said Governor, either with or without the Advice of the Executive Council of the said Province, or by the Commissioners of Her Majesty's Treasury, or by any other Officer of the Crown employed in the Receipt of Her Majesty's ordinary Revenue.

1839

Repeal of the Provision of 1 & 2 Vict. c. 9. prohibiting the Alteration of Acts of Parliament; but no Law to be made effecting the Temporal or Spiritual Rights of Ecclesiastics, or the Law of Tenure.

IV. And be it enacted, That from and after the passing of this Act so much of the said recited Act passed in the last Session of Parliament as provides that it shall not be lawful for any such Law or Ordinance as therein mentioned to repeal, suspend, or alter any Provision of any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom, or of any Act of the Legislature of Lower Canada, as then constituted, repealing or altering any such Act of Parliament, shall be and the same is hereby repealed: Provided always, that it shall not be lawful for the said Governor, with such Advice and Consent as aforesaid, to make any Law or Ordinance altering or affecting the Temporal or Spiritual Rights of the Clergy of the United Church of England and Ireland, or of the Ministers of any other Religious Communion, or altering or affecting the Tenure of Land within the said Province of Lower Canada, or any Part thereof, save so far as the Tenure of Land may be altered or affected by any Law or Ordinance which may be made by the said Governor, with such Advice and Consent as aforesaid, to provide for the Extinction of any Seigniorial Rights and Dues now vested in or claimed by the Ecclesiastics of the Seminary of Saint Sulpice of Montreal within the said Province, or to provide for the Extinction of any Seignorial Rights and Dues vested in or claimed by any other Person or Persons, or Body or Bodies Corporate or Politic, within the Island of Montreal, or the Island called Ile Jesus, within the said Province.

Laws, &c. to be published in Gazette before passing.

V. And be it enacted, That every Law or Ordinance to be made by the said Governor, with such Advice and Consent as aforesaid, shall, before the passing or Enactment thereof, be published at length in the public Gazette of the said Province of Lower Canada.

Definition of the Word Governor.

VI. And be it enacted, That for the Purposes of this Act the Person authorized to execute the Commission of Governor of the Province of Lower Canada shall be taken to be the Governor thereof.

Act may be amended.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

London: Printed by George E. Eyre and Andrew Spottiswoode, Printers to the Queen's most Excellent Majesty. 1839. p. 678

Downing St., July 6.

Normanby to Colborne. No. 56. Requesting that regret be expressed to Mr. Tracy Thomas for inability to comply with solicitation that position be found for his son in Commissariat Department. p. 682

Downing St., July 9.

Normanby to Colborne. (Separate.) Transmitting letter from Foreign Office stating that Colonel Mudge and Mr. Featherstonhaugh had been appointed to examine and survey Disputed Territory with view to settlement of Boundary question, and requesting that they may have every assistance. (Enclosure.) p. 684

Downing St., July 10.

Normandy to Colborne. No. 57. Stating with reference to Colborne's despatches of Dec 14 (confidential) and of Dec. 31, No. 18, reporting the suspension of Judges Panet, Bedard and Valliere de St. Real, that, while Governor's action was at time approved, it was necessary to deal with question of their removal altogether from Bench. This would be impossible since the utmost to be imputed to them was an error in law, for which there was some plausible authority.

Bedard, who was in England during whole period of suspension, was returning to Canada, and it was decided to regard his absence from Bench as absence on leave. His salary of £450 was paid, and Treasury should be reimbursed from Provincial funds. p. 690 **1839**

Normanby to Colborne. No. 59. Acknowledging despatch No. 83 of June 6, and stating that Admiralty did not consider that Mrs. Rolette had claim to pension on account of late husband's services in Provincial Navy. p. 698 Downing St., July 18.

Normanby to Colborne. No. 60. Stating that proceedings of Courts Martial reported in despatch No. 29 of Feb. 19, were referred to Law Officers of Crown who reported their opinion that Courts were competent and proceedings regular and that objections on behalf of prisoners were properly overruled. p. 700 Downing St., July 21.

Normanby to Colborne. No. 61. Acknowledging despatch No. 88 of July 1, and approving of appointment of Messrs Mondelet, Cochran and Duval to be Assistant Judges for District of Three Rivers during suspension of Bedard, Panet and Vallière de St. Real. p. 702 Downing St., July 28.

Normanby to Colborne. No. 62. Transmitting for attention address of House of Lords for certain Returns of Revenue and Expenditure of Lower Canada. (Enclosure.) p. 704 Downing St., July 29.

Normanby to Colborne. No. 63. Transmitting copy of despatch to Arthur explaining grounds for advising H.M. to grant pardon to individuals sentenced to transportation under Provincial Act 1 Vict. c. 10. p. 711 Downing St., July 30.

Enclosure:—

Normanby to Arthur. No. 84. Downing St., July 23.

"With reference to my despatch of 17th May last, No. 47, I have the honor to transmit herewith for your information the Copy of a letter from the Under Secretary of State for the Home Department announcing that after considering the cases of the Canadian Prisoners enumerated in that Letter, Lord John Russell had felt bound to recommend to Her Majesty to grant them a pardon, on their entering into their own recognizance not to return to Canada, nor to appear within 50 miles of the Canadian Frontier.—I proceed to explain the grounds on which this decision has been adopted.— 1396. 13th July.

Shortly after their arrival in England these prisoners presented to the Crown petitions of which Copies are enclosed, impugning the justice of their sentences, and praying that they might not be carried into effect—So long as the legality of their detention in custody was in question before the legal tribunals, Her Majesty's Government felt bound to decline any interference in the matter; but that question having been decided it became necessary to enquire into the allegations of the Petitioners, and to determine both whether it was just to carry their sentences into execution, and whether this could be done consistently with law.— In Home Office 961-May 23rd & Mr. Parker's 9 833. 24th Decr/38.

Respecting the guilt of the prisoners there was no room for doubt; nor if their claim to mercy had depended on an estimate of the demerit or the danger of their conduct would there have been any room for hesitation. I have not found in the case of any one of these men any fact which could be urged either to contradict the charges against them, or materially to extenuate their guilt.—

1839 But their claim to a remission of their sentences is chiefly founded on the terms of Sir F Head's Proclamation of the 7th of December 1837, on which they now insist as an amnesty for their Offences. In two of these cases it would I think be scarcely possible to make any satisfactory answer to this demand. In the other cases it appears to Her Majesty's Government to possess very considerable though inferior force.

But it has not been necessary to decide this question for a difficulty of another kind has presented itself, to which after the most mature enquiry and reflection we have found it inevitable to yield. The decisions of the Courts of Queen's Bench and Exchequer ascertained that the Prisoners were held in lawful custody in this Kingdom. But those Courts did not determine either of the two ulterior questions; namely, whether their compulsory removal from this Kingdom, or their compulsory detention as Convicts in Van Diemen's Land would be lawful. The Judges studiously declined the expression of any opinion on either of those points of law because they had not then actually arisen, and they strictly confined their Judgment to the precise and single question in controversy before them. It was however inferred by those who attended the discussions and heard the judgments, that the Judges entertained a very grave doubt whether the Government could lawfully proceed further against the Prisoners unless they could bring them to trial in this Country for their Treasons.

Under these circumstances I consulted the Attorney and Solicitor General on the question, whether if the prisoners should be sent to Van Diemen's Land they could be lawfully held in custody there as Convicts or Prisoners of the Crown. The Law Officers reported that they could not be so detained or dealt with in that Colony unless either an Act of Parliament or a Colonial Ordinance were made to justify that course of proceeding.

Here then arose a conclusive and insuperable difficulty. Her Majesty's Government could not propose such an Enactment either to the Imperial or to the Local Legislature with any prospect of success. Amongst other objections to such Law it was not the least weighty that the Government are not in possession of the evidence by which the Offences of the Prisoners or of any of them are established. We have indeed their petitions for pardon in which their guilt is acknowledged in general terms, but under the peculiar circumstances of the case it was impossible that such an acknowledgement could be admitted as a sufficient basis for legislation against them. We have also the Reports of the Commissioners by whom the cases were investigated, but on what proofs the Commissioners proceeded it is not in our power to explain. An Act of Parliament or an Ordinance of a nature so totally new and unprecedented could scarcely have been obtained even on the most complete evidence of the facts. In the absence of such evidence it was manifestly unattainable. To have sent the Prisoners to Van Diemen's Land on the mere chance that a Law might be passed there for their detention was a proceeding which it would have been impossible to hazard or to justify.

It thus became necessary either to bring these men to trial in this Country for High Treason or to discharge them from further imprisonment. A Trial I need hardly say must have resulted in their acquittal, because we have no producible witnesses of their guilt, and because after all that had occurred such a prosecution would have

been justly regarded with the utmost disfavor by the Court and Jury. The result is that they have been released on the conditions mentioned in the letter from the Home Office. Her Majesty's Government have used every exertion in their power to avoid a result which they lament, as it may prove embarrassing to Your Administration, and perhaps to the tranquillity of Upper Canada, I trust however that when the real State of the case is known in the Province, any excitement which may have been raised by this decision will subside, and that it will be in your power to disabuse the public mind of the opinion that Her Majesty's Government regard with indifference or are disposed to treat with a misplaced lenity, such Crimes as those of which the Prisoners in question are self convicted." p. 713 **1839**

Normanby to Colborne. No. 64. Acknowledging despatch No. 64 of May 3, and transmitting letter from Treasury stating they required further information to decide on claim of Miss Sophia Holland to compensation for loss of certain land granted to her grandfather, but subsequently resumed by Government and at the time forming part of garden of Chateau of St. Louis. (Enclosure.) p. 726 Downing St., July 23.

G. 43. (1839)

Normanby to Colborne. No. 65. Acknowledging despatch No. 89 of July 2, and stating that reasons given by Mr. Sewell for delay in taking up an order for 2,000 acres of land made in his favor in 1829 are so inadequate that, under ordinary circumstances, his application would be refused. But, in view of his long services, he should be given opportunity to make further explanation, and if found satisfactory by Governor and Council, instructions were given not to make grant of 2,000 acres, but to allow remission of purchase money equal to price of 2,000 acres of average land at time of order. p. 1 **1839** Downing St., Aug. 12.

Normanby to Colborne. No. 68. Transmitting letter from Agent General for Emigration containing observations on Mr. Buchanan's Annual Report for 1838, enclosed with despatch; and directing attention to remarks on Emigrant Tax. (Enclosure.) p. 4 Downing St., Aug. 15.

Normanby to Colborne. No. 66. Enclosing for attention letter from Jane Bryan, enquiring after her daughter married to man named Dickson and supposed to be living in Montreal. (Enclosure.) p. 21 Downing St., Aug. 18.

Normanby to Colborne. No. 67. Notifying appointment of Right Honourable Charles Poulett Thomson as Governor of Upper and Lower Canada, Nova Scotia, New Brunswick, and Prince Edward Island, and Captain General and Governor in Chief of British North America. He would probably leave England in second week in September. p. 26 Downing St., Aug. 31.

Normanby to Colborne. No. 69. Stating with reference to Governor's despatches Nos. 67 and 75 of May 6 and 20, that representations had been made that M. Viger and others in custody were being treated with unnecessary severity, and subjected to unusual and unnecessary restraint. While indisposed to credit these representations, Colonial Secretary desired report on subject. p. 30 Downing St., Aug. 31.

1839

Downing St., Sept. 3. Lord J. Russell to Thomson. (Circular.) Announcing his appointment to the charge of Colonial Department. p. 35

Downing St., Sept. 5. Russell to Colborne. Stating that Admiralty were providing a passage home for him in H.M.'s ship "Pique" which would take out his successor in Government. p. 36

Downing St., Sept. 5. Russell to Thomson. (Circular.) Instruction that issues from Military Chest as for Secret Service should be designated for "Special Service". p. 39

Downing St., Sept. 7. Russell to Thomson. No. 1.

"The Queen having been pleased to confide to you the Government of the British Provinces in North America, I now transmit to you the various Commissions under the Great Seal, which authorize you to assume and execute that Office. The intimate knowledge, which, as one of Her Majesty's Confidential Advisers you have acquired of the progress of Canadian Affairs during the last few years, and of the views of Her Majesty's Government on that subject, relieves me from the necessity of entering on various explanations, which it would otherwise have been my duty to afford you. But it is fit that I should on the present occasion record for your guidance the intentions of the Ministers of the Crown on the principal topics of Canadian Policy on which you will be called, as the Governor of those Provinces, to co-operate with them.

The Bill introduced into the House of Commons during the present Session of Parliament, embodied, as you are aware, the results of deliberate reflection on the various suggestions contained in the Reports of the Earl of Durham. The hope of passing that measure into a Law before the Parliamentary recess, was defeated by various circumstances which occurred, and especially by the intelligence, which, in the commencement of the month of June, reached us from the Lieutenant Governor of Upper Canada of the state of Public opinion in that Colony, as expressed by the resolutions of the Council & Assembly. We have never concealed from ourselves that the success of any plan for the settlement of Canadian Affairs must depend on the concurrence & support of the Provinces themselves. To learn their deliberate wishes, and to obtain their co-operation by frank and unreserved personal intercourse will, therefore, be the first & most important of the duties which you will be called upon to perform.

In our anxiety thus to consult, and, as far as may be possible, to defer to public opinion in the Canadas on the subject of Constitutional changes, Her Majesty's Government must be understood as entertaining a very strong conviction in favor of the Policy of the measure which they have proposed for the adoption of Parliament. Attaching minor importance to the subordinate details of that Bill, we have found no sufficient reason for distrusting the principles on which it proceeds. These are, a Legislative Union of the two Provinces—a just regard to the claims of either Province in adjusting the terms of that Union—the maintenance of the three Estates of the Provincial Legislature—the settlement of a permanent Civil List for securing the independence of the Judges, and to the Executive Government that freedom of Action which is necessary for the public good—and the establishment of a system of Local Government by Representative Bodies, freely elected in the various Cities & Rural Districts. From any of these principles Her Majesty's Government would be most reluctant to recede. After a full investigation of every other plan

which has been suggested they have not been able to discover in any but this the reasonable hope of a satisfactory settlement. It will, therefore, be your first duty to endeavour to obtain for that measure such an assent in its general principles, and such a correction of its details, as may render it acceptacle to the Provinces, and productive of permanent advantage. There are various modes by which this object may be accomplished—, and in giving an outline of them, Her Majesty has commanded me to express to you Her reliance upon your judgment, to be formed upon the spot, as to the employment of such as may be most conducive to the contentment & advantage of Her Canadian Subjects. 1839

1. You may appoint, by authority of the Executive, a certain number of persons of weight and experience, selected from each Province, to frame Articles of Union, to be afterwards proposed to the Legislature of Upper Canada.

2. You may assemble the Legislature of Upper Canada, and propose to them the appointment of a certain number of Commissioners, to confer with others named by the Special Council of Lower Canada.

3. If you find that your overtures to the Assembly of Upper Canada are not met in a fair Conciliatory, and reasonable spirit, you may proceed to dissolve the present Assembly, and appeal to the sense of the Inhabitants of the Province. But in the late unsettled state of the Province, in the presence of repressed disaffection, with the necessity of a second dissolution before the Assembly of the United Province can meet,—this step must not be resorted to without the gravest deliberation.

In whatever method you may proceed, Her Majesty's Government will expect to receive from you, founded on competent authority, such a plan of representation, with a division into Cities & Districts, as may enable them to lay the scheme before Parliament with confidence in the data on which it has been formed, and in the justice of the general arrangement.

I will not now argue on a further supposition, vizt., that from difficulty of detail, or mutual disinclination, the plan of Union may be found altogether impracticable. Should you find, after all your efforts, that such is the result, you will lose no time in communicating to me, for Her Majesty's information, the grounds of your opinion, and the nature of any alternative which may seem to you more conducive to the general good.

But above all things, it is important to avoid unnecessary delay. The discussion which has already been protracted at the expence of so much evil, and still greater hazard to the interests of the Canadian Provinces, and of this Kingdom, cannot be too speedily brought to a close. Her Majesty's Government will therefore anxiously await the result of your enquiries, as to the state of public opinion in the Canadas respecting the proposed Union, and the terms on which in your opinion it should be effected. I earnestly trust that it may be received in this Country by a period sufficiently early to enable us to communicate it to Parliament at the commencement, or soon after the commencement, of the Session of 1840, and then to proceed at once with such measures as may be required to meet the exigencies of the case.

The intelligence which has reached me from Upper Canada makes it probable that you may be called upon for some explanation of the views of the Minister of the Crown on a question respecting which the Bill to which I have referred is necessarily silent. I allude to the

1839 nature & extent of the control which the popular Branch of the United Legislature will be admitted to exercise over the conduct of the Executive Government, and the continuance in the public Service of its principal officers. But it is evidently impossible to reduce into the form of a positive enactment, a constitutional principle of this nature. The importance of maintaining the utmost possible harmony between the policy of the Legislature and of the Executive Government admits of no question and it will of course be your anxious endeavour to call to your Counsels and to employ in the Public Service those persons who by their position & character have obtained the general confidence & esteem of the inhabitants of the Province.

The Military Defence of the Canadas is another subject of common interest to both Provinces, on which it is necessary that you should be apprised of the views of Her Majestys Government. In the correspondence between Lord Glenelg & Sir John Colborne, & especially in the Dispatches of the latter you will find a full discussion of the plans which have been devised for that purpose. Amongst them is a scheme for extended Fortifications to be erected and maintained at an expence which it is not evident will be compensated by any equivalent advantage. For the present, at least, notwithstanding the deference so justly due to the opinions of that distinguished officer, the Ministers of the Crown cannot recommend the adoption of this scheme. On the other hand the plan suggested from this Country and sanctioned by Sir John Colborne of creating Military Settlements on the Frontier on the principle of Veteran Battalions appears to the Ministers of the Crown as at once the most effective & the most economical plan of defence which could be pursued. Measures will be taken, with the least possible delay, for carrying it into effect; and in the mean time you will discourage and prevent as far as may be compatible with the public safety either the augmentation, or the continuance on foot of the Volunteers, or the Sedentary Corps which were embodied during the last Winter as a reinforcement to the regular Army. On all subjects of this nature however you will consult Sir Richard Jackson, whose judgment and Military knowledge will be of the greatest service to you.

The only topic which it remains to notice as affecting the two Canadian Provinces alike, is that of raising an Emigration Fund from the proceeds of the Sales of the Crown Lands. Unfortunately, the very elaborate Report communicated to me by Lord Durham on this subject, serves but to confirm, and to place in a still clearer light, the difficulties by which, as we were previously aware, the promotion of this most important object is obstructed. Such is the extent of Land alienated, and so inconsiderable the proportion which still remains vested in the Crown that the hope of rendering any effectual aid to emigration by the Sale of such Lands, cannot at present be reasonably entertained. The necessary preliminary to the introduction of any such System, would be the resumption of the large tracts of land held by Grantees in a barren and unprofitable State. This could be effected only by the imposition of a Tax on uncleared Land, and by Enactments for the collection of that Tax, to ensure the due execution of the Law. In the Lower Province there exists, at the present time, no authority by which such a Tax could be imposed. In the Upper Province it is hardly to be expected that in the present state of affairs, the difficulties which encompass the subject will be effectually overcome. Amongst the benefits to be anticipated from the Union of the

Provinces it is not the least important that the United Legislature would be able to act upon subjects of this nature with a great comparative freedom from the undue bias of local interests, and with a large view to the permanent improvement of the Provinces. 1839

Such being the principal subjects of common interest to the two Provinces to which your attention will be immediately called, I have next to notice those which will relate exclusively to the Province of Upper Canada.

The Act which has been passed in the last Session of Parliament in amendment of the Act of the 1st Year of Her Majesty's Reign, providing for the temporary administration of the Government of Lower Canada, will relieve you and the Special Council from any of the impediments by which your immediate Predecessor has been encountered in the attempt to promote the internal interests of the Province. Sir John Colborne's Dispatches and especially that of the 15th of March 1939 have pointed out very clearly many objects of great public utility which he was unable to advance in consequence of the restrictions under which the Legislative powers confided to him and to the Special Council were exercised. To these your attention will of course be given. Much as the suspension of Constitutional Government in Lower Canada is to be regretted, it will not be without a very considerable compensation, if, during the interval, arrangements should be maturely & wisely made for securing to the People at large the benefit of those Social Institutions from which in former times the thoughts of the Local Legislature were diverted by the controversies which then agitated the Provincial Society.

The Establishment of Municipal Institutions for the management of all local affairs, will be among the most important of the subjects to which your attention will be called. On this subject I would refer you to the Report of the Earl of Durham and the Appendix marked C, by which it is accompanied. Although the Commissioners whom His Lordship appointed to investigate the question were unable from the shortness of the time to submit to him any conclusive recommendations respecting it, the information which they collected will prove of much advantage to you. On the importance of such institutions I need not enlarge; your acquaintance with the System of Municipal Government in this Country will point out to you that there is no mode in which local Affairs can be so properly administered, and that they form at the same time the most appropriate and effectual means of training the great body of the people to the higher branches of Legislation.

The promotion of Education among all classes of the people will also engage your earnest attention. On this subject I can add nothing to the information afforded by the Reports of the Earl of Gosford and his Colleagues, & of the Earl of Durham. It will afford Her Majesty's Government the most sincere satisfaction to co-operate with you in any measures which you may adopt for the furtherance of this important object.

In any view which can now be taken of the affairs of British North America, it is obvious, that those of Upper Canada must occupy a very prominent place. I am persuaded that the zeal for the Public good, and the superiority to considerations of a nature merely personal, by which the present Lieut. Governor has been distinguished during his long career of Public Service, will obviate the risk of any dissatisfaction being entertained by Him if you should find

1839 it necessary, for a time, to assume in person the Administration of the Government of Upper Canada, and, during that period, to supersede him in the discharge of his functions. In the prosecution therefore of your endeavour to obtain as much agreement as possible in the plan to be hereafter submitted to the Imperial Parliament you will not hesitate to repair to Toronto. When there, you will of course avail yourself of the experience which Sir George Arthur has acquired, and of the assistance which he will have both the ability & the disposition to afford you.

The first topic which will engage your attention in Upper Canada, is the present Financial State of the Province. This has been most elaborately explained in the Lt. Governor's recent Dispatches. Embarrassing as the immediate state of the question is, it is yet gratifying to learn from those communications that the difficulties in which the Provincial Treasury is involved originate in causes which do not affect the wealth or the ultimate resources of the Province. Having undertaken great internal improvements especially those of the Welland & Rideau Canals with inadequate resources, the works have been very imperfectly completed, and the Returns are absorbed in a succession of repairs which would not have been required if the Canals had been originally formed with a greater Command of Capital. These Works, having also been effected by borrowed money, the loans have been raised at a higher rate of interest than would have been required if the credit of the Province had not been diminished by the absorption of its Revenue in such undertakings. Further it appears that the Provincial Treasury might have been recruited with no perceptible addition to the Public burthens, if it had been possible to increase to a moderate extent, the duties of Import on goods introduced for consumption. But under the combined influence of these causes, the expenditure has at length far exceeded the receipt; and some measures for reinstating the Provincial Treasury in a secure condition have become indispensable.

Her Majesty's Government willingly acknowledge the great advantage which will arise from extending to Upper Canada such aid as the Revenue of Great Britain could afford, consistently with a due regard to the interest of this Kingdom, & of the other Members of the Empire at large. This is however a subject for distinct consideration. For the present I shall confine my attention to the remedial measures adopted by the Local Legislature in their last Session.

