

DOMINION OF CANADA

REPORT

OF THE

PUBLIC ARCHIVES

FOR THE YEAR

1935

JAMES F. KENNEY

Acting Dominion Archivist

OTTAWA

J. O. PATENAUDE, I.S.O.

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1936

Price, \$1.00



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COMMISSION OF CANADA

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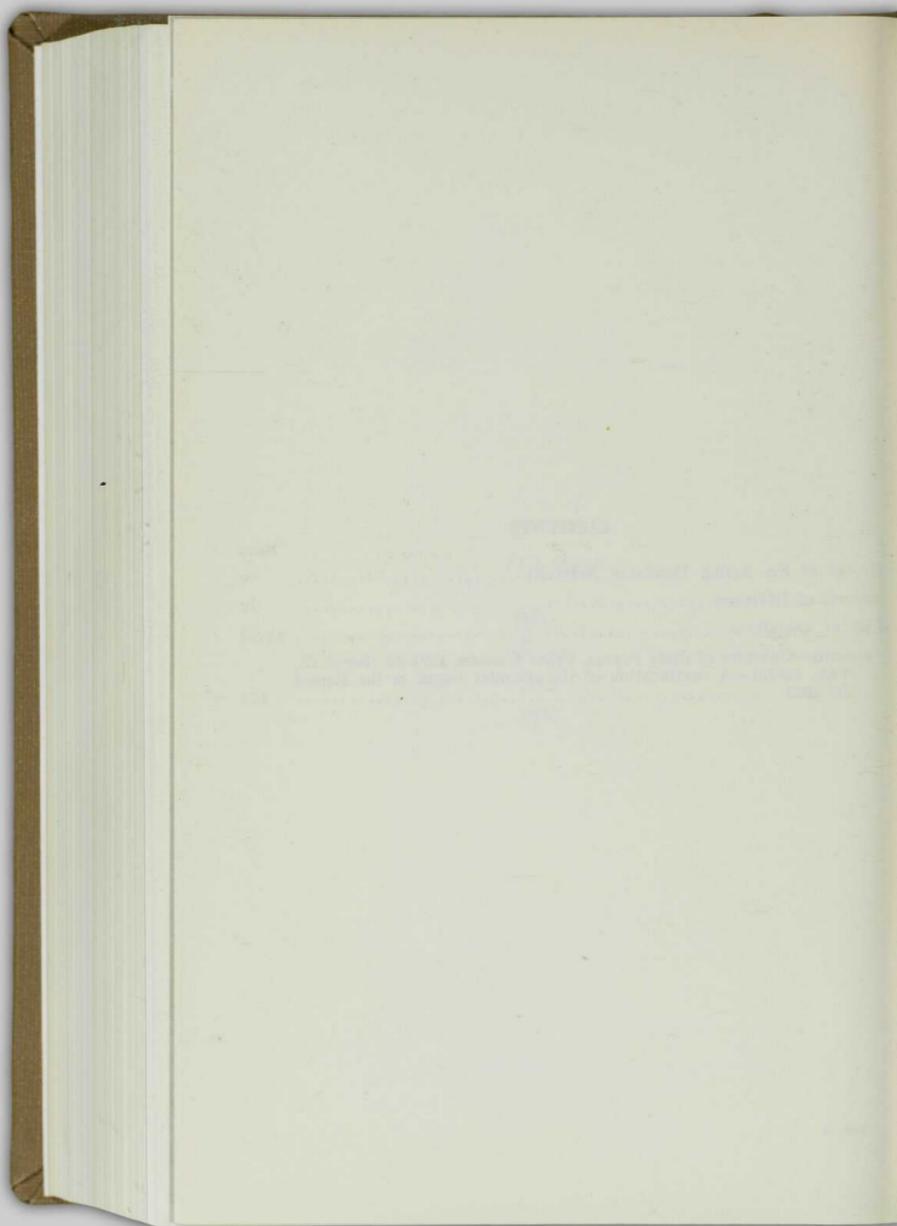
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REPORT OF THE ACTING ARCHIVIST

FOR THE YEAR 1933

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## REPORT OF THE PUBLIC ARCHIVES

FOR THE YEAR 1935

The Honourable FERNAND RINFRET, M.P.,  
Secretary of State of Canada.