Of these the first was the raising a Loan by Government Debentures, which was sanctioned by a Bill entituled "An Act to afford further facilities to negociate Debentures for the completion of certain Works."

This Bill was reserved for the signification of Her Majesty's pleasure; & has been confirmed by The Queen in Council.

The second Financial Measure of the year was the Enactment of a Bill authorizing the issue of Treasury notes to the amount of £250,000 Sterling for £1 each. This Bill has also been reserved for the signification of Her Majesty's pleasure. I regret to state that Her Majesty cannot be advised to confirm it. The issue of such an amount of small inconvertible paper money as a resource for sustaining the Public Credit, is not to be justified even by the present exigency of Public Affairs. The effect of the measure on the currency & monetary transactions of Upper Canada, & on the value

of private property throughout the Province, must be such as to counterbalance any advantage which could be obtained from this temporary relief. If the Credit of the Country can be made available to sustain for a time the transactions of the local Treasury in a less hazardous & objectionable form, you will accede to any plan of that nature. It is only as a temporary expedient that any such resource will be requisite; and it is of great importance to the future welfare of the Province that the scheme devised to meet the pressure of the passing day should not be such as to preclude the early return to a more salutary course of Financial operations. 1839

A third measure of the same general character has been adopted by the Local Legislature to provide for the indemnity of the sufferers by hostile incursions from the United States. The Bill for this purpose entitled "An Act to ascertain and provide for the payment of all just claims arising from the late Rebellion & Invasions of this Province" has also been reserved for the Signification of Her Majesty's Pleasure. I fear that Her Majesty's Assent to this Bill in its present form cannot be given. The objection is not to the measure itself, in the propriety of which Her Majesty's Government entirely concur. But we think it impossible to advise The Queen to assent to an Act, which if so sanctioned, would by the terms of the preamble, convey a pledge from Her Majesty that the charge of this indemnity should be ultimately borne by the British Treasury. The principle involved in this declaration is of too much importance to be thus incidentally recognized, even supposing it to be right that it should be admitted at all. Neither could Her Majesty properly affirm in so solemn a manner, Her acquiescence in this claim on the Revenue of this Country unless it had been previously sanctioned by Parliament; a sanction which has not been, and which could not hitherto have been obtained. If a similar Bill should be passed, with the omission of the preamble, you will readily concur in the enactment of it.

The Legislature of Upper Canada has also passed a Bill which has in like manner been reserved for settling a Civil List on Her Majesty in exchange for the Crown Revenues of the Province. It is with sincere regret that I am compelled to announce that this is also a measure from which, in its present form, the assent of the Crown must be withheld. The effect of it is to exclude from the protection of the grant the Clergy who at present derive their maintenance from the Crown Revenue, & of whom the great majority have resorted to Upper Canada on the assurance that their Stipends would be thus secured to them. Now as this charge has been lawfully fixed upon the Crown Revenue, and as the Crown has no other resource from which it could be paid, it is impossible to accept the proposed Civil List on such terms. Anxious as Her Majesty's Government are to defer to the representatives of the people of Upper Canada in all matters connected with the internal Government of that Province, they cannot consent to a measure which would practically involve a violation of the pledged faith of the Crown. We cannot decline the obligation of maintaining the rights of the Clergy in question; and I can only express my hope that the Local Legislature may concur with the Ministers of the Crown as to the propriety of re-enacting this Bill, with the addition of the charge necessary for the maintenance of those rights. The burthen will cease with the lives of the present Incumbents; and is now in the course of a progressive diminution.

1839 The Last of the reserved Bills of the late Session has reference to the long controverted subject of the Clergy Reserves. To this Bill the Royal Assent could not have lawfully been given, until it has been laid for 30 days before either House of Parliament. It was not until the 15th August that I received from the Lt. Governor the document necessary to enable me to fulfil the requisition of the Constitutional Act of 1791. It was therefore impossible that the Bill should be finally enacted by The Queen in Council until after the commencement of the Parliamentary Session of 1840. But had this difficulty not arisen, there were other motives which would have effectually prevented the acceptance of this measure by Her Majesty. Parliament delegated to the Local Legislature the right of appropriating the Clergy Reserves, and the effect of the Bill is to retransfer this duty from the Local Legislature to Parliament with a particular restriction. I am advised by the Law Officers of the Crown that this is an unconstitutional proceeding. It is certainly unusual & inconvenient. Her Majesty cannot assume that Parliament will accept this delegated Office, and if it should not be so accepted the confirmation of the Bill would be productive of serious prejudice & of no substantial advantage. It would postpone indefinitely the settlement of a question which it much concerns the welfare of the Provinces to bring to a close. Besides I cannot admit that there exist in this Country greater facilities than in Upper Canada for the adjustment of this controversy. On the contrary the Provincial Legislature will bring to the decision of it an extent of accurate information as to the wants & General opinions of Society in that Country in which Parliament is unavoidably deficient. For all these reasons Her Majesty will decline to give Her Assent to this Bill.

I have thus adverted to the principal topics which will engage your attention as Governor General of British North America in reference to the two Canadas, omitting many minor questions which will form the subject of future correspondence, & passing by for the present all that relates to the affairs of New Brunswick, Nova Scotia, and Prince Edward Island, I reserve these for consideration hereafter.

Finally—I am commanded to direct that in all the Provinces of British North America you will inculcate upon the minds of The Queen's Subjects, Her Majestys fixed determination to maintain the connexion now subsisting between them and the United Kingdom, and to exercise the high authority with which she has been invested by the favour of Divine Providence, for the promotion of their happiness and the security of Her Dominions." p. 40

Downing St., Sept. 8. Russell to Thomson. No. 2. Transmitting correspondence with Treasury regarding provision to be made for support of himself and staff, as Governor General of British North America. (Three enclosures.) p. 131

Downing St., Sept. 10. Russell to Thomson. No. 3. Transmitting copy of despatch from Colborne, containing his suggestions regarding proposed bill for union of Canadas. p. 167

Enclosure:—

Government House, Montreal, Aug. 19. Colborne to (Normanby).

"In my Confidential Despatch of the 28th Ulto, I communicated to Your Lordship, as far as I could collect them, in my constant intercourse with individuals, the opinions in respect to the Union of the Provinces, which have been elicited by the public discussion on that subject.

1839

I still entertain no doubt that in the Upper Province the Districts to the Eastward of the River Trent & Bay of Quinté are strongly in favor of measures being adopted for reuniting Upper & Lower Canada, and that the majority of the Settlers to the Westward of the Midland District concur with them, altho' there are many of them altogether opposed to the project.

In the Lower Province I have already stated that the population of British origin earnestly desire the Union, and that the Canadian French population are not so averse to the measure as they formerly were.

H.M's Govt. will naturally expect to receive from me at this crisis such suggestions, with reference to the proposed Bill for uniting the Provinces transmitted to me with Your Lordship's Despatch of the 5th Ulto No 55, as I may be competent to offer from my long residence in Canada.

Some of the clauses of the Bill, I imagine have been framed chiefly with a view of propitiating the parties in the Colony who may not be attached to our Institutions; but while this insufficient sacrifice is made to their political principles, a formidable obstacle must be encountered from the determination of a large & influential portion of the population of the Provinces to adhere closely to the Constitution of 1791.

The discussion in Canada of the clauses to which I advert cannot fail to impede the progress of the Bill, & increase opposition to it at home, and consequently expose the tranquillity of the Colony to great hazard. I should recommend therefore that all details, which may probably create any decided contest of opinion among the parties known to be violently opposed to each other should be withdrawn from the Bill, & that the clauses embodied in it should have reference only to such arrangements as will allow the Union to go safely into operation, and that any proposed innovation in the Constitution should be left to the consideration and deliberation of the future united Provincial Legislature.

In the amended Bill which I should suggest for the consideration of the Imperial Parliament, it would be enacted;

First " That the Govr or Viceroy shall be empowered to declare by Proclamation, with the sanction of H.M's Govt that the two Provinces of Upper & Lower Canada shall form one United Province of Canada; at any time it may be deemed expedient to give effect to the Act either before or after the year 1842."

Secondly "That each County & Riding of Upper Canada shall elect one Member to sit in the United House of Assembly."

Thirdly. "That the City of Toronto & the Town of Kingston shall each elect one Member."

Fourthly "That each County of Lower Canada shall elect one Member to sit in the House of Assembly of the United Province."

Fifthly "That the Cities of Quebec & Montreal shall elect each one Member."

Sixthly "That each of the Counties of Middlesex, Durham, Northumberland, Prince Edward, Frontenac & Leeds in U. Canada be divided into two Ridings, with the right of each Riding to elect a Member."

Seventhly " That the Townships of Godmanchester, Hinchinbrooke, Hemingford, Sherrington, and La Colle in L Canada be constituted a County with the right to elect a Member, and also that

1839 the Townships of Arundel, Harrington, Grenville, Chatham, Wentworth & Howard on the Ottawa, be constituted a County with the right of electing a Member".

Thus with these few alterations, U Canada would be represented by 42 Members, and the Lower Province by 42, Eighty of whom would be elected by Counties & Ridings & 4 by Cities & Towns.

About one fourth of the Members of the Lower Province would be elected by a population of British Origin, a fair proportion admitting that the extent of the population of French Origin is about 520,000 and that of British origin about 180,000.

The population of British origin of the two Provinces amounting probably to 680,000, would be represented by 52 Members.

There are at present in Upper Canada 33 Counties & Ridings, the additional Ridings proposed to be formed will increase the number to 40.

There are at present 40 Counties in Lower Canada, seven of which contain a population of British origin.

For the two Counties Gaspé & Bonaventure proposed to be attached to New Brunswick two additional Counties are substituted, containing a British population.

No party could justly complain of this arrangement, and if adopted it would enable the Governor or Viceroy to direct the Bill to go into immediate operation with a working House of Assembly, without experiencing the very great difficulty of forming new Electoral Divisions, a measure which would soon probably produce much clamour and discontent.

I should further recommend that the Governor or Vice Roy, be empowered to nominate & appoint a Deputy Governor to reside at Toronto, & 4 of the Executive Council to transact the business of the Districts to the Westward of the Midland District, under Special instructions from the Governor or Viceroy.

That a Deputy Commissioner of Crown lands, a Deputy Surveyor General, & a Deputy Registrar shall reside at Toronto, to assist in transacting the business of the Western Districts.

And that the Governor or Viceroy be empowered to appoint a Chairman of The Quarter Sessions for each District, with a fixed salary.

With these assistants, & deputed authority the Governor would be able to rely, on an emergency, on a well organized and efficient local Power to maintain order & at all times to carry on the duties of the remote districts.

With reference to the Constitution of the Legislative Council, it should consist of not less than 25 Members from each Province, eligible from the qualifications stated in the Bill & also from the amount of their property. But few persons in these Colonies will approve of striking at the independence of the Legislative Council by enacting that the Members are to be removed periodically.

The Legislative Council composed of respectable and intelligent individuals interested in the welfare of the Country would correct with advantage the hasty legislation of a Provincial Assembly & maintain its own popularity.

The scheme of forming new Districts & Electoral Divisions I am persuaded would create difficulties & embarrassment. Individuals qualified to be elected to the proposed Councils cannot be found in sufficient number; and the portion of the population now attached

to the Institutions of the Mother Country would prefer a more decidedly democratic form of Government to the proposed alterations, which would render the Constitution of the Province more complex, without conferring upon them the advantages conveyed by the Elective Institution, of the adjoining States. **1839**

If it be considered expedient to grant to each County, Township, or Seignory, Municipal rights & privileges, the Provincial Legislature would be found well disposed to carry into effect any acts with that view, which might be recommended by the Governor. The Townships of U. Canada enjoy the privilege of electing their own officers; and this privilege might be extended & granted to the Seignories.

In a new Province I am convinced that the welfare & interests of the Colony will be best consulted by allowing most of the rights to remain with the Legislature of the Province which are now proposed to be given to the new Districts." p. 168

Russell to Thomson. No. 4. Transmitting copy of despatch to Arthur suggesting that he should place himself in communication with Governor General and requesting that latter make arrangements to that end with Arthur, and communicate with him on subject of reserved bills alluded to in despatch No. 1. (Enclosure.) p. 201 Downing St., Sept. 11.

Russell to Thomson. No. 5. Enclosing copy of despatch from Colborne, stating grounds that made it inexpedient to reinstate Panet, Bedard and Vallière de St. Real in their judicial functions, and stating that as Government acquiesced in Colborne's decision, it would be left to Governor General to arrange with them for their retirement from Bench. p. 210 Downing St., Sept. 11.

Enclosure:—

Colborne to Normanby. No. 108. Stating that, while disloyal motives may perhaps not be attributed to these judges, yet sustained as he had been by Chief Justice and the other judges of the province and by the Crown Officers in England, as to illegality of their proceedings, he was persuaded that in existing state of public feeling and their unwarrantable haste in pronouncing their decision without consultation with Chief Justice and other judges, it would be inexpedient to re-instate them, and he would take responsibility of not permitting their return to bench at that time. p. 213 Government House, Montreal, Aug. 21.

Stephen to Thomson. Transmitting copy of Colborne's despatch No. 104 proposing that fixed salary should be paid to Chairman of Special Council, and stating that Colonial Secretary would approve of adoption of recommendation if Governor General should think fit. p. 229 Downing St., Sept. 11.

Enclosure:—

Colborne to Normanby. No. 104. Recommending that £400 a year be paid to Chairman of Special Council. Hon. James Cuthbert presided in absence of Governor. p. 231 Government House, Montreal, Aug. 14.

Russell to Thomson. No. 6. Acknowledging Colborne's despatch No. 105 of August 14, and stating for reason given that Mr. Ryland's application that mandamus for his appointment as Clerk to Executive Council be ante-dated to Oct. 13, 1838, the date of his nomination, could not be acceded to. p. 233 Downing St., Sept. 12.

1839

Downing St., Sept. 13. Russell to Thomson. No. 7. Transmitting copy of Colborne's despatch, recommending fixed salary of £400 a year be paid to Chairman of Special Council, and sanctioning recommendation, if Governor approved. (Enclosure.) p. 239

Downing St., Sept. 14. Russell to Thomson. No. 8. Transmitting for information letter from Charles Hare with remarks on canal proposed to be cut between Bay of Fundy and St. Lawrence. (Enclosure.) p. 250

Downing St., Sept. 20. Russell to Thomson. No. 9. Transmitting copy of despatch from Lord Palmerston to Minister at Washington on subject of seizure by Custom House Officers at Brockville of American schooner "G. S. Weeks," reported in Colborne's despatch No. 81 of June 5. (Enclosure.) p. 266

Downing t., Sept. 20. Russell to Thomson. (Separate.) Stating intention to erect Magnetic Observatory in Canada, and requesting that suitable spot be selected for site, and that every assistance be afforded officer who would proceed to Canada upon the service. p. 323

Downing St., Sept. 21. Russell to Thomson. No. 10. Acknowledging Colborne's despatch No. 93 of July 6, and stating with reference to petition of Dr. Bethune of Christ Church for addition to his salary, that no departure could be made from decisions of preceding Colonial Secretaries. p. 327

Downing St., Sept. 22. Russell to Thomson. No. 11. Transmitting report from Law Officers of the Crown stating there would be no legal objection to re-enactment of Ordinance for incorporating Ecclesiastics of St. Sulpice Seminary and for providing for gradual extinction of their seigniorial rights. (Enclosure.) p. 333

Downing St., Sept. 24. Russell to Thomson. No. 12. Transmitting, with reference to Glenelg's despatch No. 19 of Oct. 20, 1838, copy of letter from Treasury on management of Post Office in Nova Scotia, and drawing special attention to part relating to desirability of securing uniform legislation in the several provinces respecting management of postal system in British North America. (Enclosure.) p. 358

Downing St., Sept. 25. Russell to Thomson. No. 13. Respecting supply of stationery, and payment for same. p. 387

Downing St., Sept. 29. Russell to Thomson. No. 14. Acknowledging Colborne's despatch No. 90 of July 2, on subject of application of Messrs. Smith and De Lery to be reappointed to Executive Council, and stating that, as those gentlemen had resigned their seats because they chose to sit in Legislative Council, seats in both Councils being inadmissible, their application could not be complied with. p. 392

G. 44. (1839)

1839

Downing St., Oct. 1. Russell to Thomson. No. 15. Requesting that Major Hall be informed that Treasury had directed payment to him of £65 to cover expences of voyage to Canada to become Military Secretary. p. 1

Downing St., Oct. 2. Russell to Thomson. No. 16. Transmitting copies of correspondence with Lieut. Governor of Upper Canada respecting affairs of that province. p. 3

Enclosures:— 1839

(1) Arthur to Normanby. (Duplicate of 179.) Continuing relation of affairs since his despatch of August 21. Investigation into firing of shot from H.M. schooner "Montreal" in consequence of American steamboat "St. Lawrence" having run close into Brockville without showing colours showed American officer to have acted improperly, as was admitted. Reply enclosed to meeting in Hamilton on subject of "Responsible Government." (Printed in full on p. .) In this reply, it was endeavored to adhere to sentiments expressed by Colonial Secretary and Lord John Russell in Parliament. While all was quiet in province, uneasy feeling prevailed that outbreak might occur at any time. Preparations to meet it were better than they had been. p. 4 Government House, Toronto, Aug. 27.

(2) Captain Sandom to Arthur. (Copy.) Relating circumstances of the firing of the shot by H.M. schooner "Montreal" from which it appeared that there was reasonable ground for fear that American steamer "St. Lawrence" would have run her down, if the warning shot had not been fired. American captain fully concurred that course of his officer was improper. p. 12 Toronto, Aug. 27.

(3) Reply of Lieut. Governor to George S. Tiffany and gentlemen composing committee appointed by General Meeting held at Hamilton on July 27. Government House, Toronto, Aug. 24.

"The Address you have transmitted to me, and the accompanying Resolutions of a public meeting held at Hamilton, are such as to render, in reference to so respectable a meeting, a reply on my part necessary.

I am requested to dissolve the present Provincial Assembly, for the purpose of referring to the Constituency of this Colony, the expediency of establishing a system of Government the effect of which would be to make certain public functionaries in the Province alone answerable for the exercise of the Royal Prerogative in the administration of the public Colonial Affairs.

Although it was competent to Her Majesty's High Commissioner, to offer any recommendation to Her Majesty, which seemed to him justly and properly to result from his investigations in this Province; and although it belongs to Her Majesty, and the Imperial Parliament, to make any alterations in the constitution of this portion of the Empire, which may appear wise and prudent, I do not conceive that the Governor of this Province, is empowered to submit, for the consideration of the Electors, a question involving most essential alterations, in the fundamental principles of the constitution, under the authority of which, the powers of Government and Legislation, are exercised in the Colony.

I have given to the System, called "Responsible Government," the most deliberate consideration: and I readily avail myself of this opportunity, to lay before the community with frankness and candour, some of the leading consequences, which, I apprehend must inevitably follow its adoption.

Judging from the reported expressions of opinion from Her Majesty's Constitutional advisers, I am led to believe, that I am but reiterating their views when I state to you as the result of my own deliberations, that the proposed plan would lead to a state of things inconsistent with the relations of this Colony, as a dependency of the British Crown.

1839 I consider that the general influence of public opinion, on the exercise of the functions of the Sovereign, which the constitution of England practically allows, ought carefully to be distinguished from the influence which the people of a particular portion of the Empire, may safely possess; and I cannot resist the conclusion, that the complete ascendancy of popular will in a Colony which must necessarily accompany the introduction of "Responsible Government" renders such Colony practically independent, and its relations with the Mother Country, thenceforth but a name.

Although by means of the powers of Legislation, wisely granted to this Province, the people have an immediate share in the management of their own public and local concerns, and although they elect without control, the popular branch of the Legislature; yet, I deem it most essential, that the influence of this part of our Constitution, should not be extended to such a length, as would enable it virtually to supersede that legitimate action of the Royal Prerogative, guided by national will, upon which the connection between the Colony and the Mother Country, must mainly depend.

I think it apparent, that under the proposed system, there would not be in existence, any constitutional power, which could preserve uniformity of principle in the policy of Her Majesty's Government, and the Imperial Parliament, with that to be pursued in the Colony; and I cannot imagine anything, so incompatible with respect for the Throne,—with all sound notions of Government, upon Monarchical principles and with the connection between the Colony and the parent state, as the establishment of a distinct, independent and inconsistent policy.

I think that so long as a Colony enjoys the protection and support, which are the consequences of a connection with a mighty Empire, it is essential, that the Colony, its Government and its Legislature should be modelled in such a manner, as would enable it to ensure strict harmony, with the supreme powers of Government, vested in the parent state.

The powers required to be ceded to the popular Branch of the Legislature, would extend not merely to the control and removal of the officers of the local Government, even when acting in obedience to instructions from the Ministers of the Crown, but would enable that body to dictate to those Ministers, a course of proceeding in relation to the Colony, inconsistent with the general Policy of the Empire to which a Minister, responsible directly to the Imperial Parliament, as well for his conduct, in reference to the Colonies, as to the Mother Country could not accede; and thus instead of the maintenance of harmony, an impending, almost an inevitable danger of collision, would be produced.

The necessity for the people of Upper Canada, preserving the sympathies and good will of the inhabitants of the neighbouring Country has been powerfully recommended by the report, which formed the subject of consideration at the public meeting at Hamilton. Need I urge upon the subjects of the British Crown in Upper Canada the still more obvious duty & necessity of cultivating the affections of the Sovereign & people, by whose power they are sustained, and to whose protection alone, they can look with confidence.

I feel assured, that whilst the Crown has shewn its determination, on the one hand, to maintain inviolate, this valuable portion of the British Empire, the inhabitants of this Province, must have per-

ceived an extreme anxiety, on the part of Her Majesty's Government, to act as much as possible in accordance with the views of the Provincial Legislature, in all local questions, and to accede in every practicable manner, to its wishes, even when the measures contemplated, could not fail to affect more general national concerns. 1839

I have endeavoured to make myself intimately acquainted with the true interests of the People of Upper Canada. I know that much requires to be done and that many difficulties have to be overcome before the extensive tracts of uncultivated land can be made available to advance the Provincial Resources.

I am convinced of the necessity of diffusing over the whole Province the inestimable blessings of sound religious instruction and a good system of general Education. I am of opinion that restrictions on Trade which work injuriously here may be removed without real prejudice to the interests they were intended to protect, and that immigration in a better state of things may be effectually promoted and I am prepared to assist in investigating and improving all the Departments of the Government and to make the real and deep responsibility of all its Officers fully apparent.

I am likewise deeply sensible of the necessity of developing the resources of the Province by means of public improvements. I have lamented, and endeavoured to counteract the causes which for a time have paralyzed the energies of the enterprizing inhabitants of this Colony, and I have joined in earnestly soliciting that aid which alone can place the financial affairs of the Country permanently on a satisfactory basis.

I cannot permit an allegation that any persons are known to exercise an undue influence in this Government to go abroad without contradiction. I should ill perform my duty to my Sovereign were I to permit any influence to prevail with me inconsistent with the welfare of the people whom I have been sent to govern, and whose happiness I am enjoined to advance by every means at my disposal.

If unhappily I have failed in this object I am not beyond the complaints of the people of Upper Canada but in common with the highest and the lowest servants of the Crown I am answerable for my measures and conduct. From this high responsibility I do not seek to be relieved nor can I be easily convinced that it is the wish of the people of this Province to see it transferred with all the powers of Government to a few Officers in the Colony who acting independently of the wishes of the Sovereign and of the policy of the general Government and Legislature of the Empire, would sway for a time the destinies of this Country and expose it to the continual struggles of a party and faction so utterly at variance with the prosperity and happiness of a young and rising community." p. 19

(4) Russell to Arthur. (Copy). Acknowledging despatches Nos. 176 and 179, and expressing satisfaction at Sandom's report, as, also, with Lieut. Governor's reply on "Responsible Government", and intimating that it would be inadvisable for Lieut. Governor to engage in any further controversy on subject. p. 36 Downing St., Oct. 2.

Russell to Thomson. No. 17. With further reference to property of Charles Maisenhoelder. p. 60 Downing St., Oct. 5.

Russell to Thomson. (Confidential.) Transmitting copies of two confidential despatches from Governor of Newfoundland on affairs in that colony. (Two enclosures, giving in much detail proceedings in Newfoundland from 1833). p. 64 Downing St., Oct. 6.

1839

Downing St., Oct. 10.

Russell to Thomson. No. 18. Acknowledging despatch from Colborne No. 111 of Sept. 10, and expressing satisfaction that Martial Law had ceased to exist in every part of Lower Canada. p. 118

Downing St., Oct. 14.

Russell to Thomson. No. 19.

"It appears from Sir George Arthur's dispatches that you may encounter much difficulty in subduing the excitement which prevails on the question of what is called "Responsible Government."—I have to instruct you however to refuse any explanation which may be construed to imply an acquiescence in the petitions and addresses upon this subject. I cannot better commence this dispatch than by a reference to the Resolutions of both Houses of Parliament of the 28 April and 9th May in the year 1837.

The Assembly of Lower Canada having repeatedly pressed this point, Her Majesty's Confidential Advisers at that period thought it necessary not only to explain their views in the Communications of the Secretary of State, but expressly called for the opinion of Parliament on the subject. The Crown and the two Houses of Lords and Commons having thus decisively pronounced a judgment upon the question, you will consider yourself precluded from entertaining any proposition on the subject.

It does not appear indeed that any very definite meaning is generally agreed upon by those who call themselves the Advocates of this principle, but its very vagueness is a source of delusion, and if at all encouraged would prove the cause of embarrassment and danger.

The Constitution of England after long struggles & alternate success has settled into a form of Government in which the Prerogative of the Crown is undisputed, but is never exercised without advice. Hence the exercise only is questioned, and however the use of the authority may be condemned the authority itself remains untouched.

This is the practical solution of a great problem, the result of a contest, which from 1640 to 1690 shook the Monarchy and disturbed the peace of the Country.

But if we seek to apply such a practice to a Colony, we shall at once find ourselves at fault. The power for which a Minister is responsible in England is not his own power, but the power of The Crown, of which he is for the time the organ. It is obvious that the Executive Councillor of a Colony is in a situation totally different. The Governor under whom he serves receives his orders from The Crown of England. But can the Colonial Council be the Advisers of The Crown of England? Evidently not, for the Crown has other Advisers for the same functions, and with superior authority.

It may happen, therefore, that the Governor receives at one and the same time instructions from The Queen and advice from his Executive Council totally at variance with each other. If he is to obey his instructions from England, the parallel of Constitutional responsibility entirely fails;—if, on the other hand, he is to follow the advice of his Council, he is no longer a subordinate Officer, but an independent Sovereign.

There are some Cases in which the force of these objections is so manifest that those who at first made no distinction between the Constitution of the United Kingdom and that of the Colonies admit their strength. I allude to the questions of Foreign War, and international relations, whether of Trade or Diplomacy. It is now said that internal Government is alone intended.

But there are some cases of internal Government in which the honor of The Crown or the faith of Parliament, or the safety of the State are so seriously involved, that it would not be possible for Her Majesty to delegate Her Authority to a Ministry in a Colony. 1839

I will put for illustration some of the Cases which have occurred in that very Province, where the Petition for a responsible Executive, first arose—I mean Lower Canada.

During the time when a large majority of the Assembly of Lower Canada followed M. Papineau as their Leader, it was obviously the aim of that Gentleman to discourage all who did their duty to the Crown within the Province, and to deter all who should resort to Canada with British habits and feelings from without. I need not say that it would have been impossible for any Minister to support in the Parliament of the United Kingdom, the measures which a Ministry headed by M. Papineau would have imposed upon the Governor of Lower Canada.—British Officers punished for doing their duty; British Emigrants defrauded of their property; British Merchants discouraged in their lawful pursuits, would have loudly appealed to Parliament against the Canadian Ministry and would have demanded protection.

Let us suppose the Assembly, as then constituted, to have been sitting when Sir John Colborne suspended two of the Judges. Would any Councillor, possessing the confidence of the Assembly have made himself responsible for such an Act? And yet the very safety of the Province depended on its adoption—nay, the very orders of which Your Excellency is yourself the bearer, respecting Messrs Bedard & Panet would never be adopted, or put in execution by a Ministry depending for existence on a majority led by M. Papineau.

Nor can any one take upon himself to say that such cases will not again occur. The principle once sanctioned no one can say how soon its application might be dangerous or even dishonourable, while all will agree that to recall the power thus conceded would be impossible.

While I thus see insuperable objections to the adoption of the principle as it has been stated, I see little or none to the practical views of Colonial Government recommended by Lord Durham as I understand them. The Queen's Government have no desire to thwart the Representative Assemblies of British North America in their measures of reform & improvement. They have no wish to make those Provinces the resource for patronage at home. They are earnestly intent on giving to the talent and character of leading persons in the Colonies advantages similar to those which talent and character employed in the Public Service, obtain in the United Kingdom. Her Majesty has no desire to maintain any system of policy among Her North American Subjects which opinion condemns. In receiving The Queen's Commands, therefore, to protest against any declaration at variance with the honor of The Crown, and the Unity of the Empire, I am at the same time instructed to announce Her Majesty's Gracious intention to look to the affectionate attachment of Her People in North America as the best security for permanent Dominion.

It is necessary for this purpose that no official misconduct should be screened by Her Majesty's Representative in the Provinces and that no private interests should be allowed to compete with the General good.

1839 Your Excellency is fully in possession of the principles which have guided Her Majesty's advisers on this subject, and you must be aware that there is no surer way of earning the approbation of The Queen than by maintaining the harmony of the Executive with the Legislative Authorities.

While I have thus cautioned you against any declaration from which dangerous consequences might hereafter flow, and instructed you as to the general line of your conduct, it may be said that I have not drawn any specific line, beyond which the power of the Governor on the one hand, and the privileges of the Assembly on the other, ought not to extend. But this must be the case in any mixed Government. Every political Constitution in which different bodies share the Supreme power is only enabled to exist by the forbearance of those among whom this power is distributed. In this respect the example of England may well be imitated. The Sovereign using the prerogative of The Crown to the utmost extent, and the House of Commons exerting its power of the purse to carry all its resolutions into immediate effect would produce confusion in the Country in less than a twelvemonth. So in a Colony: The Governor thwarting every legitimate proposition of the Assembly; and the Assembly continually recurring to its power of refusing supplies can but disturb all political relations, embarass trade, and retard the prosperity of the people.—Each must exercise a wise moderation. The Governor must only oppose the wishes of the Assembly where the honor of The Crown or the interests of the Empire are deeply concerned; and the Assembly must be ready to modify some of its Measures for the sake of harmony and from a reverent attachment to the Authority of Great Britain." p. 122

Downing St., Oct. 16. Russell to Thomson. No. 20.

"I am desirous of directing your attention to the tenure on which public Offices in the gift of the Crown appear to be held throughout the British Colonies. I find that the Governor himself and every person serving under him are appointed during the Royal Pleasure, but with this important difference. The Governor's Commission is in fact revoked, whenever the interests of the Public Service are supposed to require such a change in the administration of Local Affairs. But the Commissions of all other Public Officers are very rarely indeed recalled except for positive misconduct. I cannot learn that during the present or the two last Reigns a single instance has occurred of a change in the subordinate Colonial Officers except in the Cases of death or resignation, incapacity, or misconduct. This system of converting a tenure at pleasure into a tenure for life originated probably in the practice which formerly prevailed of selecting all the higher Class of Colonial Functionaries from persons who, at the time of their appointment, were resident in this Country, and amongst other motives which afforded such persons a virtual security for the continued possession of their plans, it was not the least considerable that except on those terms they were unwilling to incur the risk & expence of transferring their residence to remote and often, to unhealthly climates. But the habit which has obtained of late years of preferring, as far as possible, for places of trust in the Colonies persons resident there has taken away the strongest motive which could thus be alleged in favor of a practice to which there are many objections of the greatest weight. It is time, therefore, that

a different course should be followed, and the object of my present communication is to announce to you the rules which will be hereafter observed on this subject in the Province of Lower Canada. 1839

You will understand and will cause it to be made generally known that hereafter the tenure of Colonial Offices held during Her Majesty's Pleasure will not be regarded as equivalent to a tenure during good behaviour, but that not only such Officers will be called upon to retire from the Public Service as often as any sufficient motives of public policy must suggest the expediency of that measure but that a change in the person of the Governor will be considered as a sufficient reason for any alterations which his Successor may deem it expedient to make in the List of Public Functionaries, subject, of course, to the future confirmation of The Sovereign.

These remarks do not extend to Judicial Offices, nor are they meant to apply to places which are altogether Ministerial, and which do not devolve upon the holders of them duties in the right discharge of which the character and policy of the Government are directly involved. They are intended to apply rather to the Heads of Departments than to persons serving as Clerks or in similar capacities under them. Neither do they extend to Officers in the service of The Lords Commissioners of the Treasury. The Functionaries who will be chiefly, though not exclusively, affected by them, are The Colonial Secretary, The Treasurer or Receiver General, The Surveyor General, The Attorney and Solicitor General, The Sheriff or Provost Marshal, and other Officers, who, under different designations from these, are entrusted with the same or similar duties. To this list must also be added the Members of the Council, especially in those Colonies in which the Legislative and Executive Councils are distinct bodies.

The application of these rules to Officers to be hereafter appointed will be attended with no practical difficulty. It may not be equally easy to enforce them in the case of existing Officers, and especially of those who may have left this Country for the express purpose of accepting the Offices they at present fill. Every reasonable indulgence must be shewn for the expectations which such persons have been encouraged to form. But even in these instances it will be necessary that the right of enforcing these regulations should be distinctly maintained in practice as well as in theory as often as the public good may clearly demand the enforcement of them. It may not be inadvisable to compensate any such Officers for their disappointment even by pecuniary grants when it may appear unjust to dispense with their services without such an indemnity." p. 176

Russell to Thomson. No. 21. Transmitting copies of correspondence with Bishop of Toronto respecting interests of Church of England in Upper Canada. p. 214 Downing St., Oct. 17.

Enclosures:—

(1) Bishop of Toronto to Russell. (Copy.) Inviting attention to matters concerning Church of England in Upper Canada. (1) Suggesting that Provincial bill providing for sale of whole of Clergy Reserves, and placing proceeds at disposal of Imperial Parliament be not accepted in present shape as no lands would be left for parishes. It would however be inexpedient to return bill to province as question could never be settled there. Imperial Parliament should legislate finally on subject. (2). Since withdrawal of Parliamentary grant to S.P.G., amount available in Upper Canada was not more 23 Sackville St., Oct. 7.

1839 than £8000, received from Clergy Reserves supplemented by grant from Casual and Territorial Revenue. This amount should be largely increased. About 600,000 acres of Reserves were sold, and, average price being 13/6 per acre, revenue from it would be £405,000 or £364,500 sterling. As nearly £100,000 were placed in Funds, balance of £264,500 remained in province at 6% interest. His desire was to make the interest of this sum available for clergy. (Thomson observed in marginal note "A decent proposal"!). If interest were calculated at 3½%, it would set free £9257-10 per annum, which with the £8000 would make annual endowment of Church £17,257-10. (3) Plan adopted in Australia and Van Diemen's Land would have to be greatly modified to suit Canadas, where constitution "secures a provision for the ministration of the Word and Sacraments according to the forms of the Church of England, which may be modified by the power that conferred it but cannot be taken away." There was, also, the situation of Roman Catholic Church in Lower Canada to be borne in mind. (4) Request was made for assistance in rebuilding church which was burnt, and for new church near the Garrison. (5) Suggestion that Queen might follow example of George III as regards Cathedral Church in Quebec, and make gift to church in Toronto. (6) Attention was invited to effect of proposed Union Act on religion. Roman Catholic Church was fully established in Lower Canada, and its rights beyond reach of Legislature, but it can interfere and legislate concerning Church of England. It was submitted that Legislature should be deprived of power to legislate as regards Church of England. (7) Request for completion of instruments necessary for establisment of rectories in the case of 13 of the 57 sanctioned by Colborne, which were left incomplete by Colborne's sudden departure. p. 216

Downing St., Oct. 16. (2) Russell to Bishop of Toronto. (Copy.) Acknowledging letter of 7th, and stating that several subjects mentioned would be carefully considered by Government, regard being had "to the interests of Upper Canada and the diffusion of Christian knowledge throughout that Province." Treasury had been requested to see that arrears due on sales of Clergy Reserve lands were collected as soon as possible. No assistance could be given to church-building in Toronto, nor could Queen be advised to make donation to Church. Request regarding thirteen rectories could not be complied with, as Government would be indisposed to act contrary to expressed opinion of Assembly or to opinion of Lord Glenelg communicated to Lieut. Governor. p. 236

23 Sackville St., Aug. 23. (3) Bishop of Toronto to Normanby. Requesting that, in informing Arthur of erection of diocese with himself as Bishop, Colonial Secretary would add, as the condition under which preferment was made and accepted, that until some satisfactory arrangement could be made for the support of episcopal office, the Bishop would be content to remain with existing income. That income arose from three sources: the incumbency of the parish; the Archdeaconry; and salary assigned as President of University of King's College. In all, after deductions made, it amounted to nearly £1000 a year. £250 of this wes derived from the College presidency, and should any changes be contemplated in that institution, they could not be made without other provision being made for this part of his emoluments. p. 243

1839

(4) R. V. Smith to Bishop of Toronto. Stating that Russell did not see any necessity for further communication with Arthur on subject. The conditions respecting creation of diocese were communicated to Strachan by Arthur on Feb. 20, and these were that see was erected on express understanding that H.M.'s Government could not pledge themselves to any extent to provide a salary for the office. His acceptance of office without addition to emoluments did not, in Colonial Secretary's opinion, imply that emoluments then received were guaranteed by Government. p. 247 Downing St., Oct. 4.

Russell to Thomson. No. 22. Transmitting despatch from Arthur reporting success of measures adopted by Colonel Wyndham for providing for large body of emigrants from his estates in Clare and Limerick to Upper Canada. It was hoped that Col. Wyndham's example would encourage other land lords to take similar measures. Beyond giving publicity to this enterprise, Government were prevented from furnishing any assistance from lack of funds; local legislature could do much by organizing and working a scheme for locating settlers, which would stimulate and encourage landlords in Great Britain. p. 287 Downing St., Oct. 18.

Enclosures:—

(1) Arthur to Normanby. No. 187. (Duplicate.) Transmitting letter from Lieut. Rubridge reporting disposal of emigrants—181 in number—sent out by Col. Wyndham; and expressing hope that other landlords would follow example, which would be advantageous to them as well as to tenants. p. 293 Toronto, Sept. 11.

(2) Lieut. Charles Rubridge to S. B. Harrison. Reporting for information of Lieut. Governor, his success in disposing of settlers under his superintendence. The emigrants—27 heads of families numbering 153, and 14 young men, and 14 young women—embarked from the Shannon on May 28, and reached Grosse Isle on June 30; and Cobourg on July 9. Within three days every individual capable of work was hired, the men at £2-10 a month and the women at £1 a month, all boarded and found. There was no illness on passage; two children were born. Inside six weeks 183 destitute individuals were placed in comparative prosperity by benevolence of one individual. p. 298 Toronto, July 26.

Russell to Thomson. No. 23. Requesting, at instance of French Consul General, that enquiry be made as to fate of Rev. Auguste Vilain, who was Curé of Beauce in 1825. p. 316 Downing St., Oct. 23.

Russell to Thomson. No. 24. Transmitting, for attention, copy of letter from Treasury, making enquiries respecting appointment of Mr. Picard as interpreter in Indian Department. (Enclosure.) p. 318 Downing St., Oct. 24.

Russell to Thomson. No. 25. Acknowledging Colborne's despatch No. 109 of Aug. 23, and stating that Admiralty, while appreciative of Captain Sandom's services, did not consider them sufficient to entitle him to a Companionship of the Bath. p. 331 Downing St., Oct. 25.

Russell to Thomson. No. 26. Acknowledging Colborne's despatch, No. 118 of Sept. 27, and noting that of prisoners convicted of high treason, 58 were being transported for life, and 29 received conditional pardon, two of them on condition of leaving province for ever. p. 337 Downing St., Oct. 26.

1839

Downing St., Oct. 27.

Russell to Thomson. No. 27. Acknowledging Colborne's despatch No. 117 of Sept. 27, and conveying approval of continuance of services of detached companies of Embodied Canadian Militia on frontier for six months. p. 343

Downing St., Oct. 28.

Russell to Thomson. No. 28. Discussing, in connection with Normanby's despatch No. 52 of July 2, the Ordinances mentioned in that despatch, and stating that in many cases the enquiries necessary for decision on them had not been completed. Subjoined is a schedule marked A comprising list of the whole of the ordinances under consideration; another marked B. which comprise ordinances open to some objection, and which should be submitted to Council for necessary amendment; another marked C, in which were enumerated those still under consideration in other Departments of Government. (Schedules accompanying despatch.) p. 346

Downing St., Oct. 29.

Russell to Thomson. No. 29. Transmitting copy of letter from Treasury, respecting supply of arms, accoutrements and clothing for use of Militia and Volunteers in Canada. (Enclosure.) p. 420

Downing St., Oct. 31.

Russell to Thomson. No. 30. Transmitting copy of Glenelg's despatch to Durham on April 3, 1838, conveying to him the several commissions constituting him Governor General of British North America and Governor of each province respectively with full exposition of powers entrusted to him and of the manner in which they were to be exercised. With the exception of the part relating to Newfoundland, which was not included in Thomson's Commission, these instructions were equally applicable to Thomson, and should be accepted by him for his guidance. p. 447

Enclosures:—

Downing St., April 3. 1838.

Glenelg to Arthur. (Circular.)

"I transmit to you for your information and guidance a Copy of a Dispatch which I have this day addressed to the Earl of Durham on the subject of the authority which will be invested in him as the Governor General of the British North American Colonies." p. 450

Glenelg to Durham. (Copy.)

Downing St., April 3. 1838.

"I have the honor herewith to transmit to Your Lordship four Commissions under the Great Seal by which Her Majesty has been pleased to appoint you to be the Governor and Captain General of the Provinces of Lower Canada and Upper Canada, of New Brunswick and of Prince Edward Island. A similar Commission appointing Your Lordship to the Corresponding Offices in Nova Scotia has already been transmitted to the Lieutenant Governor of that Province. I also transmit a separate Commission by which Your Lordship is constituted Governor General of all Her Majesty's North American Provinces including the Island of Newfoundland, and Her Majesty's High Commissioner for the investigation of certain questions depending in the Canadian Provinces.

In my Dispatch No. 1 of the 20th of January last, I thought it my duty to record the motives which had induced Her Majesty's Government to advise the Queen to invest Your Lordship with unusual and extensive powers, and I then stated the general principles by which you are to be guided in the discharge of your high and arduous duties. My immediate object is to explain what are the powers thus

entrusted to Your Lordship by Your Commissions, and by the Instructions under the Royal Sign Manual and Signet which accompany them. 1839

The deviations from former precedents which will be found in these Commissions, though to a considerable extent suggested by the existing crisis in the Affairs of British North America, are not all referable to considerations of an occasional or transitory nature. The usual practice has hitherto been to address to the Governor of Lower Canada a single Commission for the Government of the two Canadian Provinces, a second single Commission for the Government of Nova Scotia and Prince Edward Island, and a third and separate Commission for the Government of New Brunswick. With the Title of Governor General he has in fact been Governor of the Province of Lower Canada only, and has been prohibited from resorting to any of the other Provinces lest his presence should supersede the authority of the respective Lieutenant Governors to whose administration they have been confided.

It is difficult to assign any other motive for this practice of issuing three Commissions for the Government of five distinct Provinces to an Officer whose functions were to be confided exclusively to one of them, except that this arrangement may have diminished the expences attendant upon the issuing of such Instruments. This advantage such as it was, has, however, been far more than overbalanced by the inconvenience that two of the five Provinces have been invariably left destitute of the original document upon which the powers of the Local Government may in a certain sense be said to have entirely depended. If any question arose at Toronto or in Prince Edward Island as to the terms of the Royal Commission, it could be answered only by a reference to Quebec or to Halifax.

But while the number of these Instruments was thus reduced they were filled with a multitude of superfluous words and redundant Clauses which appear to have been transcribed from ancient precedents without any attention to subsequent changes of the Law, or of the state and circumstances of the Province.

In the accompanying Commissions these inconveniences are obviated. For each separate Government there will henceforth be a distinct Commission which will be found to contain no provisions but such as are necessary to impart and to define the powers which are to be exercised by the Governor, or in his absence by the Officer charged with the administration of the Government.

On Your Lordship's arrival at Quebec you will open your Commission as Governor of that Province, and your Commission as Governor General and Lord High Commissioner. The first of these Instruments will then be deposited amongst the Archives of the Province. The second will remain in Your Lordship's personal custody and will accompany you to every part of British North America to which you may have occasion to resort.

The Commissions for Upper Canada, for New Brunswick and for Prince Edward Island Your Lordship will transmit to the respective Lieutenant Governors of those Provinces to be deposited amongst the Archives of their respective Governments. You will at the same time transmit to each the accompanying Commissions under the Royal Sign Manual and Signet renewing their several Offices which would otherwise be superseded by the revocation of Lord Gosford's Commissions.

1839 As Lower Canada is that part of British North America in which the necessity for Your Lordship's presence will be chiefly felt, your residence will be principally fixed in that Province. But it will probably be convenient if not indispensable that you should occasionally resort to all or to some of the adjacent Provinces. As often as such an occasion shall arise, and Your Lordship shall pass into Upper Canada, New Brunswick, Nova Scotia or Prince Edward Island you will by virtue of the Commissions there awaiting your arrival assume the Administration of the Government of the Province in which you may be, and retain it during your residence in such Province. During that period the functions of the Lieutt. Governor will be altogether suspended. It is almost superfluous to suggest that, with a view to the maintenance of the deference due to the Lieutt. Governor and to the unimpaired revival of his authority on the resumption of his functions, Your Lordship will afford to the Lieutt. Governor the utmost countenance in your power, and will mark by every possible demonstration that the temporary suspension of his command detracts nothing from his claims on the confidence of Her Majesty's Government and the respect of the Inhabitants at large. On his side it will be the duty of the Lieutt. Governor to render to Your Lordship the utmost possible assistance in the conduct of affairs with which he will be thoroughly conversant, and regarding many of which Your Lordship will of course stand in need of information.

Hitherto it has not been the practice to carry on official correspondence between the Governor General and any of the Lieutt. Governors. The Governor General and the Lieutt. Governors have severally conducted their respective administrations as separate and independent authorities, addressing all their communications on public affairs to the Head of this Department, and receiving from the Secretary of State alone instructions for their guidance. As, however, the success of Your Lordship's mission may in no light degree depend on your power of maintaining uniformity of principle in the administration of the different North American Governments in regard to all the more considerable questions which are depending on them, it seems necessary to depart from the existing system so far as may be necessary for attaining that object but not farther. It will, therefore, be the duty of each Lieut. Governor to enter into a free and confidential correspondence with Your Lordship on every topic on which you may invite such communications and to obey every instruction not in itself unlawful which you may address to him. But it will be desirable to limit such correspondence to questions of general & permanent interest. Nor will you address any positive instruction to any of those Officers, without fully weighing every representation which he may have made or may wish to make on the subject of it.