SIR,—I have the honour to submit to you a report on the work of the Public Archives of Canada during the year 1935.

Throughout the year an efficient service has been maintained in spite of growing difficulties, due to decrease in the staff, particularly in the upper personnel.

The number of inquiries received, and the number of research workers who visit the Department, continue to increase. In accordance with the policy which the Public Archives has followed from its beginning, help is given whenever possible to every inquirer. To maintain this service, and also continue the publication of calendars and texts of official and historical records, it has been necessary to curtail or suspend some of the activities of the Department, and thereby to impair its efficiency for the future. If present conditions continue, a reconsideration of the policy of gratuitous help to all *bona fide* inquirers may become unavoidable.

Between 1 January, 1931, and 31 December, 1935, the Department lost, by death or retirement, twelve of its members, only one of whom was replaced. Of those lost, six, drawing salaries of over \$2,100 each, may be described as of the upper personnel. During the same period no additions have been made to the staff except one temporary copyist employed in Europe. That these losses have appreciably weakened the Department is obvious.

The facts are set down here solely in order to make clear the situation in which the Public Archives is now placed. The staff has carried on, and will continue to carry on, its work in a spirit of loyalty and devotion to duty.

The essential work of a Department of Public Archives is to preserve and make available the national archives, the records of government that are no longer in current use. Little has been accomplished during the year 1935 towards the classification and calendaring of the public records now in our care, although much of this work still remains to be done. It is work that, for the greater part, can be entrusted only to technically trained and well-informed archivists, who have leisure to examine carefully and exhaustively the problems that may be presented. As will be noticed when the accessions of the year will be described, a few small groups of original official records were received from other departments. Unfortunately the Public Archives building, attractive as it is in many respects, is quite unsuited to the storage of manuscript documents, and even has not the capacity, without radical reconstruction, to accommodate extensive additions to its present content. Until further storage accommodation is provided the Department is, therefore, precluded from the full discharge of its primary duty of taking over the departmental records in normal process as these are no longer required in the service of their respective departments. May I express the hope that this condition will be remedied, and that Canada may not lose the eminence in archival circles she once attained by reason of her care of her older public records and of her policy of concentrating them in one building and under one control?

The work of the branches of the Department in London, Paris and Montreal, and of a few copyists elsewhere, in making transcripts of early official records, and of important semi-official and private documents, has been continued. The various divisions of the main office in Ottawa that are ancillary to the chief archival services have been maintained.

The lists of accessions given in the reports of the various divisions, and the general list of donations, indicate some of the principal additions made during 1935 to the various collections of the Department. The generosity of friends, both official and private, continues unimpaired.

Sir Arthur Doughty has presented from his personal collection a large number of objects of special historical interest, and has assisted in promoting other donations. At my request he visited Winnipeg to facilitate the transfer to the Archives of a magnificent set of gifts from Lady Macdonald, which form an important addition to the Sir John A. Macdonald collection already in the Department. His Excellency Viscount Galway, Governor General of New Zealand, has given several important original maps and manuscripts dating from the time when his ancestor, the Hon. Robert Monckton, who was senior brigadier under Wolfe at the siege of Quebec, played an important role in Canadian history. The late Noulan Cauchon presented to the Department several interesting documents of the French and of the early English régime. From the estate of W. W. Cheadle were presented the original journals of his father, Dr. W. B. Cheadle, joint author with Viscount Milton of *The North-West Passage by Land*, and also many objects of western travel that he had with him on his famous overland journey. From Governor Sir Harry Graham Haig, and the Government of the United Provinces of Oudh and Agra, has come a remarkable gift, a British flag which flew on the Residency of Lucknow. Since the Indian Mutiny the flag flies there continually; every three months a new flag is run up, and the old one is then taken down and disposed of as may be directed by the provincial government. In 1935 that government, passing over a long and distinguished waiting list, made the presentation to the Dominion of Canada.

The Manuscript Division has received numerous accessions of documentary material, originals or copies. No report for this Division was published in the Annual Report of the Department for 1934; the list of accessions now published covers the two years 1934 and 1935.

For the French régime we have acquired a considerable number of original documents of value, including several interesting autographs, which at one time formed part of the celebrated collection of Sir Thomas Phillipps. Originals obtained from other sources include letters to Bougainville from Montcalm, Lévis, Vaudreuil and others, and the Lettres de Noblesse of Nicholas Juchereau de Saint-Denys, signed by Louis XIV. Photographs have been received of letters, hitherto little known, from Montcalm and Lévis to Captain de la Chevrière de la Grandville, of the Régiment de la Reine.

Transcripts from the Archives des Colonies include, in Series C<sup>11</sup> A, several plans of the works at Louisburg; in Series E, the personal files of the Chevalier Johnstone, the Scottish Jacobite officer who served at Louisburg and Quebec, and of Mgr. Lauberivière, Bishop of Quebec; in Series F<sup>2</sup> an interesting set of statistical tables on the trade of Louisburg and Quebec; and in Series G<sup>2</sup> the registers, 1726-36, of the Superior Council of Ile Royale, the court of appeal of that colony.

From the Archives de la Marine, Series B<sup>3</sup>, we have had transcribed the official correspondence of port officials with the Minister of Marine relating to Canadian matters, 1730-33; from Series B<sup>4</sup> documents concerning expeditions of royal ships to America, 1728-46; and from Series 4JJ, journals of various voyages to Canada and Ile Royale. From the Service Hydrographique, Dépôt des Cartes et Plans, come reports on the navigation to Louisburg and to Quebec, and a journal of the voyage of the *Dromadaire* to Louisburg in 1727.

Extensive transcripts have been made from the departmental archives of La Charente Inférieure, at La Rochelle. These include the official records of the Court of Admiralty at Louisburg from 1718 to 1754. From here also comes the notarial collection Etude Saeré, Minutes Teuleron, 1632-58, which consists of notarial deeds relating to the chartering of vessels, shipments of goods and furs, engaging of craftsmen and settlers, and incidental matters in connection

with the trade and colonization of Acadia and Canada. It shows various activities of Razilly, La Tour, d'Aulnay, Denis, Couillard, Giffard, and others, as well as of the Compagnie de la Nouvelle France and the Société de Montréal.

From the "Correspondance Politique, Angleterre" section of the records of the Ministère des Affaires Etrangères, we have received the correspondence between the court of Versailles and the French ambassadors in England, 1765-68, that relates to Canadian affairs—especially the liquidation of debts and paper money—and a few documents of 1775 and 1776; and from the Archives Historiques of the Ministère de la Guerre documents of the period 1635-74, which include several relating to Frontenac, Tracy, Talon, Sallières, Chambly, and others, and correspondence of the years 1754-63, bearing on the Seven Years War in Canada.

In the Archives du Comité Technique du Génie we have made transcripts of important journals and other documents relating to the siege of Oswego in 1756, and to that of Louisburg in 1758.

From the Bibliothèque Nationale have been received various groups of transcripts that are indicated in the list of accessions. The Lettres de Cabart de Villermont, of the Collection Dangeau, include a few letters of Frontenac and Tony and a large number of Michel Bégon. In the Collection Renaudot are memoirs and narratives relating to discoveries in America, chiefly in the Mississippi Valley and the North West. The manuscript N.A. 9388 consists of a list of early commissions for Canada, and a report on the Sieur de Monts's privilege (1600-03).

From the Bibliothèque de l' Arsenal comes the speech delivered by Frontenac before the so-called Canadian States-General of 1673, and, in the Portefeuille du Comte d'Argenson, letters from Lévis and other officers in Canada to the Minister of War.

In Canada we have continued the transcription of the registers of the Prévôté de Québec; of the records of Basset, early Montreal notary; of the miscellaneous but important Bâby Collection, in the Library of St. Sulpice, which extends across both French and English eras; and of various early church registers.

For the period of English rule, also, the accessions from the Phillipps Collection offer several interesting autographs and other original documents. So, too, the additions to the Fraser Papers include documents of interest from the second half of the eighteenth century. The scrapbook of Henry S. Chapman is of much value for the troubles of 1837-38 and events leading thereto, and for the same period we have received a number of autograph letters by leaders of the insurrectionary movement and others. The letter-book of the lieutenant-governor of New Brunswick, 1839-41, the miscellaneous papers of the Executive Council of Canada, 1840-67, the correspondence regarding the Esterhazy colony, 1885, the records of the International Boundary Commission, and the papers of the Royal Commission on Maritime Claims, 1935, are all archival collections of importance.