The Lieutt. Governors will continue their correspondence with me as usual;—and Your Lordship will transmit to me a copy of the correspondence which may pass between yourself and any of the Lieutt. Governors.

It will be readily understood that the preceding instructions have not been dictated by any distrust of the zeal or ability of any of the Officers at present engaged in the administration of the North American Provinces. They have been suggested exclusively by the present position of affairs in Canada, and by a conviction of the importance of maintaining, on questions of general concern, that unity

of purpose throughout the different Governments, which can be secured only by placing them all for at least a short period in some degree of subordination to One Authority common to the whole. 1839

I shall transmit a Copy of this Dispatch to each of the Lieutenant Governors for his information and guidance." p. 451

Russell to Thomson. No. 31. Transmitting despatch and enclosures from Lieut. Governor of Upper Canada relative to financial condition of that province, more particularly as subject is connected with improvement of water communication; and requesting careful consideration of subject. p. 465 Downing St., Oct. 31.

Enclosures:—

(1) Arthur to Normanby. No. 195 (See Q. 419, p. 301, Upper Canada Series.) p. 468 Toronto, Sept. 25.

(2) Captain G. Philpotts to S. B. Harrison. Report on Welland Canal. (Accompanying Arthur's despatch No. 195.) p. 539 Toronto, Sept. 12.

Russell to Thomson. No. 32. Acknowledging Colborne's despatch No. 116 of Sept. 26, and conveying confirmation of appointment of Mr. Boston and Mr. Barron as Joint-Sheriff of Montreal District. p. 621 Downing St., Oct. 31.

Russell to Thomson. No. 33. Transmitting in connection with his despatch No. 2 of Sept. 14, copy of a despatch from the Lieut. Governor of New Brunswick with accompanying documents, requesting that survey be made as to most eligible line for a canal between the waters of the Bay of Fundy and the St. Lawrence. (Five enclosures.) p. 626 Downing St., Oct. 31.

G. 45. (1839)

Russell to Thomson. No. 34. Stating, with reference to previous correspondence on subject, that Treasury have agreed to sanction the procuring of a steam vessel to be stationed in the St. Lawrence, and to be at service of Governor General, also that Admiralty were of opinion that the vessel should be smaller than the "Medea" which was employed on the Lakes. p. 1 1839 Downing St., Nov. 2.

Russell to Thomson. No. 35. Acknowledging Colborne's despatch No. 114 of Sept. 17, and expressing regret that the returns respecting sales of Clergy Reserves in Lower Canada indicate great irregularities on part of Felton, late Commissioner of Crown Lands. The excuses offered for his violation of the Imperial Act of 1826, limiting quantity of these lands which might be sold in one year could not be accepted. No further sales were to be made of these lands. p. 12 Downing St., Nov. 9.

Russell to Thomson. No. 36. Transmitting, in connection with his despatch No. 9 of Sept. 20, an extract from a note addressed to Lord Palmerston by the American Minister in London, respecting seizure of American schooner, the "G. S. Weeks" of Oswego by Collector of Customs at Brockville. (Note enclosed.) p. 27 Downing St., Nov. 11.

Russell to Thomson. No. 37. Acknowledging Colborne's despatch No. 120 of Oct. 1, and stating that he could not sanction Downing St., Nov. 15.

1839 the continuance to Rev. W. Anderson of salary of late incumbent of the living at William Henry, as it would be violation of pledge given to Parliament that charges for Ecclesiastical Establishment in Canada should gradually cease with death of existing incumbents. p. 74

Downing St., Nov. 19. Russell to Thomson. No. 38. Acknowledging despatch No. 1 of Oct. 19, reporting his assumption of Government of Lower Canada, and transmitting copy of his proclamation; together with copies of address presented to him by magistrates of Quebec and his reply. p. 78

Downing St., Nov. 20. Russell to Thomson. No. 39. Acknowledging Colborne's despatch No. 121 of Oct. 3, and requesting that, with the returns respecting Casual and Territorial Revenues and account of sales of Crown Lands and licences to cut timber, there should be also sent statement of amount to be expected from instalments and arrears for sales of Crown Lands. p. 82

Downing St., Nov. 21. Russell to Thomson. No. 40. Transmitting copy of letter from Treasury and its enclosures, respecting surplus supply of Indian presents, and asking for report as to whether these could be then used. (Three enclosures.) p. 86

Downing St., Nov. 23. Russell to Thomson. No. 41. Transmitting copy of despatch from Arthur, requesting that, since Assembly had disregarded his application for vote to pay for furniture for Government House, he may be authorized to pay at least part of amount from Casual and Territorial Revenue. As Colonial Secretary was reluctant to authorize such an employment of the Casual and Territorial Revenue, Governor General was requested to give subject his consideration. (Two enclosures.) p. 100

Downing St., Nov. 24. Russell to Thomson. No. 42. Transmitting copy of letter from A. W. Hart of Liverpool, representing the disabilities under which his father Benjamin Hart of Montreal labors, on account of his being a Jew, and requesting observations of Governor General. p. 122

Enclosure:—

Liverpool, Nov. 18. A. W. Hart to Russell. Representing that owing to intolerant spirit of Anglican Bishop of Quebec, his father, who served for several years as magistrate, and was one of the largest land owners in Canada, and the oldest merchant in the province, had been debarred from serving on Special Council. p. 125

Downing St., Nov. 25. Russell to Thomson. No. 43. Acknowledging despatch No. 2 of Oct. 22, and expressing satisfaction with tone of address from Committee of Trade at Quebec and the reply. p. 144

Downing St., Nov. 26. Russell to Thompson. No. 44. Transmitting, in connection with his despatch No. 26 of Oct. 26, copy of report from master of the "Buffalo". p. 147

Enclosure:—

"Buffalo" Oct. 1. Lat. 48-42 N. Long. 62-25 W. J. Wood, Master, to Charles Wood, M.P. Reporting, for information of Admiralty, that on preceding Friday he took on 58 convicts from Montreal and 83 from Kingston. As the prisoners from Upper Canada who were destined for Van Dieman's Land would probably prove troublesome he would land them before proceeding to Sydney. p. 148

1839

Russell to Thomson. No. 45. Acknowledging despatch No. 4 of Oct. 31, and "Confidential" of Nov. 1, and expressing approval of his decision to proceed at once to Upper Canada, to meet the Provincial Legislature which was to be convened on Dec. 4. p. 153 Downing St., Nov. 20.

Russell to Thomson. No. 46. Stating that Captain Charles Wetherall had applied for permission to receive his half-pay while holding position of stipendiary magistrate; and enquiring, at instance of War Office, what were his emoluments in that capacity; also, requesting the same particulars in case of any other military officers holding Civil Offices. p. 158 Downing St., Nov. 20.

Russell to Thomson. (Private) Acknowledging despatch No. 6 of Nov. 11, and conveying approval of the course he proposed to adopt on recommendation of British Minister at Washington respecting reoccupation by British forces of left bank of St. John river and Madawaska Settlement unless Lieut. Governor saw good reasons to contrary. The Cabinet, having considered similar information from Minister at Washington, were of opinion that this course was indispensable. If this had not already been done, necessary orders were given to carry decision into effect, unless some intervening information not in possession of Government should have induced a change of opinion as to expediency of measure. p. 162 Downing St., Dec. 4.

Russell to Thomson. No. 47. Stating that of the nine bills passed by Legislature of Upper Canada and reserved by Lieut. Governor for significance of H.M.'s pleasure, there remained three respecting which decisions had not been communicated. (1) The currency bill. For reasons given by Treasury, this bill would not be confirmed; (2) the bill authorizing purchase of private stock in Welland Canal. This was being held over, pending receipt of further information which Governor General was requested to furnish; (3) the bill relating to the division of District of Colborne. Regarding this last, it was desired that Governor General should, after consultation with Arthur, report his opinion. p. 173 Downing St., Dec. 6.

Enclosures:—

(1) Extract from Treasury Minute of Nov. 22. p. 181

(2) Statement relative to the Metallic Currency of Upper and Lower Canada, accompanying foregoing Treasury Minute. p. 191

(3) Treasury Minute of Nov. 26, on "An Act to authorize the purchase of the private stock in the Welland Canal on the part of the Province and for other purposes therein mentioned." p. 213

Russell to Thomson. No. 48. With further reference to the Currency Acts. Treasury suggested in an accompanying minute that same proceedings as those taken in West Indies be followed in regulation of currency, that is, by means of Orders in Councils and Proclamations. Copies of those issued in West Indies were enclosed. If Legislature approved, steps would perhaps be necessary to prevent circulation of forged or counterfeit coins. (Four enclosures.) p. 233 Downing St., Dec. 6.

Russell to Thomson. No. 49. Transmitting, in connection with his despatch No. 28 of Oct. 28, an extract from a Treasury Minute of Nov. 22, explaining why the Ordinance for the regulation of the Currency could not be confirmed. (The enclosures are the same as those on same subject attached to despatch No. 47.) p. 243 Downing St., Dec. 9.

1839
Downing St., Dec. 9.

Russell to Thomson. No. 50. In same terms and with same enclosures attached as in despatch No. 48. (This is intended for Lower Canada.) p. 299

Downing St., Dec. 11.

Russell to Thomson. No. 52. Transmitting, in connection with despatch No. 28 of Oct. 28, Order in Council of Dec. 9 specially confirming Ordinances Nos. 58, 59, 79 and 83. (Order in Council not herewith.) p. 304

Downing St., Dec. 16.

Russell to Thomson. No. 53. Requesting him to consult reliable persons respecting Clergy Reserves and the Roman Catholic clergy. Understanding that the interpretation of Act of 1791 would confine benefits to Protestant Ministers and exclude Roman Catholics, Colonial Secretary noted what seemed singular injustice to Roman Catholics. In England, a tythe-owner had a right of property in a tenth of produce of cultivated land, and, on commutation, a similar right to rent-charge payable out of land. In Canada this right is lost by transfer to Protestant of estate of landowner, and income of Catholic clergy was made contingent on act of another party who had no right to the tythe. The Roman Catholic clergy are thus interested in defeating measures favorable to transfers of land, and influx of British capital to be invested in land. It was suggested as equitable and expedient to provide for commutation of tythe for rent-charge, irrespective of faith of landowner. Report requested. p. 306

Downing St., Dec. 17.

Russell to Thomson. No. 54. Acknowledging despatch marked "confidential" of Nov. 11, and approving of his course in granting Mr. Morin unconditional liberation from custody. p. 316

Downing St., Dec. 26.

Russell to Thomson. No. 55. Acknowledging Colborne's despatch No. 125 of Oct. 16, and stating that it would afford him pleasure to present him to H.M. for honour of knighthood. p. 320

Downing St., Dec. 27.

Russell to Thomson. No. 56. Transmitting for his report voluminous correspondence with British American Land Company on subject of modifications desired in their agreement and other indulgences solicited. (Twelve enclosures.) p. 324

Downing St., Dec. 27.

Russell to Sir Richard Jackson. No. 1. Transmitting copy of despatch addressed to Lieut. Governor of New Brunswick for augmentation of military force in that Province by regiment from Nova Scotia, and instructing that decision reached in consultation with Governor General be carried into execution. (Enclosure.) p. 422

Downing St., Dec. 28.

Russell to Thomson. No. 57. Instructing that Joseph Atkinson, a Sergeant in Durham Company of Eastern Townships Loyal Volunteers, be informed that his claim for indemnity for losses sustained by refusal of his discharge from 49th Regt., had been referred to Military Authorities for investigation. p. 434

G. 46. (1840)

1840
Downing St., Jan. 2.

Russell to Thomson. No. 58. With reference to Normanbys' despatch No. 43 of June 7, instruction was given to lay before Special Council claim of Roebuck for arrears of salary as agent for Lower Canada Assembly. p. 1

1840

Russell to Thomson. No. 59. Enquiring, for information of War Office, whether Major Hall was principal aide-de-camp as well as military secretary, and what were his emoluments. p. 3 — Downing St., Jan. 3.

Russell to Jackson. No. 2. Acknowledging despatch No. 1 of Nov. 18, and conveying approval of his Proclamation as Administrator during absence of Governor General. p. 7 — Downing St., Jan. 3.

Russell to Thomson. No. 60. Acknowledging despatches Nos. 12, 13 and 14, of Nov. 18, 23 and 25, and expressing great satisfaction at resolutions of Special Council on Re-union of two Provinces; also, at information of good relations subsisting between him and Arthur. His answer to address on arrival in Toronto was approved. p. 9 — Downing St., Jan. 6.

Russell to Thomson. (Circular.) Stating that Treasury, under authority of Act 2 & 3 Vict. c. 52, has ordered that all special franking of letters be abolished. No correspondence, except it related strictly to Government business could go free of postage. p. 16 — Downing St., Jan. 8.

Russell to Thomson. (Circular.) Stating that a Board of Commissioners was appointed for sales of land in British Colonies and for promoting emigration to them, and enclosing copy of instructions to Board. p. 24 — Downing St., Jan. 17.

Copy of Royal Commission and Instructions. p. 642

Russell to Thomson. No. 61. Acknowledging despatch No. 17 of Dec. 6, and expressing approval of answers to several addresses in Toronto. p. 27 — Downing St., Jan. 17.

Russell to Thomson. No. 62. Acknowledging despatch No. 18 of Dec. 7, and conveying to him H.M.'s approbation of the speech with which he opened Legislature of Upper Canada, and her satisfaction with the cordial disposition of both Houses towards him. p. 30 — Downing St., Jan. 18.

Russell to Thomson. No. 63. Transmitting Order in Council recommending that the following Ordinances sent over in despatch No. 8 be left to their operation: No. 115. An Ordinance further to continue for a limited time a certain Ordinance relative to persons charged with High Treason, Suspicion of High Treason, Misprision of High Treason and Treasonable Practices. No. 116. An Ordinance to continue for a limited time a certain Ordinance relative to the seizing and detaining for a limited time of Gunpowder, Arms, Weapons, Lead and Munitions of War. p. 35 — Downing St., Jan. 20.

Russell to Thomson. (Circular.) Enclosing correspondence relative to vessels of the Royal Yacht Squadron being received in Colonial ports on same footing as in England and foreign ports. (Five enclosures.) p. 39 — Downing St., Jan. 22.

Russell to Thomson. No. 64. Stating, with reference to Colborne's despatch No. 65 of May 4, that Treasury stated that it was not their intention to require refund of field allowances issued to officers serving in Canada in operations of 1837. p. 46 — Downing St., Jan. 23.

Russell to Jackson. No. 3. Transmitting with request for report, letter from Treasury enquiring whether any further advances would be necessary on account of Col. Phillpotts survey of inland navigation, as amount expended had exceeded estimate. (Enclosure.) p. 50 — Downing St., Jan. 23.

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Downing St., Jan. 24. Russell to Jackson. No. 4. Stating appeal had been made by Henry Evans of Kingsey against decision of Commissioners of Crown Lands, regarding certain payments claimed by Crown; and asking for report. p. 61

Downing St., Jan. 26. Russell to Jackson. No. 5. Requesting delivery of accompanying letter addressed to Mr. Simes. p. 66

Downing St., Jan. 28. Russell to Thomson. No. 65. Requesting, by desire of Commissioners of Colonial Lands and Emigration, that report of Emigration Agent at Quebec be despatched so as to reach London by Jan. 1, each year. p. 68

Downing St., Jan. 29. Russell to Thomson. No. 66. Acknowledging despatch No. 20 of Dec. 9, and enclosing correspondence with Admiralty, from which it would be found that Commander Drew would have opportunity of vindicating himself before Court Martial against charges brought by Captain Sandom. (Two enclosures.) p. 72

Downing St., Jan. 31. Russell to Thomson. (Confidential.) Stating with reference to his despatch No. 5 of Sept. 11, that there had been further consideration of the cases of Messrs. Panet, Bedard and Vallière de St. Réal, and it had been decided to relieve Governor General of any fetters upon his judgment in dealing with question of their restoration to the Bench. p. 90

Downing St., Feb. 1. Russell to Thomson. No. 67. Stating that Chief Justice Robinson of Upper Canada had been notified of great injury occasioned to public service by his protracted absence; and that it was desired he should leave for home by March 15. p. 93

Downing St., Feb. 3. Russell to Thomson. No. 68. Acknowledging despatches No. 22 of Dec. 23, and 23 of Dec. 24, and expressing great satisfaction at proceedings of both Houses in Upper Canada respecting the re-union of the provinces. Congratulations were also extended to Governor General on his success. p. 95

Downing St., Feb. 4. Russell to Thomson. No. 69. Acknowledging despatch No. 24 of Dec. 31, and expressing satisfaction with the report on the composition of the majority and minority in the Assembly on the two most important amendments respecting re-union. These would show that no unusual influence had been exercised by Government over members who voted in favor of resolution. p. 103

Downing St., Feb. 4. Russell to Thomson. No. 71. Transmitting, in connection with Normanby's despatch of June 27, copy of letter from Post Office with report of Deputy Postmaster General at Quebec on measures adopted for checking illicit conveyance of letters. (Two enclosures.) p. 107

Downing St., Feb. 4. Russell to Thomson. (Confidential.) Acknowledging confidential despatch of Dec. 24, containing an examination of bill for re-union introduced into House of Commons, and expressing satisfaction that heads of bill proposed by Governor would soon be in his hands; also that, from appearances, re-union would be effected with but slight alteration in constitution. p. 121

Downing St., Feb. 5. Russell to Thomson. No. 72. Acknowledging confidential despatch of Dec. 23, and expressing concurrence with view taken of conduct of Law Officers in Upper Canada Assembly in opposing re-

union resolutions. Were it not desirable that fullest expression of opinion on measure should be elicited, those officers should not be permitted to retain their places while opposing will of Government. Result proved strong feeling in favor of re-union. p. 128 **1840**

Russell to Thomson. (Confidential.) Stating that Foreign Secretary had received copy of letter from Governor of Maine to President, denouncing action of British in occupying Madawaska Settlement, and urging counter-measures; and that British Government had for reasons given resolved to retain force in that district. Note presenting British view had been addressed to American Secretary of State, but no answer had been received. Colonel Mudge and Mr. Featherstonhaugh, after investigation, were of opinion that supposed American Boundary did not correspond with meaning and intent of Treaty. Note from Lord Seaton on necessity of preventing aggressive action of Americans enclosed. p. 139 Downing St., Feb. 6.

Russell to Thomson. (Separate.) Pointing out certain ambiguities in agreement concluded between Lieut. Governor and Governor of Maine respecting occupation of disputed territory, and requesting opinion, after consultation with persons of judgment on the spot. p. 157 Downing St., Feb. 6.

Russell to Thomson. No. 70. Acknowledging confidential despatch of Dec. 15, and stating that he had perused carefully the exposition of present state of affairs in Upper Canada, and regretted unsatisfactory result. The evils described would be remedied by application of reforms suggested. Satisfaction expressed at removal of question of Responsible Government from public discussion by Governor's explanations, and that in the popular demands "nothing more was sought than such a just administration of the public affairs as is inculcated in the instruction with which I have furnished you on this subject." Personal congratulations extended on success. p. 165 Downing St., Feb. 6.

Russell to Thomson. No. 73. Requesting that enquiry be made as to fate of Henry Morgan, a native of Old Abbey, Limerick, who came to British America some years before. p. 172 Downing St., Feb. 6.

Russell to Thomson. No. 74. Conveying decisions of Government regarding several Lower Canada Ordinances mentioned in his despatch No. 40 of Oct. 28. Ordinance No. 53 for incorporating Canada Marine Insurance Company was objectionable on several grounds mentioned, but Government were prepared to allow it to remain in operation but not to receive H.M.'s confirmation. Ordinance No. 55 suspending two Ordinances for preventing accidents by fire was unobjectionable. Ordinances No. 57, 62, 69, 106, and 112 contained clauses providing for system of inspection which were considered objectionable, and Governor's report was requested as to special circumstances which might warrant the system. Ordinance No. 66 for incorporating a Trinity House was unobjectionable in form, but the existence of two institutions of same sort—one in Quebec and other at Montreal independent of one another might lead to much inconvenience. Governor's opinion upon point desired, as well as upon Ordinance No. 109 provisions of which appear stringent and inquisitorial. Ordinance No. 92 unobjectionable. p. 178 Downing St., Feb. 8.

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Downing St., Feb. 10. Russell to Thomson. No. 75. Stating, with reference to Colborne's despatch No. 102 of August 1, that, after consulting with Treasury Commissioners and Secretary at War, it had been decided to allow ten shillings a day to officers serving on Courts Martial. p. 197

Downing St., Feb. 11. Russell to Thomson. No. 76. Acknowledging confidential despatch of Jan. 13, and expressing approval of answer given to request of Upper Canada Assembly for information respecting "Hunter's Lodges." p. 201

Downing St., Feb. 12. Russell to Thomson. No. 77. Transmitting copy of letter from Treasury, stating that in future relief for Military Pensioners in Lower Canada should be afforded in money, instead of, in kind. (Enclosure.) p. 205

Downing St., Feb. 13. Russell to Thomson. No. 78. Transmitting copy of letter from Treasury respecting mode of issuing his salary as Governor General and that of his staff. (Three enclosures.) p. 219

Downing St., Feb. 14. Russell to Thomson. (Circular.) Transmitting, for publicity, printed notice to mariners relating to lights exhibited at St. Catharines Point and the Needles, Isle of Wight. (Enclosure on p. 672.) p. 234

Downing St., Feb. 17. Russell to Thomson. No. 79. Requiring further information respecting Upper Canada Act of 1839 providing for payment of costs in certain cases of information at suit of Crown. Terms of act discussed at length. p. 235

Downing St., Feb. 19. Russell to Thomson. (Confidential.) Stating reply of American Secretary of State had been received on alleged infraction of agreement between New Brunswick and State of Maine, and discussing its terms. p. 256

Downing St., Feb. 19. Russell to Jackson. No. 6. Acknowledging despatch No. 8 of Jan. 16, respecting measures taken in Disputed Territory, and enclosing for his information copies of despatches to Governor General, of Feb. 6, marked "separate" and one of same date marked "confidential, as expressing views of Government on situation. p. 296

Downing St., Feb. 19. Russell to Thomson. (Confidential and separate.) Transmitting copy of despatch being addressed by Foreign Secretary to Minister at Washington, explaining terms of remonstrance to be addressed to U.S. Government on subject of encroachments on Disputed Territory. British Minister was being directed to act in cooperation with Governor General. to whom Lieut. Governor of New Brunswick would look for instructions. (Four enclosures.) p. 323

Downing St., Feb. 21. Russell to Thomson. No. 80. Stating, with reference to his despatch No. 74 of Feb. 8, that Lower Canada Ordinance No. 68 (cap 21) for vesting lands etc. occupied in Lower Canada for Ordnance service, in principal officers of the Ordnance might remain in operation ,but as it would be necessary to give it perpetuity, opportunity should be taken to insert clause in further Ordinance saving rights of Her Majesty, Her Heirs and Successors. p. 367

Downing St., Feb. 25. Russell to Jackson. No. 7. Transmitting copy of letter to Treasury of June 25, 1839, which was stated in despatch No. 7 to be necessary to enable Executive Council to report on claim of Sophia S. Holland to compensation for loss of land forming part of Chateau St. Louis. (Enclosure.) p. 373

Russell to Thomson. No. 81. Transmitting letter from Admiralty with letter from E. H. Chapman, contractor for Canada masts for the Navy, in which he asks for certain privileges to enable him to fulfil his contract; and requesting that Admiralty's views be carried into effect unless there appeared reasons to contrary. (Two enclosures.) p. 382 **1840** Downing St., Feb. 26.

Russell to Thomson. No. 82. Enclosing, with request for report, copy of letter from Michael Martin claiming £26 on account of services in cutting timber for Mr. Chapman, which was detained at Bytown Canal office for payment of duty. (Enclosure.) p. 423 Downing St., Feb. 29.

Russell to Thomson. No. 83. Enquiring for information of Admiralty, as to date of appointment of Lieut. Jeffery Hale as Receiver General of Lower Canada. p. 434 Downing St., March 4.

Russell to Thomson. No. 84. Respecting supply of stationery for Civil Secretary's office in Lower Canada. p. 437 Downing St., March 7.

Russell to Thomson. (Circular.) Inviting attention to statutes respecting leave of absence to officers in Colonial service, which require that such leave should be granted by Governor and Council and not by Governor only. p. 440 Downing St., March 10.

Russell to Jackson. No. 8. Acknowledging despatch No. 10 of Jan. 19, approving of correspondence on subject of Disputed Boundary and instructing to apply to Governor General for Government views on subject. p. 441 Downing St., March 11.

Russell to Thomson. No. 85. Transmitting, for attention, letter from Treasury, respecting recent enrolment of Volunteer Corps at Quebec. (Enclosure.) p. 445 Downing St., March 14.

Russell to Thomson. No. 86. Stating that Treasury required that amounts paid to Military officers for services on Courts Martial should be paid from Provincial funds and not from Military Chest. (Letter from Treasury enclosed.) p. 461 Downing St., March 16.

Russell to Thomson. No. 87. Stating that the application for the alteration and extension of McGill College charter had been recently brought to his attention. The delay in disposing of the matter was due to the dilatoriness of the Royal Institution in stating their objections to the proposed changes. He enclosed copies of the correspondence, which consisted of a letter from Lord Seaton (Sir John Colborne) explaining the circumstances; a letter and memorial from Rev. John Bethune, Principal of the College, one from the Secretary of the Royal Institution with an enclosure from Mr. Bethune addressed to the Bishop of Montreal. The Governor General was requested as ex officio one of the Governors of the College to bring the parties together and endeavor to arrange a charter which would be acceptable to both, a draft of which he would send for submission to H.M.'s pleasure. (Five enclosures.) p. 481 Downing St., March 17.

Russell to Thomson. (Separate.) Acknowledging despatch of Feb. 5, with copy of address from Bishop of Toronto to Clergy and Laity of his Diocese urging them to protest against the Clergy Reserves, and expressing his surprise and disappointment at Bishop's proceedings. Bishop's anticipation of the injury to society and to Downing St., March 20.

1840 the interests to religion likely to spring from general excitement would, one would have supposed, led him to abstain from course he was taking. Satisfaction expressed at the degree of support the bill was receiving from all classes. p. 545

Downing St., March 20. Russell to Thomson. No. 88. Acknowledging despatch marked "confidential" of July 17, and expressing satisfaction with report of Lieut. Jones as to improved state of feeling in United States towards Canada. p. 550

Downing St., March 20. Russell to Thomson. No. 90. Informing him of Her Majesty's satisfaction with which she had observed the work he had done, and the apparent success which had attended his endeavours. p. 553

Downing St., March 23. Russell to Thomson. No. 89. Acknowledging despatch No. 32 of Jan. 21, and expressing approval of his answer to address from Bishop and Clergy of Toronto. p. 559

Downing St., March 25. Russell to Thomson. No. 91. Acknowledging despatch No. 46 of Feb. 12, explaining circumstances of meeting convened by John Neilson in Quebec, to prepare address against the union. p. 560

Downing St., March 26. Russell to Thomson. No. 92. Acknowledging despatch No. 43 of Feb. 11, and conveying approval of speech with which Legislature of Upper Canada was prorogued on Feb. 10. p. 562

Downing St., March 31. Russell to Thomson. No. 93. Transmitting copies of correspondence with Chief Justice Robinson. p. 564

Enclosures:—

Downing St., March 23. (1) R. Vernon Smith to Robinson. Informing him of anxiety entertained by Secretary of State regarding his protracted absence from Upper Canada, which was enhanced by enquiries on the subject in House of Commons and on the subject of his salary during his stay in England which he understood to be half of his regular salary. It was desired that he should state the exact day of sailing, as his leave could not be extended. p. 565

Downing St., March 26. (2) Robinson to Russell. A lengthy explanation of the circumstances of his stay in England, which was due to illness, with statement of services, and of practice regarding salaries of those on leave, which was to allow full salaries during such period. He, also, added some observations in opposition to Union Bill, which he hoped to see withdrawn, and in justification of public expression of his sentiments upon it. p. 570

Downing St., March 30. (3) Smith to Robinson. Stating, with regard to the salary, that enquiry would be made and he would be paid according to what had been found the practice. Robinson was not consulted regarding the bill for Union because he had published opinions entirely adverse to those held by Government. Colonial Secretary, entertaining high opinion of Robinson's ability and public services, wished him happiness and success in his honorable station. p. 596

Downing St., March 31. Russell to Thomson. No. 94. Acknowledging despatch No. 29 of Jan. 20, and stating that H.M. had been graciously pleased to comply with address from trustees of University about to be established at Kingston that it should have title of Queen's College. They should furnish draft of charter desired, and appoint an agent in England authorized to assent to or dissent from any modifications in terms of draft, and to defray necessary expenses. Time would be saved if draft were submitted for consideration of Governor General before being sent to London. p. 631

Russell to Thomson. No. 95. Acknowledging despatch No. 30 of Jan. 20, and expressing regret at inability to grant pension to widow of late Chief Justice Sewell. p. 638 **1840** Downing St., March 31.

Russell to Jackson. No. 9. Respecting his emoluments as Commander of Forces in B.N.A. p. 64 Downing St., March 31.

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Russell to Thomson. No. 96. Acknowledging despatch No. 59 of Feb. 23, and requesting that people of Gaspé be informed that, in deference to their wishes, and on advice of Governor General, it was not proposed to annex the district of Gaspé to New Brunswick. p. 1 **1840** Downing St., April 7.

Russell to Thomson. No. 97. Acknowledging despatches Nos. 56 and 66 of Feb. 20 and March 9, and expressing great satisfaction at report of state of feeling continuing to prevail in Upper Canada. Impressed with importance of early settlement of question of Union, he would lose no time in submitting subject to Imperial Parliament. Report on emigration anxiously awaited. p. 4 Downing St., April 7.

Russell to Thomson. No. 98. Acknowledging despatch No. 57 of Feb. 21, and stating that petition of residents in and about Quebec, of British and Irish origin, on subject of Union had been graciously received by H.M. p. 8 Downing St., April 8.

Russell to Thomson. No. 99. Acknowledging despatch No. 63½, and stating that nothing could be added to despatch of Feb. 10, on subject of allowance to officers who served on Courts Martial. p. 11 Downing St., April 8.

Russell to Thomson. (Confidential.) Acknowledging confidential despatch of March 9, and expressing satisfaction at finding confirmed the view that prevalent sentiments of moderate men in Lower Canada were favorable to Union. p. 14 Downing St., April 9.

Russell to Thomson. No. 100. Transmitting letter from Lord Hill on services of Lieut. Jones, of which Governor General wrote in high terms. (Enclosure.) p. 18 Downing St., April 9.

Russell to Thomson. No. 101. Transmitting copy of letter from Treasury, on subject of charge for composition money paid for horses for staff officers; and directing that Treasury's wishes be carried out. (Enclosure.) p. 30 Downing St., April 9.

Russell to Thomson. No. 102. Acknowledging despatch No. 48 of Feb. 13, approving of compliance with Justice Sherwood's application for retirement. Pension assigned to him would be sanctioned. Approval was also given of appointment of C. Hagerman to succeed Judge Sherwood, of W. H. Draper to succeed as Attorney General, and of Robert Baldwin to succeed as Solicitor General. Warrants were enclosed. Fees £11-5-6 each. p. 45 Downing St., April 10.

Russell to Thomson. No. 103. Acknowledging despatch No. 64 of March 2, and sanctioning payment to Mr. Kerr of full salary as Judge of Court of King's Bench at Quebec from April 2, 1835, when he was removed, until Feb. 22, 1836, when successor was appointed. Approval conveyed of enforcement of rule that officers on leave should receive only half salary during period of absence. p. 54 Downing St., April 11.

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Downing St., April 12. Russell to Thomson. No. 104. Acknowledging despatch No. 42 of Feb. 11, and stating that Treasury had sanctioned cancelling bond entered into by Mr. Parke in connection with contract for building Government offices in Toronto. p. 59

Downing St., April 13. Russell to Thomson. No. 105. Transmitting copy of letter from Treasury relative to adoption of uniform system in two Canadas respecting non-attendance of military officers at distribution of Indian presents, and directing, if no objection occurs, that practice in Lower Canada of deputing officers for that service be discontinued. (Enclosure.) p. 67

Downing St., April 14. Russell to Thomson. No. 106. Transmitting copy of bill to re-unite the provinces, which was read a second time on April 13, and committed for May 11. The changes from draft prepared by Governor General, though numerous, were insubstantial, except that relating to constitution of District Councils, which was replaced by clause empowering Governor to create Municipal Bodies. p. 74

Enclosure:—

A Bill to re-unite the provinces of Upper and Lower Canada and for the Government of Canada, April 2, 1840. p. 701

Downing St., April 14. Russell to Thomson. No. 107. Stating that Clergy Reserves Bill had been laid before both Houses of Parliament, and that House of Lords had proposed to the fifteen judges a series of questions relating thereto. Until these were answered, no progress could be made. p. 79

Enclosure:—

Questions submitted to Judges.

(1) Whether the words "A Protestant Clergy" in 31 Geo. III c. 31 (sec. 35 to 42) include any other than Clergy of the Church of England and Protestant Bishops, and Priests and Deacons who have received Episcopal ordination? And, if any other, what other?

(2) Whether the effect of the 41st section be not entirely prospective giving power to the Provincial Legislature as to future allotments and appropriations; or whether it can be extended to affect lands which have been already allotted and appropriated under former grants?

(3) Whether the Upper Canada Legislature having in an Act "to provide for the sale of the Clergy Reserves, and for the distribution of the Proceeds thereof" enacted, that it should be lawful for the Governor, by and with the advice of the Executive Council, to sell, alienate and convey in Fee Simple all or any of the said Clergy Reserves, and having further enacted, in the same act, that the proceeds of all past sales of such Reserves which have been or may be invested under the authority of the Imperial Act of 7 & 8 Geo. IV shall be subject to such orders and directions as the Governor and Council shall make for investing in any securities within Upper Canada the amount now funded in England together with the proceeds to be received from sales of the Reserves, did in making such enactments or either of them exceed their lawful authority?

Downing St., April 14. Russell to Thomson. No. 108. Transmitting copies of correspondence with Treasury respecting despatches No. 19 and No. 33 of Dec. 9 and Jan. 21, relating to claim of Mr. McGregor for indemnification for destruction of his steam boat by brigands from United States, from which it appeared that claim was recognized and payment sanctioned. (Three enclosures.) p. 93

Russell to Thomson. (Separate.) Acknowledging despatch No. 44 of Feb. 12, and stating that he had no objection to recommendation, of a change in distribution of grant made from Crown Revenues to Wesleyan body and the appropriation of a portion of that grant, not exceeding one half, to Upper Canada Academy, but would not authorize arrangement until he saw fate of Clergy Reserves bill. **1840** Downing St., April 15. p. 126

Russell to Thomson. No. 109. Drawing attention to error in shipping Public Record works to Speaker of House of Assembly of Lower Canada. Downing St., April 15. p. 128

Russell to Thomson. No. 110. Acknowledging despatch No. 62 of Feb. 28, and stating that clause had been inserted in Canada Bill for separation of Magdalen Islands from Lower Canada and their annexation to Prince Edward Island. Downing St., April 16. p. 130

Russell to Thomson. No. 111. Acknowledging separate despatch of March 12, and stating that instructions had been given that private letters of Governor and suite be placed in official bag. Downing St., April 17. p. 131

Thomson to Russell. (Copy of No. 84.) Representing that, for some years past, the tedious course of mails by way of Halifax, made it customary to employ special messengers for conveyance to and from New York, a practice which among other advantages had that of economy, as bag with despatches cost more by post than by messenger, and suggesting that, as bag was used for correspondence of Imperial as well as Provincial service, half the cost should be borne from Military Chest. Montreal, April 15. p. 132

Russell to Thomson. No. 112. Acknowledging despatch No. 58 of Feb. 22, and stating that, if money were available, he should defer to Governor's recommendation in favor of continuance of salary of Rev. Mr. Anderson Rector of William Henry until April 1. Downing St., April 18. p. 138

Russell to Thomson. (Circular.) Transmitting copy of letter from Treasury, prescribing mode in which payments were to be made from Military Chest. (Enclosure.) Downing St., April 20. p. 139

Russell to Thomson. No. 113. Acknowledging despatch No. 75 of March 22, with petition from Gaspé against severance from Lower Canada, and stating question was settled in despatch of April 7. Downing St., April 21. p. 142

Russell to Thomson. No. 114. Acknowledging Colborne's despatch No. 92 of July 5, and stating that he found the plan he himself proposed for providing salary for Bishop of Montreal was objectionable, and should not be carried into effect. Downing St., April 22. p. 143

Russell to Thomson. No. 115. Acknowledging confidential despatch of March 25, and expressing entire approval of course taken by Governor regarding the North Eastern Boundary question. Downing St., April 23. p. 145

Russell to Thomson. No. 116. Transmitting, as an instruction, copy of letter from Admiralty, requesting that Messrs. Brockelbank and Rott may have the same indulgence as was extended to Messrs. Chapman regarding cutting of mast timber on Crown Lands. (Enclosure.) Downing St., April 24. p. 147

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Downing St., April 25. Russell to Thomson. No. 117. Stating, with reference to despatch No. 27 of Jan. 18, that Treasury were of opinion that Mrs. Walker had lost her right to pension on account of re-marriage. p. 155

Downing St., April 26. Russell to Thomson. No. 118. Transmitting copy of letter from Earl Granville, containing information relative to departure of a Mr. Forsars of Bordeaux for Canada. (Enclosure.) p. 156

Downing St., April 27. Russell to Thomson. No. 119. Acknowledging despatch No. 5 of Nov. 2, and enclosing for guidance an opinion of Law Officers, favorable to desire of North American Colonial Association of Ireland to purchase and hold lands in colonies, with special reference to their purchase of Seigniory of Beauharnois. (Enclosure.) p. 160

Downing St., April 29. Russell to Thomson. No. 120. Acknowledging despatch No. 78 of March 24, and, in accordance with request, transmitting Regulations observed by Metropolitan Police and Reports of Rural Police Commissioners. p. 168

Downing St., April 29. Russell to Thomson. (Confidential.) Stating it would be satisfactory to learn that provisional arrangement had been concluded with United States Government respecting North Eastern Boundary. Foreign Minister would shortly send to Minister at Washington report of British commissioners on subject, and, at same time, give answer to counter-project of United States Government. p. 169

Downing St., April 30. Russell to Arthur. (Circular.) Stating he had received a letter from W. H. McEown, making claim for losses sustained during Rebellion, and requesting that writer be desired to send copy to Lieut. Governor who would make report upon it. p. 171

Downing St., April 30. Russell to Thomson. No. 121. Transmitting copies of despatches passing between himself and Lieut. Governor of Nova Scotia relating to differences between latter and Nova Scotia House of Assembly. H.M. observed with regret want of confidence in Executive Government on part of Assembly, going so far as an address for the removal of Lieut. Governor. Governor General was directed to proceed to Nova Scotia to make effort to settle difficulties. While determined to listen to nothing derogatory to character of Lieut. Governor, H.M. hopes that such arrangements might be possible as would bring content to a people who had given so many proofs of loyalty and attachment. (Twenty five enclosures including duplicates.) p. 172

Downing St., May 4. Russell to Thomson. (Circular.) Transmitting copy of certain rules and conditions prescribed by Treasury for observance in charters or legislative enactments for incorporating banking companies in colonies. p. 390

Enclosure:—

Regulations and conditions respecting incorporation of banking companies. p. 752

Downing St., May 9. Russell to Thomson. (Confidential.) Acknowledging confidential despatch of March 26, with memorandum from Commander of Forces on defences of Montreal and immediate frontier, and stating that Board of Ordnance while much impressed with proposals, desired more detail, and a scientific report as to engineering requisite and an estimate of cost. (Enclosure—letter from Ordnance.) p. 392

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Russell to Thomson. No. 122. Stating, with reference to despatch No. 63 of Feb. 29, that measures taken under advice of Commander of Forces and Arthur, regarding maintenance for next two years, of Militia and Volunteer force, had his unreserved approval. Letter was enclosed from Treasury on subject. (Enclosure.) Downing St., May 10.
p. 404

Russell to Thomson. No. 123. Transmitting copy of letter from Ordnance, stating that proclamations issued in Dec. last, were inadequate for purpose of appropriating certain land on St. Louis road, Quebec, and instructing that proper measures be taken for vesting in Ordnance lands referred to in proclamations. (Enclosure.) p. 413 Downing St., May 11.

Russell to Thomson. No. 124. Stating with reference to despatch No. 48 of Feb. 13, that Treasury and sanctioned retirement allowance of £666-13-4 currency to Judge Sherwood. (Enclosure from Treasury.) Downing St., May 12.
p. 418

Russell to Thomson. No. 125. Stating Treasury had sanctioned payment of advance of £200 to trustees of Upper Canada Academy at Cobourg. Downing St., May 13.
p. 422

Russell to Thomson. No. 126. Stating that Government having had under consideration two Upper Canada Acts, viz:—to continue for limited time laws authorizing chartered banks to suspend specie payments under certain regulations; and to amend the act incorporating the Gore Bank, found certain objectionable matter in each. As Legislature had closed, and as it was undesirable to throw the proposed amending acts upon the United Legislature the acts were assented to, on understanding that views of Treasury and of Committee of Privy Council for Trade would be guide, and that, in event of suspension, no dividends would be paid. (Two enclosures.) p. 428 Downing St., May 14.

Russell to Thomson. No. 127. Transmitting Order of House of Commons requiring names of all persons indicted for High Treason before ordinary Courts since Jan. 1, 1838, with names of those indicted who were brought to trial. Earlier return containing similar information was defective. (Enclosure.) p. 444 Downing St., May 15.

Russell to Thomson. (Separate). Transmitting copy of letter from Ordnance, explaining intended object of mission to Canada of Messrs Eaton and Elliott of Ordnance Department. (Enclosure.) Downing St., May 16.
p. 454

Russell to Thomson. No. 128. Requesting, for information of War Office, particulars of appointment of Lieut. J. Mackenzie to office of Clerk of Court of Requests at Terrebonne; also, reminding him that Blue Books for 1838 and 1839 had not then been received. p. 463 Downing St., May 16.

Russell to Thomson. No. 129. Stating that, in accordance with Governor's recommendation, Treasury sanctioned repayment to Military Chest of £50 for erection of casemates at Fort Henry and of ward in Midland District Hospital. p. 467 Downing St., May 17.

Russell to Thomson. No. 130. Stating that Treasury had sanctioned payment of 20 shillings currency per week to person employed in distributing relief to Commuted Military Pensioners at Peterborough. Downing St., May 18.
p. 473

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Downing St., May 19. Russell to Thomson. No. 131. Requesting reply to despatch No. 51, respecting renewal of lease to Hudson's Bay Company, of King's Posts. p. 486

Downing St., May 20. Russell to Thomson. No. 132. Enclosing with reference to his despatch of April 15, a lengthy statement from Reverend R. Alder, Secretary of Wesleyan Missionary Society, giving reasons why the annual grant paid to the Wesleyan Missionary Society should not be appropriated in accordance with views of Rev. E. Ryerson. (Enclosure.) p. 487

Downing St., May 21. Russell to Thomson. No. 133. Transmitting copy of communication from Ordnance relative to claims of certain purchasers of land from Mrs. Ferguson at Kingston, forming part of original reservations for military purposes. (Six enclosures.) p. 589

Downing St., May 22. Russell to Thomson. No. 134. Transmitting, with reference to his despatch No. 52 of Feb. 14, communication from Treasury stating that they saw no objection to suggested alterations in system of ports of entry in Upper Canada. (Enclosure.) p. 637

Downing St., May 23. Russell to Thomson. No. 135. Acknowledging despatch No. 85 of April 10, and stating that communications respecting systems prevailing with regard to postage of letters from Great Britain to North American colonies had been referred to Treasury. p. 648

Downing St., May 24. Russell to Thomson. No. 136. Acknowledging despatch No. 82 of April 12, and stating that Treasury had been requested to provide for a lithographic press of particular description for use of Board of Works in Lower Canada. p. 650

Downing St., May 25. Russell to Thomson. No. 137. Transmitting, in connection with his despatch No. 122 of May 10, correspondence with Treasury respecting supplies of equipments to Volunteer Force in Upper Canada. (Four enclosures.) p. 653

Downing St., May 26. Russell to Thomson. No. 137. Acknowledging despatch No. 96 of April 29, and stating that memorial from Montreal Board of Trade praying that that port might be made a Free Warehousing Port, had been referred to Treasury. p. 672

Downing St., May 27. Russell to Thomson. No. 139. Acknowledging despatch No. 97 of April 30, and stating that memorial representing ill-treatment to which British fishermen on Labrador Coast were exposed from foreigners had been referred to Admiralty. p. 674

Downing St., May 28. Russell to Thomson. No. 140. Acknowledging despatch No. 95 of April 28, and enclosing copy of despatch of July 1839, in answer to petition of Mrs. Rollette, widow of officer of Provincial Marine for grant of pension. No other answer could be given. p. 675

Downing St., May 28. Russell to Thomson. No. 141. Acknowledging despatch No. 80 of April 4, with petition of Roman Catholic Clergy of Lower Canada, deprecating union of provinces, and praying for establishment of constitution of 1791. p. 683

Downing St., May 29. Russell to Thomson. No. 142. Acknowledging despatch No. 90 of April 21, and expressing his wish to be informed as to result of proceedings in Special Council, respecting certain ordinances to be laid before them; and his satisfaction at restoration of tranquillity in Lower Canada. p. 686

Russell to Thomson. No. 143. Acknowledging despatch No. 93 of April 25, and stating that, in compliance with request, the addresses received by Governor in Upper Canada and his replies would be placed on record in Department's Archives. p. 691 **1840** Downing St., May 29.

Russell to Thomson. No. 144. Acknowledging despatch No. 103 of May 5, stating that Mr. Tetu was going to England with petition from Quebec District against union. p. 694 Downing St., May 30.

Russell to Thomson. No. 145. Acknowledging despatch No. 102 of May 5, and stating that as Special Council were unable to re-enact ordinance imposing tax on emigrants, he had advised Treasury to sanction payment out of vote for Canada, of £5000 or £6000 estimated as necessary for taking care of emigrants when they first land. Treasury had not announced decision. p. 696 Downing St., May 30.