In England the transcription of the Amherst Papers, so important for the history of the Seven Years War, continues. The volumes received during 1935 consist chiefly of the correspondence of General Amherst with governors of the English colonies in America, and miscellaneous letters and papers. From a private source we have obtained interesting journals of voyages from Montreal to Niagara and to Washington in 1800-01. The Colonial Office papers transcribed, in the Series C.O. 43, are composed of the correspondence of that office with other departments of government, and with individuals in the British Isles, in relation to Canadian affairs during the years 1832-36. The muster-books of the ships *Erebus* and *Terror* date from the early stages of Sir John Franklin's last expedition, in 1845, in those two vessels. The Hudson's Bay Company has generously presented transcripts of their papers dealing with the sending of British troops to the Red River in 1846. Copies have been obtained of the Foreign Office documents connected with negotiations for reciprocity with

the United States of America in 1854. From the London office of the Society for the Propagation of the Gospel in Foreign Parts have come transcripts of the letters and reports received from Canada by the Society in 1878-80. The interest of other transcripts from England is perhaps sufficiently indicated in the list of manuscript accessions.

Dr. Chart, Deputy Keeper of the Records of Northern Ireland, has shown his interest in Canadian Archives by presenting several lists of emigrants to Canada in 1833-35.

Copies made in Canada of records dating from the period of English rule include parish registers, land grants, family papers and documents connected with these. From the Legislative Library at Winnipeg we have obtained copies of remarkably interesting early census records of the colony of Red River. In the Seminary of Nicolet an inventory has been made of the collection of papers left by the Abbé Bois, a historian of the second half of the nineteenth century. The Abbé Bois made an extensive and important collection of Canadian historical documents, and it is believed that the inventory of these will be of much service to students of history.

Here it may be stated that, through the courtesy of the Provincial Archives of Ontario, we have been permitted to photostat the journals and other papers of David Thompson, famous geographer and explorer, who served with the North West Company and was afterwards the British astronomer and surveyor for the commission that determined the boundary between Canada and the United States of America under the Treaty of Ghent. When the work has been completed the copies will be bound and made available to the public.

The appendix to the present report contains a continuation of the calendar of the Upper Canada section of the so-called G. series, chiefly despatches and other documents received by the lieutenant-governors and administrators of the province from the Secretary of State for the Colonies and other officials in London. The first instalment of this calendar was published in the Report for 1933. The section now published covers the years 1821-35. The calendar was originally prepared by the late William Smith, assistant-chief of the Archives Department. The death of Mr. Smith prevented his putting the text in final form for publication, and much editorial revision has been necessary. Basically, however, it remains Mr. Smith's work.

On the 22nd of March, 1935, Dr. Arthur G. Doughty retired from the position of Dominion Archivist and Keeper of the Records, which he had held since 16 May, 1904. On the same day the Director of Historical Research and Publicity was instructed to assume the duties of Acting Dominion Archivist. The Government of Canada conferred on Dr. Doughty, at the time of his retirement, the title of "Dominion Archivist Emeritus". On the 3rd of June, 1935, his late Majesty, King George V, bestowed on him the honour of knighthood.

This is not the place to write a eulogy of Sir Arthur G. Doughty, or a history of his work in the public service of Canada. But such an outstanding event as his withdrawal from the active direction of the Department should not pass without some slight tribute being paid to his thirty-one years of unremitting zeal, labour and achievement, which have in large part created the Public Archives of Canada as that institution is known to the Canadian people of today. The heavy loss which has been sustained through his retirement has been in some degree mitigated by Sir Arthur's continued deep interest in the Archives. The present Acting Head wishes here to state his appreciation of, and thanks for, the advice which Sir Arthur is always ready to give fully and freely from the abundant stores of his knowledge and experience.

I have the honour to be,

Sir,

Your obedient servant,

OTTAWA, 30 June, 1936.

JAMES F. KENNEY

## REPORTS OF DIVISIONS

### HISTORICAL RESEARCH AND PUBLICITY DIVISION

1 January—31 December, 1935

On 22 March, 1935, the Director of this Division assumed the duties of Acting Dominion Archivist. Since then, the Division has been in charge of one clerk. The greater part of its activities were, of necessity, suspended.

#### I. RESEARCH

During the year 98 special investigations were made.

#### II. PUBLICATIONS

Work remains suspended.

#### III. PAINTINGS, DRAWINGS AND PRINTS

Pictures received, 422.

Volumes received, 4.

Pictures catalogued, 571.

#### IV. PHOTOSTATS AND PHOTOGRAPHS

Photostat negatives prepared and indexed, 304.

Photograph negatives prepared and indexed, 195.

During the year 561 photostatic and 307 photographic prints of material in the Public Archives were supplied by this Division.

#### V. LANTERN SLIDES

Lantern slides loaned, 304.

JEAN F. THOMAS

### CLASSIFICATION, INDEX AND INFORMATION DIVISION

1 January—31 December, 1935

#### RESEARCH AND INFORMATION

During the year inquiries and requests for the production of files and copies of documents numbered 2,115, being an increase of 292 over those for the previous year. These inquiries came from Canada, the United States of America, England, France, and Germany. The number from the Federal and Provincial Government Departments has increased considerably.

The information asked for by the public covers a wide range. The following may be mentioned as examples: What flag did De Monts hoist in Acadia in 1604; on what occasions were the hymns "O Canada" and "The Maple Leaf" composed; by what authority were the emblems of Canada, the beaver and maple leaf, adopted; the name of the first Frenchman to go over the portage between Lakes Erie and Chautauqua; has the King of England, since 1688, ever refused to grant a title of nobility to a commoner who had been recommended by a prime minister; a young German of Canadian origin, wishing to marry an Aryan girl, is required, by a decree of the German authorities, to prove that he has no Jewish blood, and he asks for the required proofs; when were skating,

lacrosse and tennis introduced into Canada; the origin of the salt, flour, and wine industries in Canada. Needless to say, biographical and genealogical inquiries numbered hundreds. Much time was required to supply the history of counties, townships, villages, parishes, Indian tribes—especially those of Lorette, Oka, and Mississauga—, old forts, fur-trading, education, militia corps, etc., etc. The American Revolution, the War of 1812, the Rebellion of 1837-38, the Fenian Raids of 1866 and 1870, the North-West Rebellions of 1870 and 1885, the Nile Voyageurs of 1884, and the South African War were also subjects of numerous inquiries.

Official information was supplied to the following Federal Government Departments: Justice, Post Office, National Defence, Interior, Indian Affairs, Trade and Commerce, and Public Works. The Provincial Governments have also sent in many inquiries in connection with Old Age Pensions. Certified copies of documents have also been supplied in several judicial cases.

By instruction of the Deputy Minister the services of an employee of this Division were, during a period of three months, devoted exclusively to researches for the Royal Commission on Maritime Claims.

#### CLASSIFICATION

The classification of the early Militia Registers of officers of Upper and Lower Canada, which date from 1775 to 1867, is proceeding normally. These documents were prepared for binding and will be linked with the early Militia General Orders. Twenty volumes of the S. Series, containing the internal correspondence of the governors of Lower Canada, and that of their Secretaries, have also been prepared for binding.

By the transfer from the Department of National Defence of files of deceased officers of the Great War the collection of similar files already in the Public Archives has been greatly increased.

The preparation of a guide to documents relating to the history of the Maritime Provinces is being continued.

#### INDEX

The indexing of the English and French editions of the Annual Reports of the Department has progressed favourably. That of the Reports for 1887 and 1888 is now completed, and that of 1889 and of Richard's Supplement to the Report for 1899 has been begun. Some 16,500 cards have been filed alphabetically. This indexing of the early reports takes much time and requires much patience, but it will prove, as indeed it already has, of great value to research students.

The *Quebec Gazette* was indexed from September, 1819, to January, 1821. Cards indexed, typewritten, classified and placed in their respective drawers:—

Of <i>Quebec Gazette</i> . . . . .	12,000
" C. Series (Military) . . . . .	26,700
" records of researches . . . . .	5,415
	<hr/>
	44,115

FRANCIS-J. AUDET

## MANUSCRIPT DIVISION

Manuscripts Received, 1 January, 1934—31 December, 1935

## TRANSCRIPTS FROM FRANCE

## ARCHIVES NATIONALES

Série Y, Carton 969, No. 9: Document concerning grant to members of the royal family, 1608. (Photostat.)