Return of names and other particulars of persons imprisoned in Lower Canada charged with Treason or Offences of Treasonable Nature, since Nov. 1, 1837. p. 758

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Russell to Thomson. No. 146. Transmitting for his observations, extract from Report of the North American Colonial Committee on subject of emigration to Canada, communicated by Lord Mount Cashel the chairman. (Enclosure.) p. 1 **1840** Downing St., June 1.

Russell to Thomson. No. 147. Stating that a bill on the Clergy Reserves was laid before House of Commons on June 1, to be read a second time on June. Copy of bill was enclosed. p. 19 Downing St., June 3.

Enclosure:—

Bill to provide for the sale of the Clergy Reserves in Upper Canada, and for the distribution of the proceeds thereof. p. 528

Russell to Thomson. (Circular.) Transmitting copy of letter from Admiralty, stating that Cunard steamers would run only monthly to and from Halifax from November to February, both months inclusive. (Enclosure.) p. 23 Downing St., June 5.

Russell to Thomson. No. 148. Acknowledging despatch marked "confidential" of April 25, and stating that Canada bill would be amended so as to give two members for Lincoln county. p. 31 Downing St., June 5.

Russell to Thomson. No. 149. Stating that Sir John Franklin, Lieut. Governor of Van Diemen's Land, had reported arrival after 137 days passage of H.M.'s ship Buffalo with 82 male convicts from Upper Canada. As would be observed, Franklin recommended that, after these men had had two years of labor on roads, he should be allowed, at his discretion, to issue tickets of leave to them. Governor's opinion requested on recommendation. (Two enclosures.) p. 33 Downing St., June 10.

Russell to Thomson. No. 150. Stating that Treasury, on consideration of Governor's despatch No. 92 of April 24, had decided that expenses connected with Volunteer Corps at Quebec, would be charged to vote for Special Services in Canada. p. 45 Downing St., June 11.

Russell to Thomson. No. 151. Stating, in connection with his separate despatch of May 30 that Treasury had agreed to advance £5000 for relief of emigrants at Quebec, to be repaid from Provincial revenues. p. 47 Downing St., June 12.

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Downing St., June 12. Russell to Thomson. No. 152. Acknowledging despatch No. 53 of Feb. 15, and stating that several addresses from Upper Canada Assembly would receive consideration. p. 49

Downing St., June 13. Russell to Thomson. (Confidential.) Stating that Foreign Secretary would soon send to Minister at Washington instructions as to Boundary question; and instructing Governor to carry out, in concert with Minister at Washington instructions already received on subject of Provisional Agreement. Disputed territory should be in custody of duly constituted authorities to prevent plundering. Should negotiations at Washington appear unpromising, and aggressions be renewed, steps should be taken to protect line of communication between Quebec and Fredericton. p. 52

Downing St., June 13. Russell to Thomson. No. 153. Acknowledging despatch No. 97 of April 30 with reference to aggressions on Labrador fishermen, and stating that it had been communicated to Admiral commanding on North American and West Indian Station. p. 54

Downing St., June 15. Russell to Thomson. (Circular). Enclosing, in connection with circular of Jan. 22, list of vessels and members of Royal Yacht Squadron. (Enclosure.) p. 56

Downing St., June 18. Russell to Thomson. No. 154. Stating, with reference to despatch No. 77 of March 24, that Law Officers were consulted as to whether success were probable in action to compel British American Land Company to fulfil agreement; and learning it was not, and as Company seemed indifferent to demands to same end, Governor was instructed to take such measures as were within his powers to compel them to conform to original terms of contract. Correspondence with Company was enclosed. Company were directed to address their communications to Governor. (Five enclosures.) p. 57

Downing St., June 19. Russell to Thomson. (Separate). Acknowledging despatch No. 112 of May 26, and expressing satisfaction at the considerable increase of emigrants arriving and at very few expressing intention of going on to United States. As advantage offered in United States in ease with which incomers find employment, every effort should be made to equalize conditions in that respect. Registry Offices for employment suggested. Proposal to grant small portions of lands to immigrants, accompanied by employment on some public works approved, but subject should be submitted to United Legislature that policy on encouraging immigration from Great Britain might be matured. p. 84

Downing St., June 20. Russell to Thomson. No. 156. Stating, with reference to despatch No. 113 of May 26, that H.M. had approved of Provisional appointment of Charles Dewey Day as Solicitor General for Lower Canada. p. 90

Downing St., June 21. Russell to Thomson. No. 157. Acknowledging despatch No. 105 of Hay 13, respecting damaged state in which Imperial Statutes reached him; and stating measures were taken to prevent repetition. p. 92

Downing St., June 22. Russell to Thomson. No. 158. Stating that communication had been received from Mr. Schoolcraft, Indian Agent at Michilimackinac, representing that British authorities of Indian Department had been endeavouring to seduce Western Indians into British territory, with

assistance of Hudson's Bay Company. Company deny charge, and Sir George Arthur believed allegations against Indian Department to be equally groundless. (Enclosed, letter from H.B. Company.) p. 94 **1840**

Russell to Thomson. No. 160. Acknowledging despatches No. 106 and 110 of May 15 and 23, on subject of salary of Chief Justice Robinson, while on leave, and stating that as Arthur had reported that practice was to allow full salary in such cases, sanction was given to treat Robinson in same way. At same time, notice should be given that, thereafter, in cases of the same sort, only half salary would be allowed, in accordance with general colonial practice. p. 106 Downing St., June 22.

Russell to Thomson. No. 161. Transmitting, with reference to despatch No. 87 of April 18, letter from Ordnance stating that additional officers of engineers applied for could not be supplied. Ordnance had been notified, however, that in event of fortifications being commenced next year, more assistance would be requisite. (Enclosure.) p. 109 Downing St., June 24.

Russell to Thomson, No. 162. Transmitting, in connection with despatch No. 146 of June 1, copy of letter from Dr. Thomas Rolph, honorary secretary of North America Colonial Committee, with further suggestions on subject of emigration. (Enclosure.) p. 114 Downing St., June 25.

Russell to Thomson. No. 163. Requesting reply to despatch No. 82 of Feb. 29, respecting claim of Michael Martin. p. 122 Downing St., June 26.

Russell to Thomson. No. 164. Stating, with reference to despatch No. 84 of April 15, that Treasury had agreed to half expense of messenger to and from New York being paid from Military Chest. p. 123 Downing St., June 27.

Russell to Thomson. No. 165. Acknowledging despatch No. 86 of April 17, and stating that Report of Emigration Agent for Lower Canada for 1839 had been communicated to Colonial Land and Emigration Commissioners, with request to prepare information for intending emigrants and also to suggest how £1500 which it was proposed to devote to plans could best be spent. p. 125 Downing St., June 27.

Russell to Thomson. No. 167. Stating intention to furnish improved description of guns and rifles as presents to Indian Chiefs, and requesting that as much economy as possible be employed in their distribution. p. 127 Downing St., June 29.

Russell to Thomson. No. 168. Acknowledging despatch No. 100 of May 4, and stating that Treasury had, on his recommendation, consented that expenses of Courts Martial in Lower Canada should not be borne by province. p. 129 Downing St., June 29.

Russell to Thomson. (Circular.) Enclosing memorandum from Admiralty, pointing out inconvenience of Light Houses being painted white. They should be painted either red or white and red. (Enclosure.) p. 131 Downing St., June 29.

Russell to Thomson. No. 169. Acknowledging despatch No. 117 of May 28, and approving of unconditional release of D. B. Viger; also, expressing satisfaction that condition of province rendered renewal of Ordinance suspending Habeas Corpus unnecessary. p. 134 Downing St., June 30.

Russell to Thomson. No. 170. Transmitting Royal Warrant for appointment of C. D. Day as Solicitor General. Fees £11-5-6. p. 135 Downing St., June 30.

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Downing St., June 30. Russell to Thomson. (Separate.) Stating that Edward Dowling, the bearer of the despatch, had been appointed Legal Adviser to his mission. p. 136

Downing St., July 1. Russell to Thomson. No. 171. Acknowledging despatch No. 115 of May 26, and giving decisions on several addresses from Upper Canada Assembly. (1) On Tea Trade—subject to be dealt with in Custom's Bill of that session. (2) Pensioners—wishes of Assembly had been anticipated by Government. (3) Case of Christopher Leggo—as losses were due not to violence of foreign enemy, but to misconduct of Volunteers, claim could not be entertained. (4) Emigration—address sent to Commissioners for Colonial Lands and Emigration for report. (5) Compensation for losses arising from Rebellion—address referred to Treasury. (6) Welland Canal Act—address referred to Treasury. (7) Introduction of Canadian Corn into Great Britain—address referred to Committee of Privy Council for Trade. p. 138

Downing St., July 2. Russell to Thomson. No. 172. Acknowledging despatch No. 111 of May 20, and making explanation as to his speech in House of Commons on April 10, which caused distress to Executive Councillors. p. 145

Downing St., July 3. Russell to Thomson. No. 173. Acknowledging despatch No. 67 of March 11, and thanking him for statement on public debts of Upper and Lower Canada. p. 149

Downing St., July 3. Russell to Thomson. No. 174. Acknowledging despatch No. 68 of March 13, and expressing anxiety to receive Ordinance for extinguishing Seigniorial rights and dues of Seminary of St. Sulpice. p. 150

Downing St., July 3. Russell to Thomson. No. 175. Transmitting copy of report of Col. Mudge and Mr. Featherstonhaugh on Boundary dispute. p. 151

Downing St., July 6. Russell to Thomson. No. 176. Stating with reference to his despatch No. 91 of April 22, and Arthur's No. 22 of April 22, respecting expenses of Lt. Col. Philpotts in connection with his survey of the inland navigation that report was desired from him on points raised by Treasury, whose letter was enclosed. p. 153

Downing St., July 7. Russell to Thomson. No. 177. Transmiting observations of Commissioners of Colonial Land and Emigration on his despatch No. 112 on Emigration. (Two enclosures.) p. 158

Downing St., July 8. Russell to Thomson. No. 178. Transmiting copy of instructions to Lt. Broughton and J. D. Featherstonhaugh from Foreign Office respecting survey of portion of Disputed Territory, not covered by Lt. Col. Mudge and Featherstonhaugh the previous year. (Two enclosures.) p. 188

Downing St., July 12. Russell to Thomson. No. 180. Transmitting, in connection with despatch No. 135 of May 23, letter from Treasury respecting Governor's despatch No. 85 of April 16, recommending reduction of postage rates between Canada and Great Britain; and instructing him to appoint a commission, of which officer of Post Office Department should be member, to enquire into the administration of Post Office in British North America and the post routes. Report of officer of Royal Engineers on Metis Road was enclosed. The several lieut. governors were instructed to assist in collection of evidence. (Four enclosures.) p. 210

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Russell to Thomson. No. 181. Acknowledging despatch No. 116 of May 27, respecting stores of articles for Indian presents, and requesting him to consult with Arthur and give his opinion as to expediency of sending out stores to Canada. p. 230 Downing St., July 12.

Russell to Thomson. No. 182. Transmitting, in connection with despatch No. 165 of June 27, copy of letter from Commissioners of Colonial Lands and Emigration on Report of Emigration Agent for 1839, and adding that no decision had been received from Treasury respecting the £1,500 he proposed to appropriate to Emigration service at Quebec. (Enclosure.) p. 234 Downing St., July 13.

Russell to Thomson. No. 183. Acknowledging despatch No. 99 of May 2, and stating that, as a refutation of charge in House of Commons of cruelty and injustice against Arthur for withholding salary of Bishop of Toronto in his capacity of President of King's College, this despatch was published as a Parliamentary Paper. Full concurrence was expressed in opinion of Governor General on conduct of Bishop. p. 255 Downing St., July 14.

Russell to Thomson. No. 184. Requesting, to meet an address of House of Commons, a Return of the names and other particulars of Commissioners appointed to investigate claims of certain loyal inhabitants of Lower Canada for losses sustained during late disturbances. p. 257 Downing St., July 15.

Russell to Thomson. No. 184½. Stating, in connection with his despatch No. 171 of July 1, that Treasury having under consideration Act of Upper Canada providing for payment of claims arising out of Insurrection together with address from Assembly praying for compensation for losses sustained by province in same connection, decided that circumstances under which losses occurred would not warrant application to Parliament; also, that there was no sufficient reason for objecting to confirmation of Provincial Act on subject. Extracts from letters from Treasury were enclosed. (Two enclosures.) p. 259 Downing St., July 15.

Russell to Thomson. No. 185. Transmitting, in compliance with request in despatch No. 122 of June 18, copy of amended charter proposed by Lord Seaton to be granted to McGill College. (Enclosure.) p. 265 Downing St., July 18.

Russell to Thomson. No. 186. Transmitting, in connection with his despatch No. 182 of July 13, letter from Treasury sanctioning grant of £1,500 for Emigration purposes. (Enclosure.) p. 271 Downing St., July 18.

Russell to Thomson. No. 187. Downing St., July 23.

"The Act for the Union of the Provinces of Upper & Lower Canada having now become Law, I am desirous that you should prepare for a Constitutional Government according to the principles of that Act.

The extent of the Province of Canada & the amount of its Population, render the application of general principles more necessary, & indeed more easy than in Colonies of smaller extent and containing fewer Inhabitants.

It may be considered as a cardinal maxim in Constitutions, where the Executive bears the character of Monarchy & the Legislature is in one of its branches derived from the choice of the People, that the

1840 Executive should be charged with the administration of the Public Revenue, & that the Representative Assembly should check & control abuse, profusion, or misapplication.

In many of our Colonies these functions have been mixed or reversed, to the great injury of the public weal. The administration has been too often carried on without sufficient revision on the part of the Popular Assembly, & on the other hand the Popular Assembly has too often assumed to itself the distribution of Offices, which properly belongs to the Executive.

Each of these deviations from sound principle has been injurious to the People. Abuses have arisen in the ordinary administration from a want of constant subjection to public enquiry & censure; profusion and misapplication have flowed from the distribution of Public funds by the Assembly, who could not act as the Censors of an evil of which they were themselves the authors.

I do not wish to enter into details of which you are the best judge. But as general guides for your conduct, I wish you to bear in mind the following directions.

1. That every Office should be so constituted, that all proceedings carried on in it, should be matter of daily record, & where no superior reasons of State intervene, such proceedings should, when requested, be laid before the Assembly.

2. That the functions of the Colonial Secretary, the Receiver General, the Commissioners of Public Lands and Board of Works, should be clearly explained to these several Officers; that the Attorney & Solicitor General should be consulted on all matters of Law affecting the Administration, and that all these Officers of the Government should be responsible to you for the due performance of their duties, and for the harmonious conduct of the public business entrusted to their care.

3. That no encouragement should be given to any attempt on the part of the Assembly of the United Province to entrust their own Members, or persons appointed by themselves with the Expenditure of any part of the Public Revenue.

In acting on these Instructions, you will understand & impress upon others, that their observance is considered by H.M. Government conducive to the welfare of the Province, & that the most public & unreserved communication between the Governor of Canada, & the two branches of the Legislature is, in my opinion & that of my Colleagues, the best mode of establishing permanent satisfaction, the continual improvement of the Laws, & the most cordial connection between the United Kingdom and Canada." p. 274

Downing St., July 24. Russell to Thomson. No. 188. Stating that as Royal Assent had been given to bill for union of provinces, his former commissions would be revoked and replaced by a new commission as Governor of Canada. This was being prepared as well as revised set of Instructions; also an Order in Council authorizing him to proclaim the Union. Arthur would return home. Would propose making salary of Commander of Troops in Upper Canada same as that of Lieut. Governor. Advice on this point requested. p. 278

Downing St., July 24. Russell to Thomson. No. 189. Stating that Treasury were disposed to recommend disallowance of Upper Canada Bill "to make

provision to indemnify persons from losses occasioned by the acts of Incendiaries between the fourth day of December 1838 and the first day of January, 1840". Governor's opinion requested regarding it. p. 280 **1840**

Russell to Thomson. No. 190. Acknowledging despatch No. 131 of June 27, and stating that, in consequence of Governor's remonstrance, additional supplies of arms and clothing for cavalry and infantry would be sent out. p. 283 Downing St., July 27.

Russell to Thomson. No. 191. Acknowledging despatch No. 120 of June 16, and expressing regret that policy of Government rendered it impossible to make grant of land to Mr. Israel Rice. p. 285 Downing St., July 28.

Commissioners to Stephen. (Copy.) Stating that they had drawn up a set of questions to be answered by Provincial authorities to provide information for intending emigrants, and indicating the form the answers should take. p. 287 Colonial Land and Emigration, Office, July 28.

Enclosure:—

Questionnaire. "For the Information of Emigrants". p. 508

Russell to Thomson. No. 192. Requesting that information be sought regarding Charles Wiltshire. p. 291 Downing St., July 29.

Russell to Thomson. No. 193. Downing St., July 31.

"Her Majesty's Government are desirous that the Act for reuniting the Canadian Provinces, and for the Government of Canada, should be carried into effect with the least practicable delay. There are, however, some forms of proceeding indispensable to that end, which I apprehend it will be impossible to complete in this Country without some previous communication with yourself. I am in communication with the Attorney and Solicitor General on the subject, and have asked for their immediate Report. Subject, therefore, to any correction which they may make of the views which I at present entertain, I will explain those views to you by the present opportunity, in order to abridge, as much as possible, the interval which must elapse before the Law can be carried into complete effect.

First—Under the first Section of the Act of Parliament, it will be necessary that an Order of The Queen in Council should be made, authorising you to declare the Union of the Provinces. That Order is in progress, and will I trust be promulgated within a fortnight from the present time.

Secondly.—The Sixty-first Clause defines the meaning of the words, "Governor of the Province of Canada", and would seem to require that a new Commission for the Administration of that Government should be issued, before the Union can actually take effect. It is therefore proposed that such a Commission should be issued with all practicable dispatch.

But, Thirdly, The Commission must be ineffectual, and, indeed, could scarcely be prepared at all, until both the Councils—the Legislative and the Executive—can be constituted. You are aware that, by a custom almost invariable, the nomination of the Governor of a Province, and the nomination of the Councillors, are simultaneous. This indeed is, in the present case, apparently inevitable, because,

1840 until the two Councils are legally constituted, no Legislature could be convened, and many parts of the Governor's Administrative functions, would be incapable of execution. Now the fourth Section of the Act requires, that The Queen herself shall appoint the Legislative Councillors, and it is highly desirable that Her Majesty should, at least in the first instance, appoint the Executive Councillors also. The selection of proper persons for these purposes, cannot of course, be made in this Country. I apprehend, therefore, that Your Commission as Governor of Canada, cannot be issued, until I shall be in possession of Lists both of Legislative Councillors and of Executive Councillors, which may be submitted to The Queen, for Her Majesty's sanction. You will have the goodness to prepare, and to transmit to me such Lists, without delay.

Fourthly—Although your powers as Governor of Canada will, to a great extent, be ascertained by the Act of Parliament, yet the Commission and the Royal Instructions, which must accompany it, will, in many important respects, determine the nature, and regulate the exercise, of those powers. Since, for the reasons already mentioned, some time must intervene before the issuing of the Commission and Instructions, it might be very convenient that I should receive from yourself, any suggestions which your experience and local knowledge may supply, for correcting the forms which, with some occasional variations, have been used since the year 1791 in preparing Instruments of this kind for the Canadian Provinces. They have obviously become in many respects obsolete, and inapplicable to the present condition of Canada. The Commissions and Instructions for the other American Provinces would appear to be much more simple and intelligible.

Fifthly,—a Seal for the Province of Canada is required by the Act or Parliament. This also is in progress; but I learn from the Officers in charge of this Service that two or three weeks must elapse before it can be completed.

I am not aware that any other preliminary form, than those to which I have adverted, must be observed in this Country, in giving effect to the Act of Parliament. If, however, any such should occur to yourself, I shall be happy to be reminded of it. I apprehend that those which I have mentioned will render it impossilbe to hold the Elections for the new Assembly until the winter, and that their Meeting cannot take place until the commencement of the year 1841. As I have already observed, the opinion of the Law Officers of the Crown may perhaps alter my present view of these questions of form. Perhaps also, on receiving copies of the Bill in its passage through Parliament, it may have occurred to you to anticipate my present enquiries by preparing and forwarding to me Lists of the proposed Councillors, and, if so, the delay in issuing your new Commissions and Instructions may be considerably diminished.

As the general custom of Canada has been to hold the Meetings of the Legislature in the Winter, I should hope that no inconvenience will arise from the apparent necessity of not holding at an earlier period the first Session of the new Assembly. On the other hand, should extraordinary circumstances render postponement advisable, you will inform me, without loss of time, of your grounds for such postponement." p. 293

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Russell to Thomson. No. 194. Transmitting table of new duties proposed for Customs Act, including item relating to duty on tea imported into Canada from foreign countries, and stating circumstances had prevented adoption of this resolution, and that bill had been withdrawn for that session. p. 313 Downing St., July 31.

Enclosures:—

(1) Customs. Proposed new Duties. p. 499

(2) Bill to amend Laws relating to Customs. p. 500

Russell to Thomson. No. 195. Transmiting series of questions, to obtain information of use to intended emigrants. p. 317 Downing St., Aug. 1.

Enclosure:—

Commissioners of Colonial Land & Emigration to Stephen. p. 287

Russell to Thomson. No. 196. Transmitting correspondence with Treasury, on subject of communication with R. F. Cooke, of Upper Canada, relative to duty on wheat grown there and exported to United States, and requesting report. (Three enclosures.) p. 319 Downing St., Aug. 6.

Russell to Thomson. No. 197. Transmitting letter from Lord Durham, claiming £849 on account of furniture left in public rooms in his residences as Governor General, and directing that amount be paid. (Enclosure.) p. 337 Downing St., Aug. 8.

Russell to Thomson. No. 198. Transmitting letter from Captain Sandom, recommending the building of steam vessel for service on the Lakes, chiefly to be used for protection of Western Frontier and requesting opinion. (Enclosure.) p. 342 Downing St., Aug. 10.

Russell to Thomson. No. 199. Transmitting with reference to despatch No. 130, copy of correspondence with agent of Col. Wyndham, respecting charge incurred by Provincial Government for emigrants who arrived in Canada from Wyndham's property in destitute condition. (Six enclosures.) p. 347 Downing St., Aug. 11.

Russell to Sydenham. No. 200. Acknowledging despatch, marked confidential, of June 27, respecting negotiation of provisional agreement between British and United States authorities for exercise of control within Disputed territory. Foreign Minister, concurring with views of Governor General, had instructed British Minister in that sense. Governor General instructed to co-operate with latter. p. 373 Downing St., Aug. 12.

Russell to Sydenham. No. 201. Transmitting, in connection with his despatch No. 171, letter from Commissioners of Colonial Lands and Emigration, making observations on address from Upper Canada Assembly, respecting disposal of Crown lands and encouragement to emigration. (Enclosure.) p. 376 Downing St., Aug. 13.

Russell to Sydenham. No. 202. Transmitting several copies of recently passed act to provide for sale of Clergy Reserves in Canada. p. 395 Downing St., Aug. 16.

Enclosure:—

An Act to provide for the sale of the Clergy Reserves in the Province of Canada, and for the distribution of the Proceeds thereof. August 7, 1840. p. 521

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Downing St., Aug. 17.

Russell to Sydenham. No. 203. Transmitting in connection with his despatch of July 7, letter from Commissioners of Colonial Lands and Emigration with reports from Emigration Agents at Liverpool, Cork and Londonderry, on allusion in Emigration Report from Quebec in 1839, as to shortage of provisions on some ships on voyage to Quebec. (Four enclosures.) p. 396

Downing St., Aug. 18.

Russell to Sydenham. No. 204.

"I transmit to Your Lordship an Order made by Her Majesty in Council on the 10th Instant, in pursuance of the Act of the last Session of Parliament for reuniting the Provinces of Upper & Lower Canada and for the Government of Canada.

Under this Order & the Act to which it refers, you will be authorized to issue a Proclamation appointing a day upon which the Union of the Provinces is to take place. You will issue that Proclamation in the capacity of Governor General of the two existing Provinces. But from the day so to be appointed, it will be necessary that you should assume the character of Governor of the Province of Canada. To this end Your Lordship will be appointed to that Office by a Commission to be issued for the purpose under the Great Seal of the United Kingdom. That Commission is now in progress; but the necessary official forms cannot, as I understand, be completed before the end of the present Month. Consequently the Commission cannot be forwarded to you until early in the month of September, nor can the arrival of it be reasonably anticipated before the month of October.

The Act of Parliament authorises the postponement of the Union until the lapse of Fifteen Months from the passing of that Act. I do not anticipate that any motive will exist for so long a delay. On the contrary, I apprehend that the measure must be now ripe for execution. Still it may be fit that you should observe that there is no legal obligation to expedite the Union in such a manner as to abridge the time requisite for the completion of all preliminary arrangements, nor to impede the exercise of discretion should extraordinary circumstances make postponement necessary."

At the Court at Buchingham Palace

The 10th of August 1840

Present

The Queen's Most Excellent Majesty

Lord Chancellor	Lord John Russell
Lord President	Viscount Palmerston
Lord Privy Seal	Viscount Melbourne
Marquis of Normanby	Viscount Duncannon
Lord Steward	Lord Holland
Lord Chamberlain	Sir John Hobhouse Bart
Earl of Albermarle	Mr. Chancellor of the Exchequer
Earl of Minto	Mr. Macaulay.

WHEREAS by an Act of Parliament passed in the Session of Parliament holden in the 3rd & 4th years of Her Majesty's Reign Intituled "An Act to re-unite the Provinces of Upper & Lower Canada and for the Government of Canada" it is amongst other things enacted that it shall be lawful for Her Majesty with the advice of Her Privy Council to declare or to authorise the Governor General of the said two Pro-

vinces of Upper & Lower Canada to declare by Proclamation that the said Provinces upon from & after a certain day in such Proclamation to be appointed which day shall be within fifteen Calendar Months next after the passing of the said Act shall form & be one Province under the name of the Province of Canada & thenceforth the said Provinces shall constitute and be one Province under the name aforesaid upon from & after the day so appointed as aforesaid— And Whereas with the advice of Her Privy Council Her Majesty is pleased to grant to the said Governor General the authority in the said Act mentioned Her Majesty doth hereby with the advice of Her Privy Council and in pursuance & exercise of the powers in Her Majesty vested by the said recited Act authorize the Governor General of the said two Provinces of Upper & Lower Canada to declare by Proclamation that the said Provinces upon from & after a certain day in such Proclamation to be appointed which day shall be within fifteen Calendar Months next after the passing of the said Act shall form and be one Province under the name of the Province of Canada and the Right Honourable Lord John Russell One of Her Majesty's Principal Secretaries of State is to give the necessary directions herein accordingly. **1840**

C. GREVILLE

p. 419

Russell to Sydenham. No. 205. Acknowledging despatch No. 136 of July 18, and stating that application of Commander of the Forces for equipment and clothing for Volunteer Force was in hands of Board of Ordnance. p. 427 Downing St., Aug. 22.

Russell to Sydenham. No. 206. Acknowledging despatch of April 20, and transmitting copies of two letters from Treasury, approving of regulations and arrangements for relief of Commuted Pensioners. (Two enclosures.) p. 431 Downing St., Aug. 22.

Enclosure:—

Amended form of Interrogatives for Commuted Military Pensioners. p. 525

Russell to Sydenham. No. 207. Transmitting with reference to Governor's despatch No. 118, copy of letter from Treasury explaining certain discrepancies in Parliamentary Return respecting investments of revenues from Clergy Reserves in Lower Canada. (Enclosure.) p. 437 Downing St., Aug. 23.

Russell to Sydenham. (Circular.) Pointing out necessity of improving main routes of travel between Halifax and points in Canada, in connection with establishment of new line of steam packets between Great Britain and Halifax. p. 441 Downing St., Aug. 24.

Russell to Sydenham. No. 208. Acknowledging despatch No. 137 of July 27, and expressing satisfaction with his proceedings in Nova Scotia, and with his intention of visiting New Brunswick. Hope is expressed that his address in Halifax will be taken as showing anxiety of Government for the establishment of harmony among several classes in promoting interests of province. p. 443 Downing St., Aug. 24.

Russell to Sydenham. No. 209. Transmitting, with reference to Governor's despatch No. 109 of May 20, opinion of Law Officers as to power of Crown to commute tenure of portion of Seigniories of Lower Canada. p. 445 Downing St., Aug. 25.

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Enclosure:—

Temple, Aug. 22. Attorney and Solicitor Generals to Russell. Giving their opinion that under Imperial Statutes 3 Geo. IV c. 119, and 6 Geo. IV. c. 59, commutation of and release from "droit et quint" and other feudal burdens and rights due to Her Majesty must take place in respect of the whole of a seigniory, and not upon part only, but that it is not necessary that any part of the seigniory should be surrendered except that which remains in hands of seigniors ungranted. p. 447

Downing St., Aug. 25. Russell to Sydenham. No. 209½. Transmitting copy of letter from General Commanding in Chief, on arrangements made for a successor to Sir George Arthur in Military Command in Upper Canada. p. 450

Enclosure:—

Horse Guards, Aug. 24. Lord Hill to Russell. Stating that Sir Richard Jackson had been instructed, to send one of the Major Generals under his command to Upper Canada to enquire whether it would be necessary to continue separate command after union of provinces. When that event took place, either Major General Sir James Macdonell or Major General Clitherow would take over command from Arthur. p. 451

Downing St., Aug. 26. Russell to Sydenham. No. 210. Stating Arthur had reported the union of United Synod of Upper Canada with Synod of Presbyterian Church in Canada in connection with Church of Scotland, and expressing satisfaction at the intelligence. The United Synod would still be entitled to any sums they had received from Crown Revenues by usage, and such share of Clergy Reserves as might be determined by Governor and Council. p. 454

Downing St., Aug. 27. Russell to Sydenham. No. 211. Acknowledging despatch No. 134 of July 3, respecting claim of Etienne Parent for salary as Law Clerk of Lower Canada Assembly, and to be placed on same footing as other retired officers of Legislature, and stating that he was satisfied to leave matter to Governor's judgment. p. 456

Downing St., Aug. 28. Russell to Sydenham. No. 212. Acknowledging despatch No. 133 of June 28. p. 458

Downing St., Aug. 28. Russell to Sydenham. No. 212. Acknowledging despatch No. 133 of June 28, and stating that Ordinance to incorporate the Ecclesiastics of St. Sulpice at Montreal and to provide for gradual extinction of seigniorial rights within their possessions had been submitted to Law Officers, together with protests of delegates sent home to prevent its receiving Royal assent. Law Officers reported that Ordinance was within competence of Special Council, and was not a variance with principles regarding rights of private persons or corporate bodies, or with established rules of law and equity. In consequence of this opinion, Ordinance would have been submitted for Royal assent, but that Imperial Acts 2 & 3 Vict. Cap. 53 required that such an Ordinance must lie for 30 days before it could receive the Royal Assent. As Parliament was prorogued 28 days after receipt of Ordinance, this was impossible at that session. (Two enclosures.) p. 458

Downing St., Aug. 31. Russell to Sydenham. No. 213. Stating that he had refrained from adverting to despatch No. 107 of May 16, in expectation of further report on the question of the disposal of the Crown Lands in Lower Canada. His despatch had been referred to Commissioners

of Colonial Lands and Emigration, but their report had not then been received. Opinion of Governor would have been desirable as to course to be pursued with respect to Durham's Proclamation of Oct. 31, 1838, giving squatters conditional right of preemption to lands occupied by them. On this point, instructions were issued to revoke Durham's Proclamation, and limiting to one month right of claiming preemption allowed by Proclamation. Strictly speaking, squatters setting since 1838, were excluded from benefits of Proclamation. Report desired on Durham's Proclamation of Sept. 11, 1838, directing script to be issued in favour of militia claimants redeemable in Crown Lands. p. 473 **1840**

Russell to Sydenham. No. 214. Acknowledging despatch No. 123 of June 19, and stating that Treasury had taken measures which were described, to remedy irregularlity in paying to Church of Scotland in Lower Canada the sum granted to the Church out of Clergy Reserves fund. p. 478 Downing St., Aug. 31.

Russell to Thomson. No. 159. Acknowledging despatch marked private and confidential on question of future seat of Government and stating that in his opinion Kingston would be most desirable place for seat of Government, and for permanent meeting of Legislature. Details as to first meeting of Legislature left to Governor's discretion. p. 480 Downing St., June 22.

Articles of agreement concluded between Government and Samuel Cunard for Transatlantic packet service, July 4, 1839. p. 487

G. 49. (1840)

Russell to Sydenham. No. 215. Acknowledging despatch No. 140 of Aug. 3, and stating that further information was required from Governor before decision could be reached respecting Michael Martin's claim. p. 1 **1840** Downing St., Sept. 3.

Russell to Sydenham. No. 216. Acknowledging despatch No. 153 of Aug. 4, and conveying H.M.'s appreciation of address from German Society of Montreal, with congratulations on her escape from attempt on her life. The address to Prince Albert had been forwarded to proper quarter. p. 4 Downing St., Sept. 4.

Russell to Sydenham. (Circular.) Transmiting 12 copies of Reports of Proceedings before Judicial Committee of Privy Council on appeal cases. p. 5 Downing St., Sept. 4.

Russell to Sydenham. No. 217. Acknowledging despatch No. 135 of July 18, with comments on statements made by Rev. R. Alder, in support of exclusive claim of London Wesleyan Missionary Society to money devoted to assistance of Wesleyan Methodist institutions in Upper Canada. In answer, a letter is enclosed from Rev. Mr. Stinson, President of Upper Canada Conference supporting Dr. Alder's statements, and one from Rev. W. & E. Ryerson refuting statements of Dr. Alder, and pressing claims of local Conference to consideration of Government. Colonial Secretary conceded case represented by Ryerson to be strong. Case of London Conference could not be ignored. They were induced to extend operations to Canada by expectation of Government aid, the object being to Downing St., Sept. 5.

1840 infuse British feelings and principles into colony, and to effect union of Wesleyan communities. His sole anxiety was that in any arrangement made, there should be no violation of Government's pledge. The division of grant would be left in Governor's hands, with injunction not to overlook considerations favouring London Conference. p. 6

Enclosures:—

Wesleyan Methodist Conference Newcastle upon Tyne, Aug. 3. (1) Joseph Stinson to Russell. p. 9

22 Cecil St., Strand, Aug. 20. (2) W. & E. Ryerson to Russell, with 4 enclosures. p. 20

Downing St., Sept. 6. Russell to Sydenham. No. 218. Transmitting commission appointing him to be Governor of Canada, together with the Royal Instructions. p. 146

Downing St., Sept. 6. Russell to Sydenham. Expressing regret that Royal Instructions were not in readiness for transmission by that mail, but stating that as Governor was already provided with Order in Council sanctioning issue of Proclamation of the Union and Royal Commission there need be no delay. p. 147

Downing St., Sept. 8. Russell to Sydenham. No. 221. Stating, with reference to his despatch of Aug. 31, that Report of Commissioners for Colonial Lands and Emigration on sale of Crown Lands had been received, and sending a copy of it for Governor's consideration. (Enclosure.) p. 149

Downing St., Sept. 9. Russell to Sydenham. No. 222. Transmitting copy of letter from General Commanding in Chief with instructions issued to Lieut. General Commanding in Canada for formation of Volunteer Force to be designated Royal Canadian Regiment. (Four enclosures.) p. 209

Downing St., Sept. 10. Russell to Sydenham. No. 223. Stating that Treasury represented that British American Steam Navigation proposed to charge for conveyance to Great Britain of Government despatches ten guineas per bag under four pound weight, and two guineas per pound above that weight, and requesting that whenever expedient these despatches be sent by Cunard Line via Boston and Halifax. p. 227

Downing St., Sept. 11. Russell to Sydenham. (Copy of No. 219.) Transmitting Royal Warrant authorizing new seal for Province of Canada, and directing return of old seals. p. 230

Downing St., Sept. 11. Russell to Sydenham. No. 224. Acknowledging despatch No. 149 of Aug. 13, and stating that, as all papers relating to remuneration of Bishop of Montreal, were carefully considered at time, there was no sufficient ground for altering decision then communicated. In order, however, that Governor might review case, there were transmitted to him Seaton's despatch with enclosure from Bishop. (Two enclosures, with notes by Murdoch.) p. 232

Downing St., Sept. 12. Russell to Sydenham. No. 225. Transmitting petition from Madame de Gaspé praying for release of her husband from prison where he was confined for debt, and requesting report. (Petition enclosed, with letter from Murdoch, Chief Secretary, to de Gaspé.) p. 253

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Russell to Sydenham. No. 226. Instructing him to bring before Legislature the question of Municipal Districts for Canada, and stating that nothing but fear of division among supporters of Union Bill prevented him from pressing the municipal clauses on House of Commons. p. 260 — Downing St., Sept. 13.

Russell to Sydenham. No. 227. Instructing him to inform William Donaldson of Dewittville, who petitioned Queen for grant of land, that it was not in power of Colonal Secretary to advise compliance with application. p. 263 — Downing St., Sept. 14.

Russell to Sydenham. No. 228. Transmitting in compliance with request in despatch No. 152 of August 13, copy of Report of late Commissioners of Enquiry on claim of Indians of Lorette to Fief of Sillery. (Enclosure.) p. 264 — Downing St., Sept. 16.

Russell to Sydenham. No. 229. Stating that complaint had been received from Lt. Col. David of Chambly, of his removal from the Commission of the Peace, and enclosing statement from Lord Seaton of reasons for action in this matter. Lt. Col. David was to be informed that Colonial Secretary saw no reason for interfering with discretionary power exercised by Governor. (Enclosure.) p. 294 — Downing St., Sept. 17.

Russell to Sydenham. No. 230. Stating that letter had been received from Rev. Angus Macdonnell, Roman Catholic Vicar General of Upper Canada presenting claim of Roman Catholics to assistance from Government, and requesting that report be made upon it. p. 298 — Downing St., Sept. 19.

Russell to Sydenham. No. 231. Transmitting letter from Foreign Office enclosing correspondence with British Minister at Washington on subject of arrangements in progress for settlement of North Eastern Boundary. (Four enclosures.) p. 301 — Downing St., Sept. 20.

Russell to Sydenham. No. 232. Transmitting Order in Council confirming Act No. 1152 of Legislature of Upper Canada of May 1839 (respecting Welland Canal). p. 329 — Downing St., Sept. 21.

Russell to Sydenham. (Circular.) Transmitting, at request of Admiralty, form on which list of vessels registered in colonies should be prepared, and requesting that information desired might be furnished. (No enclosure.) p. 330 — Downing St., Sept. 28.

Russell to Sydenham. (Circular.) Announcing death of Princess Augusta Sophia at Clarence House, St. James' Palace on Sept. 22. p. 331 — Downing St., Sept. 28.

Russell to Sydenham. No. 233. Acknowledging despatch No. 155 of Aug. 24, respecting proceedings of Col. Graham Parke in taking census in Madawaska Settlements under authority of State of Maine. Since Lt. Governor of New Brunswick had allowed him to commence, he could not be arrested, but Governor was authorized to make agreement either with Maine or United States Government for temporary jurisdiction over Disputed Territory, to be confided to Military force. p. 332 — Downing St., Sept. 28.

Russell to Sydenham. No. 234. Transmitting, for attention, enquiry as to effects of Daniel Scullin of 4th Battalion of Incorporated Militia. (Enclosure.) p. 334 — Downing St., Oct. 1.

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Downing St., Oct. 2. Russell to Sydenham. No. 235. Transmitting, with reference to Governor's despatch No. 151 of Aug. 13, copy of letter from Treasury, as to mode of paying Scotch Church of Lower Canada, their proportion of Clergy Reserve Fund. (Enclosure.) p. 337

Downing St., Oct. 7. Russell to Sydenham. (Circular.) Transmitting instructions on security required from persons in charge of offices of pecuniary trust. p. 342

Downing St., Oct. 7. Russell to Sydenham. No. 236. Notifying him that copies of the volume printed by Public Records Commissioners, entitled, "The Ancient Laws and Institutions of England" were being sent to him for distribution to institutions mentioned. p. 345

Downing St., Oct. 12. Russell to Sydenham. No. 237. Setting forth objections to two Acts of the Provincial Legislature of Upper Canada viz: Act 1238 intituled "An Act to alter and amend An Act passed in the first year of H.M.'s Reign entitled an Act to protect the Inhabitants of this Province against lawless aggressions from subjects of Foreign Countries at peace with Her Majesty", and Act No. 1261 entitled "An Act to establish a College of the name and of the style of the University at Kingston." The objection to the latter act was that the professor of theology would be supported from the funds of King's College. The implications in their relation to public opinion on question of theological colleges being assisted from Provincial funds are discussed at length. p. 347

Government House, Montreal, Nov. 27. Sydenham to Arthur. Transmitting to him extract from despatch 237 relating to Queen's College, and requesting him to communicate circumstances to Governors of College. p. 370

Opinion of Hon. R. B. Sullivan, favourable to Provincial Act, discussed in despatch No. 237 of Oct. 12, respecting theological professorship in Queen's university. p. 373

Government House, Montreal, Dec. 19. Sydenham to Russell. Extract from despatch No. 205, transmitting Sullivan's letter, which he regarded as a vindication of the grounds on which the provision respecting the Theological Professorship was introduced into Queen's University charter. p. 381

Downing St., Oct. 16. Russell to Sydenham. No. 238. Acknowledging despatch No. 158 of Aug. 28, and stating that, on his recommendation, Treasury had consented to leave to Governor distribution of the £1500 granted for purposes of Emigration agency in Quebec. p. 405

Downing St., Oct. 17. Russell to Sydenham. No. 239. Stating that Admiralty declined renewal of temporary half-pay applied for by Hugh Earl for services in Provincial Navy. p. 407

Downing St., Oct. 18. Russell to Sydenham. No. 240. Transmitting, with reference to Governor's despatch No. 96, answer of Treasury respecting memorial of Montreal Board of Trade praying that Montreal be made a Free Warehousing Port. p. 408

Enclosure:—

Treasury Chambers, Aug. 3. Trevelyan to Stephen. Stating that, for reasons in accompanying correspondence, Treasury were of opinion that it would be inadvisable to extend privilege accorded to Port of Montreal under 3 & 4 Wm. IV. c. 59. p. 409

Enclosure:— **1840**

D. Le Marchant to Robert Gordon. Stating that in absence of further information, the Board would not feel justified in departing from opinion expressed by them by letter of July 19, 1831. p. 412 Office of Committee of P.C. for Trade, July 15.

Enclosure:—

Thomas Lack to T. Spring Rice. Stating that the question of constituting Montreal a port for general purposes had occupied the Board, and they had concluded that it would be proper to place at Montreal such an establishment of officers as would be sufficient to give effect to full intention of the law, noting particularly 7 & 8 Wm. IV. c. 56 sec. 35. There was a discrimination against the inland port in favour of the port situated near the sea and beyond which foreign vessels could not pass. p. 414 Office of Committee of P.C. for Trade. July 19, 1831.

Russell to Sydenham. No. 241. Transmiting for report copy of letter from Treasury respecting mode of investing in British funds the proceeds of sale of Clergy Reserves in Upper Canada and the disposal of dividends. p. 423 Downing St., Oct. 19.

Enclosure:—

C. E. Trevelyan to Stephen. (Copy.) Explaining the mode of dealing with the revenues from Clergy Reserves and asking for advice on subject. (Enclosure.) p. 424 Treasury Chambers, June 6.

Russell to Sydenham. No. 242. Transmitting for report, copy of letter from Treasury with correspondence on subject of contract with Wm. Weller for conveyance of despatches between Montreal and Kingston. (Six enclosures.) p. 434 Downing St., Oct. 20.

Russell to Sydenham. No. 243. Acknowledging despatch No. 154 of Aug. 15, reporting total expense of survey of Inland Navigation by Col. Philpotts, and stating that Treasury had authorized payment of £1,706-9-2. p. 448 Downing St., Oct. 21.

Russell to Sydenham. No. 244. Acknowledging despatch No. 163 of Sept. 28, and stating that, in consequence of his recommendation, Governor of Van Diemen's Land was being authorized to grant tickets of leave to political prisoners from Upper Canada after two years hard labor on roads. p. 449 Downing St., Oct. 22.

Russell to Sydenham. No. 245. Acknowledging despatch No. 161 of Sept. 27, and stating that H.M. was much gratified to learn the result of his recent tour in Upper Canada and the improved state of feeling in both provinces. p. 452 Downing St., Oct. 23.

Russell to Sydenham. No. 246. Transmitting with reference to Governor's despatch No. 148 of Aug. 8, Report of Commissioners for Colonial Lands and Emigration on subject, and expressing hope that the instructions issued would interpose effectual check on evasion of provisions of Passengers Act relative to victualling of emigrants. (Seven enclosures.) p. 456 Downing St., Oct. 24.

Russell to Sydenham. (Separate.) Acknowledging despatch No. 160 of Sept. 16, and stating with reference to his expressed regret on the omission of the Municipal clauses from the Union Bill, that he shared his general opinions on subject, but that the opposition of Peel and Stanley, who were favorable to the union, made it impractical to get the clauses accepted. He was convinced that Legislature of United Province would enact a proper measure on subject. p. 491 Downing St., Oct. 25.

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Downing St., Oct. 25.

Russell to Sydenham. No. 247. Acknowledging despatch No. 162 of Sept. 27, and expressing satisfaction with terms of addresses received by Governor during tour through Eastern Townships. p. 497

Downing St., Oct. 27.

Russell to Sydenham. No. 248. Stating that Arthur had reported a plan for granting 50 acres of land to such immigrants as had been unable to find employment in order to prevent them from passing over to United States. The soundness of the policy was admitted, but in his opinion, the quantity of land granted was too large. From reports from Mr. Hawke, Emigration Agent he learned that grants of 5 acres were sufficient to hold such immigrants in province, and requested that the grants in such cases should not exceed that quantity. p. 499

Downing St., Oct. 28.

Russell to Sydenham. No. 249. Transmitting letter from James Comins of Niagara, late Sergeant in King's Regiment, soliciting grant of land in consideration of military services. While petition for land could not be complied with, Governor was directed, if the account of services was accurate, to bestow upon applicant some petty office. (Two enclosures.) p. 505

Downing St., Oct. 29.

Russell to Sydenham. No. 250. Transmitting letter from Mrs. Catherine Smith to her husband, who was in England urging his claim for further compensation for services during late disturbances, and stating that any further compensation would have to be granted from Provincial funds. If Mrs. Smith were in actual want, a small sum might be given to her. p. 514

Downing St., Oct. 30.

Russell to Sydenham. No. 251. Acknowledging despatches No. 114 and No. 145 of May 26 and Aug. 4, recommending conveyance of mails between Halifax and Canada during winter months by steam vessel to and from Annapolis and Windsor. This service was put up to tender, but no offers had been received. Treasury intend making renewed efforts to obtain tenders for service. p. 523

Downing St., Oct. 31.