## ARCHIVES DES COLONIES

Série C<sup>11</sup> E, Vol. 14, f. 132: Description of Detroit (1693-1704).

Série E, Carton 199: Dossier Gaspé.

" 230: Dossier Jacques Johnstone.

" 260: Dossier Lauberivière, Evêque de Québec.

" 278: Dossier Le Normand de Mézy.

" 348: Dossier Gabriel Revol.

Série F<sup>2</sup> B, Vol. 11: Tableaux du Commerce de Canada, de l'Isle Royale et de l'Acadie, 1732-56.Série G<sup>1</sup>, Vol. 460 (Extract): Photostat copy of Census of Canada, 1666.Série G<sup>2</sup>, Cartons 179-183: Ile Royale, Louisbourg—Conseil Supérieur, 1726-36.

## ARCHIVES DE LA MARINE

Série B<sup>3</sup>, Vols. 336-345, 347-350, 352-357, 360: Lettres reçues, 1730-33—Service général.Série B<sup>4</sup>, Vols. 40-58: Campagnes, 1728-46.

Série 4JJ, Liasses 1-6—[nothing copied]; 7-8: Journaux des voyages, 1676-1746.

## DÉPÔT DES CARTES ET PLANS DE LA MARINE—(SERVICE HYDROGRAPHIQUE)

Vol. 62, Nos. 1-39: Instructions Nautiques sur la Navigation entre l'Europe et l'Amérique.

## ARCHIVES DE LA CHARENTE-INFÉRIEURE (LA ROCHELLE)

Série B. Amirauté de Louisbourg.

Numéro provisoire 1: Arrêts et Réglements, 1718-43.

" " 2: Correspondance générale, 1720-44.

" " 3: Réception de Capitaines, etc., 1726.

" " 4: Vente à la criée de Navires, 1727.

" " 5: Liasses 1, 2, 3: Amirauté: Ventes, etc., 1738-41.

" " 6: " " 1743.

" " 7: " " 1750.

" " 8: " " 1750-51.

" " 9: " " 1752.

" " 10: " " 1757.

" " 11: " " 1758.

" " 12: " " 1754.

Vol. 193: Registre de l'Amirauté de Guyenne au siège de La Rochelle, 1646.

" 194: Registre de l'Amirauté de Guyenne au siège de La Rochelle, 1647.

" 203: Registre de l'Amirauté de Guyenne au siège de La Rochelle, 1662.

" 206: Registre de l'Amirauté de Guyenne au siège de La Rochelle, 1662-74.

- Vol. 218: Registre de l'Amirauté de Guyenne au siège de La Rochelle, 1650-68.  
 " 220: Registre de l'Amirauté de Guyenne au siège de La Rochelle, 1676-89.  
 " 222: Registre de l'Amirauté de Guyenne au siège de La Rochelle, 1687-1703.  
 " 223: Registre de l'Amirauté de Guyenne au siège de La Rochelle, 1703-19.  
 " 269: Registre des actes faits au Greffe de l'Amirauté de Louisbourg, 1731-44.  
 " 270: Amirauté de Louisbourg—Registre des Edits, Déclarons, Ordonnances, etc., 1733-40.  
 " 271: Amirauté de Louisbourg—Registre des Comissions et Réglemens du Roy, 1749-54.  
 Etude Sacré. Minutes Teuleron: 1632-58.

## MINISTÈRE DES AFFAIRES ÉTRANGÈRES

## Correspondance Politique—Angleterre

- Vols. 465-481: 1765-68.  
 Vol. 511: 1775.  
 " 514: 1776.  
 " 518: 1776.

## MINISTÈRE DE LA GUERRE

## Archives Historiques—Archives Anciennes: Correspondance

- Vol. 116: Administration militaire, 1649.  
 " 117: Intérieur, 1635-49.  
 " 125: Expéditions, 1651—2<sup>e</sup> partie.  
 Vols. 131-132: Expéditions, 1651-52.  
 " 133-134: Intérieur, 1652.  
 Vol. 141: Expéditions, 1652-54.  
 " 144: 1654—Dépôt général de la Guerre.  
 " 145: 1655— " "  
 " 146: Expéditions, 1654-56.  
 " 154: Registre des suscriptions Quartier d'Hyver de l'année 1658—Dépôt général de la Guerre.  
 " 156: Ministère de M. Le Tellier, 1659. Minutes—Dépôt général de la Guerre.  
 " 157: Guerre avec l'Espagne, 1653-59. Paix des Pyrénées—Dépôt général de la Guerre.  
 " 168: Minutes, 1661.  
 " 173: " 1662.  
 " 267: " 1672.  
 " 368: " 1674.  
 " 3412: Minorque, 1756.  
 Vols. 3418-3421: Administration militaire, 1755-56.  
 " 3424-3425: Portugal—M. Rouillé, 1754-56.  
 Vol. 3426: Génie, 1755-56  
 Vols. 3431-3433, 3437, 3438: Allemagne, 1757.  
 " 3459-3465: Administration militaire, 1757.  
 Vol. 3468: Organisation militaire, 1755-57.  
 " 3469: Intérieur, 1756-57.  
 Vols. 3471, 3477-3479, 3481, 3482, 3488: Allemagne, 1758.  
 Vol. 3494: Marine, Guerre en Europe, 1758.  
 Vols. 3500-3502, 3504, 3507: Administration militaire, 1758.

- Vol. 3508: *Diplomatie, 1757-58.*  
 " 3509: *Génie, 1758.*  
 " 3510: *Organisation militaire, 1758.*  
 Vols. 3516, 3526: *Allemagne, 1759.*  
 " 3533-3536, 3538: *Marine, Guerre en Europe, 1759.*  
 Vol. 3539: *Corse, 1758-59.*  
 Vols. 3542-3546: *Administration militaire, 1759.*  
 Vol. 3549: *Intérieur, 1758-59.*  
 Vols. 3553, 3556, 3559, 3562, 3563, 3564: *Allemagne, 1760.*  
 " 3568-3569: *Marine, Guerre en Europe, 1760.*  
 Vol. 3576: *Correspondance, 1760. Exchange of prisoners, etc.*  
 Vols. 3577-3578: *Administration militaire, 1760.*  
 Vol. 3592: *Allemagne, 1761.*  
 Vol. 3598: *Marine, Guerre en Europe, 1761.*  
 " 3601: " " "  
 Vols. 3602-3606: *Administration militaire, 1761.*  
 Vol. 3612: *Allemagne, 1762.*  
 Vols. 3621-3622: *Administration militaire, 1762.*  
 Vol. 3623: *Marine, Paix, 1762.*  
 " 3627: *Diplomatie, Paix, 1756-68.*  
 " 3629: *Marine, Indes Orientales, 1761-63.*  
 " 3631: *Organisation militaire, 1760-63.*  
 " 3639: *Venise.*  
 " 3640: *Venise, 1763.*  
 Vols. 3651-3652: *Corse, Lettres de M. Le Duc de Choiseul, 1769.*  
 Vol. 3704: *Marine, 1772-77.*  
 Archives Administratives—Ancien Régime  
 Dossier La Chevardière de Grandville, 1722-80.  
 Archives du Comité Technique du Génie—Dépôt Général des Fortifications  
 Article 15, section 3: *Notes on forts at Chouaguen, and Journal by Desandrouins of the Siege of that place, 1756. Journal of the Siege of Louisburg, 1758.*

## BIBLIOTHÈQUE NATIONALE

## Fonds Français

- Nos. 22232-22233: *Papiers de l'abbé Bignon.*  
 " 22313: *Pièces diverses sur la Bretagne.*  
 " 22804-22815: *Collection Dangeau—Lettres de Cabart de Villermont, 1694-1707.*  
 " 22819: *Collection Dangeau—Lettres à l'Abbé de Dangeau, 1676-1707.*  
 " 22930: *R. P. Brottier—Fastes et Fêtes de Marie.*  
 " 22951: *Extrait des Registres du Conseil d'Etat Privé du Roy.*  
 " 23022: *Commerce de Hollande.*  
 " 23024: *Divers Traictez.*  
 " 23026: *Estat général du payment que le Roy a ordonné estre fait à ses Officiers domestiques.*  
 Nouvelles Acquisitions  
 No. 7485: *Collection Renaudot—Géographie et Voyages.*  
 " 9280: *Enquête fait sur l'ordre de Charles Huault de Montmagny, Lieutenant pour Sa Majesté, 3 février, 1642. Concerning Maisonneuve.*  
 " 9388: *Collection P. Margry—Origines Françaises—Questions de la Mer au XVI et au XVII Siècle.*