Russell to Sydenham. No. 252. Acknowledging despatch No. 169 of Oct. 2, and expressing sincere satisfaction at evidence of appreciation of Governor's services, shown by addresses presented to him during tour through Upper Canada. p. 525

Downing St., Sept. 7.

Russell to Sydenham. No. 220. Acknowledging despatch No. 121 of June 17, and transmitting copy of letter from Foreign Office respecting claim of James Crooks for indemnification by United States Government for seizure of his vessel "Lord Nelson" on Lake Ontario, previous to declaration of War. p. 529

Enclosure:—

Foreign Office, Aug. 13.

Lord Leveson to Stephen. Transmitting copy of letter from the Advocate General, to whom was referred Mr. Crooks claim, and who advised that it would not be expedient to press the claim any further on United States Government. Letter from Advocate General was enclosed. (Enclosure.) p. 531

G. 50. (1840)

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Downing St., Nov. 3.

Russell to Sydenham. No. 253. Stating, in connection with his despatch No. 108 of April 14, that £2000 currency was authorized to be paid to Mr. McGregor for the loss of his vessel the "Thames." This was final payment. p. 1

1840

Russell to Sydenham. No. 254. Transmitting petition of John Woodlands for grant of land on account of services of late father, and stating that regulations would require rejection of petition, but as case seemed a hard one, Governor was requested to have statements verified, and, if found true, to see what could be done. (Enclosure.) p. 3 — Downing St., Nov. 3.

Russell to Sydenham. No. 255. Stating that since sending despatch No. 237, a report had been received from Law Officers, which was enclosed, respecting charter for Queen's University. As consequences of that opinion, act sanctioning charter would be disallowed, but new charter would be prepared by Mr. Gillespie agent for trustees, omitting clause providing for theological professorship to be endowed from public funds. (Enclosure.) p. 8 — Downing St., Nov. 4.

Russell to Sydenham. (Confidential.) Acknowledging confidential despatch of Oct. 7, in which concurrence was expressed in principles laid down in despatch No. 187 of July 23, on which future government of Canada should be conducted. Despatch relating to communication of official correspondence to Legislature should not be laid before Legislature, without necessity. p. 24 — Downing St., Nov. 4.

Russell to Sydenham. No. 256. Acknowledging despatch No. 181 of Oct. 12, respecting case of Mr. de Gaspé. Government could not interfere in his case. p. 26 — Downing St., Nov. 7.

Russell to Sydenham. No. 257. Acknowledging despatch No. 178 of Oct. 12, reporting on state of Crown Land offices in Upper Canada, and submitting claim of R. B. Sullivan for loss due to misconduct of subordinates. Sullivan's labors as President of Legislative Council, in distracting his attention from his duties as head of Crown Land Department, were noted. It was decided that it would be better to indemnify him by grant of money as remuneration for extra services, and instructions were issued to that effect. p. 27 — Downing St., Nov. 11.

Russell to Sydenham. (Circular.) Transmitting, for attention, copy of address of House of Commons, calling for Returns relative to Clergy in colonies receiving grants of public money and enclosing forms for preparing Returns. (Two enclosures.) p. 32 — Downing St., Nov. 12.

Russell to Sydenham. No. 258. Acknowledging despatch No. 173 of Oct. 9, respecting the means of giving effect to Act for uniting the two provinces, in which he pointed out that difficulty foreseen by Governor in the title designating his position under act was really no difficulty, and that no further measure was necessary to give him the power to carry out the provisions of the Act of Parliament and Royal Commission. p. 37 — Downing St., Nov. 12.

Russell to Sydenham. No. 259. Acknowledging despatch No. 175 of Oct. 9, and pointing out that his despatch of August 22, would have informed him that Reserved Bill No. 1300 for payment of sufferers by the late rebellion had been confirmed, and that Reserved Bill No. 1301 for indemnifying persons for losses by incendiaries would not be confirmed, for reasons stated. p. 49 — Downing St., Nov. 13.

Russell to Sydenham. No. 260. Transmitting letter from Postmaster General submitting to Treasury a tender from Mr. Cunard for mail coaches for conveyance of mails between Halifax and Pictou, and requesting report as to what assistance might be expected from Canada towards defraying expense of this service. (To this despatch is appended a note from T. A. Stayner suggesting that question should be referred to Post Office Commission.) p. 52 — Downing St., Nov. 17.

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Downing St., Nov. 18. Russell to Sydenham. No. 261. Transmitting, for attention, communication from French Consul General, respecting certain Frenchmen who emigrated to Canada and were supposed to have died there. (Enclosure.) p. 60

Downing St., Nov. 19. Russell to Sydenham. No. 262. Transmitting, in connection with his despatch No. 246 of Oct. 24, copy of Report of Commissioners of Colonial Lands and Emigration on further violations of Passenger's Acts, and directing attention to suggestion that masters of vessels, guilty of violations, should be prosecuted. (Six Enclosures.) p. 63

Downing St., Nov. 20. Russell to Sydenham. No. 263. Transmitting, for attention, communication enquiring as to property supposed to have been left in Canada by Patrick Delmour. (Enclosure.) p. 106

Downing St., Nov. 21. Russell to Sydenham. No. 264. Transmitting, with request for report, letter from Lord Seaton respecting David Chisholme, dismissed by Lord Gosford from offices of Clerk of the Peace, and Coroner for district of Three Rivers. (Four enclosures.) p. 110

Downing St., Nov. 23. Russell to Sydenham. (Circular.) Announcing the birth of a princess, to Queen. p. 125

Downing St., Nov. 28. Russell to Sydenham. No. 265. Stating, with reference to Governor's despatch No. 186 of Oct. 23, that Mr. Shiel had been nominated to permanent clerkship in Commissariat. p. 126

Downing St., Nov. 30. Russell to Sydenham. No. 266. Acknowledging despatch No. 166 of Oct. 1, and stating that, as Col. Wyndham renounced liability for sum paid in relieving certain immigrants sent out by him, Treasury had consented to withdrawal of amount from £5000 allotted for that purpose. p. 127

Downing St., Dec. 1. Russell to Sydenham. No. 267. Stating letter had been received from R. Gillespie with communication from correspondent in Montreal, respecting admission into Great Britain, free of duty, of Canadian wheat, flour and other agricultural produce; and requesting that subject receive consideration. (Two enclosures.) p. 129

Montreal, July 21, 1841. Sydenham to Russell. Autograph draft of reply to despatch No. 267. p. 137

Downing St., Dec. 2, 1840. Russell to Sydenham. No. 268. Acknowledging despatch No. 171 of Oct. 6, and enclosing letter from Treasury expressing opinion that amount paid for furniture bought for Earl of Durham from Military Chest should be repaid from Provincial funds. (Enclosure.) p. 139

Downing St., Dec. 5. Russell to Sydenham. No. 269. Transmitting reply of Treasury to despatch No. 141 of August 4, on subject of advance of £5000 from Military Chest for relief of indigent immigrants. (Enclosure.) p. 143

Downing St., Dec. 8. Russell to Sydenham. No. 270. Stating, in connection with earlier correspondence on subject, that at solicitation of Rev. Dr. Cook and Mr. Rintoul he had decided to postpone recommendation that Act respecting charter of Queen's University be disallowed until Royal charter had been issued. After that event, Provincial Legislature would be competent to pass act on subject. There was no objection to establishment of theological professorship, so long as no portion of King's College endowment should be diverted to that object. p. 147

1840

Russell to Sydenham. (Circular.) Transmitting copy of certain regulations drawn up by Treasury respecting casual expenses for Ordnance service in colonies. (Enclosure.) p. 150 — Downing St., Dec. 8.

Russell to Sydenham. No. 271. Acknowledging despatch No. 191 of Nov. 10, and stating that he was unable to promise grants of land without concurrence of Provincial Legislature, but any plan for purpose of Military Settlements receiving assent of Legislature would have his best consideration. p. 155 — Downing St., Dec. 12.

Russell to Sydenham. No. 272. Acknowledging despatch No. 196 of Nov. 23, with communications from Lt. Governor of New Brunswick respecting aggressions of Americans in Madawaska Settlement, and expressing approval of measures to check those aggressions, which were to increase military force in district of Rivière du Loup and Temiscouata sufficiently to advance 120 or 130 men to Madawaska Settlement. Two blockhouses recommended by Lt. Governor were sanctioned. p. 157 — Downing St., Dec. 19.

Russell to Sydenham. No. 273. Stating, with reference to despatch No. 187 of Oct. 26, that leave of absence had been granted to Mr. Wray, a clerk in the Customs at Montreal. p. 159 — Downing St., Dec. 20.

Russell to Sydenham. (Circular.) Transmitting copy of Return presented to Parliament as to quantity of Crown Lands disposed of in colonies since Jan. 1, 1831, and requesting that amended returns be prepared with all speed possible. p. 162 — Downing St., Dec. 21.

Enclosure:—

Return mentioned. p. 241

Russell to Sydenham. No. 274. Transmitting, with reference to Governor's despatch No. 159 of Sept. 11, copy of report with enclosures from Commissioners of Colonial Lands and Emigration on complaints preferred by passengers on the "Astrea" and "Westmorland." (Seven enclosures.) p. 165 — Downing St., Dec. 22.

Russell to Sydenham. (Circular.) Transmitting, in connection with circular of August 24 on question of improving main routes of communication in consequence of new line of steam packets between Great Britain and Halifax, a copy of letter from Treasury with enclosures from General Post Office on same subject. Governor was enjoined to bring subject at earliest opportunity before Legislature. (Three enclosures, including letter from Deputy Postmaster General of British North America.) p. 197 — Downing St., Dec. 23.

Russell to Sydenham. No. 275. Transmitting petition from Emmanuel Firmin praying for mitigation of term of banishment from Lower Canada for felony, and requesting report. (Enclosure.) p. 209 — Downing St., Dec. 28.

Russell to Sydenham. No. 276. Transmitting in connection with his despatch No. 272 of Dec. 19, on subject of encroachments of Americans on Madawaska Settlement as reported by Governor's despatch No. 196, a copy of a letter from Foreign Office, communicating opinion of Lord Palmerston, that a firm and practical assertion of rights would be more likely to assist than impede a settlement on basis satisfactory to Great Britain. (Enclosure.) p. 216 — Downing St., Dec. 30.

Russell to Sydenham. No. 277. Acknowledging despatch No. 176 of Oct. 9, and stating that Admiralty had ordered preparations for building steam vessel for Lake Erie and that another had been decided upon for Lake Ontario. p. 221 — Downing St., Dec. 30.

1841 Office of Crown Lands, Quebec, March 29, 1841. S. Bouthillier to Murdoch, Chief Secretary. Transmitting amended return to address of House of Commons calling for information respecting Crown Lands sold or granted in Lower Canada, since Jan. 1, 1831. (Enclosure.) p. 228

G. 51. (1841)

1841 Downing St., Jan. 1. Russell to Sydenham. No. 280. Transmitting, with reference to 182 of Oct. 19, respecting salary of Mr. Dowling, Legal Adviser, and enclosing correspondence with Treasury on subject. (Two enclosures.) p. 1

Downing St., Jan. 9. Russell of Sydenham. No. 280. Transmitting, with reference to Governor's despatch No. 177 of Oct. 10, letter from Treasury, respecting winter arrangements for Halifax mails. p. 7

Enclosure:—

Treasury Chambers, Jan. 7. C. E. Trevelyan to Stephen. Stating that questions raised by Sydenham, respecting date of close of navigation on St. Lawrence, and employment of second steamer between Quebec and Pictou would be referred to Admiralty, but that expense of second steamer could not be borne by Great Britain. p. 8

Downing St., Jan. 10. Russell to Sydenham. No. 281. Transmitting with reference to Governor's report No. 179 of Oct. 12, letter from Admiralty, representing difficulty experienced in obtaining from Canadian forests masts for Royal Navy, while foreign states appear to derive supplies from same source; and requesting report. (Enclosure.) p. 11

Downing St., Jan. 11. Russell to Sydenham. No. 282. Stating, with reference to Governor's despatch No. 129 of June 27, relating to financial condition of Upper and Lower Canada, that he wrote to Treasury a letter, copy of which was enclosed, and that Treasury replied that they could take no steps towards granting financial assistance to Canadas, until they were in possession of report promised with reference to peculiar debt of Upper Canada. Report requested at early date. (Enclosure.) p. 15

Downing St., Jan. 12. Russell to Sydenham. No. 283. Transmitting, in connection with his despatch No. 274 of Dec. 22, further enclosures from Commissioners of Colonial Lands and Emigration, respecting complaints of emigrants in ships "Astrea" and "Westmorland". (Enclosure.) p. 27

Downing St., Jan. 13. Russell to Sydenham. No. 284. Transmitting copy of despatch received from Governor of Newfoundland, and suggestions from General Miller, respecting formation of Military Settlement. (Enclosures.) p. 33

Downing St., Jan. 16. Russell to Sydenham. No. 285. Transmitting copy of letter from Foreign Office with note from United States Minister complaining of outrage said to have been committed previous autumn on party of American citizens at Chippewa by some Negro soldiers stationed there; and requesting full report of circumstances. (Three enclosures.) p. 44

Downing St., Jan. 17. Russell to Sydenham. No. 286. Respecting application of Hugh Earl for renewal of temporary half pay for services in Provincial Navy. (Two enclosures.) p. 82

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Russell to Sydenham. (Circular.) Transmitting forms for record of particulars of vessels, adjudicated upon in Courts of Vice Admiralty. (Enclosures.) p. 97 — Downing St., Jan. 18.

Russell to Sydenham. No. 287. Transmitting, for delivery to person authorized to receive, certain papers attached to memorial of Mrs. Grant of Lachine. p. 100 — Downing St., Jan. 22.

Russell to Sydenham. (Confidential.) Stating that the Government, having before them the Governor's confidential despatch of Dec. 28, and the despatch of the Lt. Governor of New Brunswick, No. 88 of Dec. 21, relating to movement of troops into Madawaska Settlement, had resolved to advise H.M. to recall Lt. Governor Sir John Harvey. p. 101 — Downing St., Jan. 25.

Enclosure:—

Russell to Harvey. (Copy.) Reciting the several errors of judgment in the dealings of Harvey with the difficult question of the protection of British interests in the Madawaska Settlement, and informing him that he was being recalled. p. 103 — Downing St., Jan. 25.

Russell to Sydenham. No. 288. Transmitting for consideration, copy of a letter from Thomas Morgan, containing suggestions for settlement, of Boundary Question between Great Britain and United States. (Enclosure.) p. 130 — Downing St., Jan. 25.

Russell to Sydenham. No. 289. Stating that Treasury was enquiring as to whether the sums of £100 paid to Hon. C. Gore in May 1839, and of £14-11-8 to B. Daly for special services had been applied to objects connected with military operations in Canada. Report desired. p. 135 — Downing St., Jan. 26.

Russell to Sydenham. (Circular.) Transmitting extract from letter from Treasury as to manner of appointing Admeasurers of Shipping. p. 138 — Downing St., Jan. 26.

Russell to Sydenham. No. 291. Transmitting, for report, copy of letter from Treasury, requiring explanation of expenditure of £2,056-16-3, apparently incurred for purchase of land and erection of barracks at Windsor, U.C. (Enclosure.) p. 141 — Downing St., Jan. 27.

Russell to Sydenham. No. 292. Advising of investment of £5,000 with other trust moneys belonging to Clergy Reserve Fund of Lower Canada. p. 145 — Downing St., Jan. 28.

Russell to Sydenham. (Private & confidential.) Acknowledging confidential despatch of Dec. 26, with letter from Chief Justice of Lower Canada expressing his doubt as to correct interpretation of 45th and 46th clauses of Act for re-uniting the provinces of Upper and Lower Canada, and stating Law Officers, who were consulted were of opinion that there was no foundation for doubt of Chief Justice. They state that in their opinion "the Ordinances of the Governor and Special Council of Lower Canada are Acts of the Legislature of Lower Canada within the meaning of the 45th and 46th Section of 3 & 4 Vict. c. 35". (Enclosure.) p. 146 — Downing St., Jan. 29.

Russell to Sydenham. No. 293. Transmitting for consideration and report, copy of letter from Rev. Dr. Alder containing remarks on letter from Rev. Messrs Ryerson of Aug. 20, 1840. Settlement as to claims on annual grant of £700 was left with Governor, with injunction that Government might not be left open to charge of a violation of the faith of the Crown. (Enclosure.) p. 155 — Downing St., Jan. 29.

1841

Downing St., Jan. 29. Russell to Sydenham. No. 294. Transmitting correspondence from Treasury, respecting continued employment of Superintendents of Indian Department at Amherstburg, Brantford and Colborne, and requesting explanation of these appointments. The Parliamentary Estimate for Indian Department was enclosed, with request that it might be revised. (Two enclosures.) p. 380

Downing St., Jan. 30. Russell to Sydenham. No. 295. Transmitting extract from Report made by Engineer Commission in 1825 on the military defences of British North America, and inviting particular attention to settlement by loyal and well behaved people of tract between St. John river and St. Lawrence. (Enclosure.) p. 399

Downing St., Jan. 30. Russell to Sydenham. No. 296. Stating, with references to his despatches No. 89 of June 22, to Arthur, and No. 158 to Governor, that Treasury had sanctioned the continuance of presents to such Indians, who visited Upper Canada from United States annually, on condition that they became residents within British territory. p. 403

Downing St., Jan. 30. Russell to Sydenham. No. 297. Stating he had received Arthur's despatch No. 89 of Dec. 19, with protest from Synod of Presbyterian Church of Canada in connection with Church of Scotland against division of Clergy Reserves by Imperial Parliament previous session, and requesting that they be informed that question could not be re-opened. As to allegation that Government was misled by inaccurate information, the difficulty of obtaining unimpeachable information on almost any subject involving statistics was nearly insuperable, and Arthur had given assurance that what the Government had relied upon, was as safe as could be found. p. 410

Downing St., Feb. 2. Russell to Sydenham. Transmitting memorial from Rev. D. E. Blake respecting his salary, and requesting that subject be investigated, and report upon it made. (Enclosure.) p. 414

Downing St., Feb. 6. Russell to Sydenham. No. 299. Transmitting, in connection with his despatch No. 280 of Jan. 9, copy of letter from Treasury, with communication from Admiralty, to the effect that it would be inexpedient to depart from existing arrangements as regarded navigation on St. Lawrence, and the steam service between Pictou and Quebec. (Two enclosures.) p. 422

Downing St., Feb. 8. Russell to Sydenham. No. 301. Stating that Treasury, having considered Governor's despatch No. 199 of Dec. 1, had consented to pay for expense of conveying despatches between Kingston and Toronto but were of opinion that local Government should establish Post Office arrangements on all main lines of communications, and that Imperial Government would contribute their share in expense in shape of postage from several departments. Report requested. p. 427

Downing St., Feb. 9. Russell to Sydenham. No. 302. Stating that, having considered memorial of Mr. T. W. Willan forwarded in despatch No. 119 of June 15, with earlier correspondence relating to his resignation from office of Law Clerk to Assembly of Lower Canada, the prayer of memorialist for compensation for loss of income could not properly be complied with. p. 430

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Russell to Sydenham. No. 304. Transmitting, for inquiry and report, correspondence relative to proposed extension of licence of occupation held by Henry John Caldwell of part of Military Reserve at Grand Falls on St. John River. (Seven enclosures.) p. 436 — Downing St., Feb. 10.

Russell to Sydenham. No. 305. Acknowledging despatch No. 178 of Oct. 12, respecting claim for compensation presented by R. B. Sullivan for losses due to misconduct of officers in Crown Lands and Surveyor General's departments; and authorizing payment from Casual and Territorial Revenue, of sum equivalent to salary he would receive at rate of £500 a year from time of his assuming office of President of Council. p. 454 — Downing St., Feb. 11.

Russell to Sydenham. No. 306. Acknowledging despatch No. 206 of Dec. 21, and enclosing Order in Council disallowing Canada Marine Insurance Ordinance (No. 53) for reasons explained in despatch No. 74 of Feb. 8, 1840. The other six Ordinances Nos. 57, 62, 66, 69, 106, and 112, would be allowed to remain in force until new Government was established. p. 457 — Downing St., Feb. 11.

Russell to Sydenham. No. 306½. Respecting disposition of money from effects of Daniel Scullin. p. 460 — Downing St., Feb. 12.

Russell to Sydenham. No. 307. Stating, for guidance of Anglican Bishops, that Orders in Council had issued that, in all prayers, litanies, and collects for Royal Family, the words "the Prince Albert" be inserted after the words "Adelaide the Queen Dowager". p. 461 — Downing St., Feb. 13.

Russell to Sydenham. No. 308. Stating, in connection with his despatch No. 277 of Dec. 30, that orders had issued for building of two steam vessels for H.M.'s service on Lakes Erie and Ontario to be called "Mohawk" and "Cherokee". p. 463 — Downing St., Feb. 17.

Russell to Sydenham. No. 309. Transmitting for report application from Capt. Pringle for remuneration for services rendered to Government in Canada. (Four Enclosures.) p. 464 — Downing St., Feb. 18.

Russell to Sydenham. No. 310. Stating that Queen had received very graciously, congratulatory address from citizens of Toronto on birth of Princess Royal, forwarded in Arthur's despatch No. 92 of Jan. 23. p. 475 — Downing St., Feb. 19.

Russell to Sydenham. (Circular.) Transmitting regulations respecting expenditure for liberated Africans and captured negroes. p. 477 — Downing St., Feb. 19.

Enclosure:—
Regulations. p. 505

Russell to Sydenham. No. 311. Acknowledging despatch No. 228 of Jan. 28, and stating that addresses from St. George's Society of Quebec on birth of Princess Royal, had been received very graciously by Queen. p. 478 — Downing St., Feb. 20.

Russell to Sydenham. No. 312. Acknowledging despatch No. 205 of Dec. 19, and stating that, after mature consideration, it was adjudged inexpedient to disallow Upper Canada Act entitled "An Act to alter and amend an Act passed in the first year of H.M.'s Reign entitled an Act to protect the Inhabitants of this Province against lawless aggressions from subjects of Foreign Countries at Peace with Her Majesty". p. 480 — Downing St., Feb. 20.

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Downing St., Feb. 21. Russell to Sydenham. No. 313. Transmitting account from Stationery Office for supplies for Lower Canada for 1840. (Two enclosures.) p. 483

Downing St., Feb. 22. Russell to Sydenham. No. 314. Transmitting for consideration and report, copy of letter from Alexander Dorval on subject of waste committed on Crown timber. (Enclosure.) p. 488

Downing St., Feb. 23. Russell to Sydenham. No. 315. Acknowledging despatch No. 215 of Jan. 15, and stating that he had informed W. T. Smith that he had no grounds for claiming compensation from Government. p. 498

Downing St., Feb. 26. Russell to Sydenham. No. 316. Transmitting answer of Prince Albert to address of St. George's Society of Quebec on birth of Princess Royal. p. 500

Downing St., Feb. 27. Russell to Sydenham. No. 317. Acknowledging despatch No. 225 of Jan. 27, and expressing approval of Governor's action respecting Disputed Territory between New Brunswick and Maine. p. 501

Downing St., Feb. 7. Russell to Sydenham. No. 300. Acknowledging despatch No. 198 of Nov. 30, and stating that Queen's Advocate reported that he saw nothing in papers to induce him to depart from former opinion on claim of James Crooks for assistance in obtaining compensation for loss of vessel "Lord Nelson" seized by Americans at commencement of War in 1812. p. 503

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