## BIBLIOTHÈQUE DE L'ARSENAL

- MS. 4258: Fonds d'Espagne—Projets sur les Finances. Contains speech by Frontenac at Quebec, 12 March, 1673.  
 MSS. 5768-5769: Portefeuille du Comte d'Argenson—Guerre de 1756-62.

## Archives de la Bastille

- Liasse 10015: Correspondance du Lieutenant de Police, 1745-55.  
 " 10028: Lettres du Commissaire Le Vié, 1755-59.  
 " 10419: Prisonniers—Nava, Napoli, Crisafi, 1684.  
 " 10501: Nelson, Anglais.  
 " 10597: Alexandre Belfond, natif de Québec, 1711.  
 " 11970: Pierre Charles Mesnil, 1757-58.  
 " 12137: Tonnancourt, 1761.

## MISCELLANEOUS

- Archives de la famille de La Chevardière de la Grandville, Château de la Grandville, près de Mézières (Ardennes). Documents from the personal file of M. de la Chevardière de la Grandville, captain in the Régiment de la Reine, 1757-61. Includes three letters signed by Montcalm and one by Lévis. (Photographs.)

## TRANSCRIPTS FROM ITALY

## THE VATICAN LIBRARY

*Archives of the Propaganda*

- Rescript relating to Mgr. de Laval, 1658.

## TRANSCRIPTS FROM ENGLAND

## PUBLIC RECORD OFFICE

*Admiralty Papers*

- Adm. 38, Vol. 672: Muster Book of H.M.S. *Erebus*, 1845. (Photostat).  
 " 1962: Muster Book of H.M.S. *Terror*, 1845. (Photostat).

*Colonial Office Papers*

- C.O. 42, Vols. 731-733: Correspondence relating to proposed Reciprocity Treaty between Canada and the United States of America, April-July, 1874. (Photostat.)  
 C.O. 43, Vols. 76-83: North America, General—Letters from Secretary of State (Domestic), 1832-36.

*Foreign Office Papers*

- F.O. 5, Vol. 589: Documents relating to Lord Elgin's Special Mission to Washington, 1854.  
 Vols. 591, 598, 600: Correspondence with the British Embassy in Washington, 1854.  
 Vol. 1670: Reports on the Survey of the Boundary Line between Canada and the United States of America, 1872-74.

*Treasury Papers*

- T. 1, Vol. 4988 (21751): Report on Militia and Volunteers in Canada, 1839.

*War Office Papers*

W.O. 34, Vols. 24-33: Amherst Papers, 1756-63.

*Gifts and Donations*

G. & D. 6, Vol. 87: Correspondence relating to proposed Reciprocity Treaty between Canada and the United States of America, March, 1874.

## HUDSON'S BAY COMPANY

Extracts from records relating to the sending of British troops to the Red River in 1846.

## SOCIETY FOR THE PROPAGATION OF THE GOSPEL IN FOREIGN PARTS

Letter Book, letters received, 1878-80.

## MISCELLANEOUS

Journals, etc., by Wm. Bentick, 1800-01 (Montreal to Niagara, 1800; Montreal to Washington, 1801). From H. A. Bentick.

Papers relating to Edward How, 1744, 1749, 1790. From Mrs. Sturgess.

Papers relating to Robert Stobo. From S. C. Richardson.

## TRANSCRIPTS FROM IRELAND

## ROYAL IRISH ACADEMY

Lists of Emigrants from County Londonderry, 1833-35. From Dr. D. A. Chart.

## TRANSCRIPTS FROM CANADA

## NEW BRUNSWICK

List, with index, of petitions for land in York county, from the originals in the Land Office, Fredericton.

## QUEBEC

Provincial Archives, Quebec: Register of the Prévôté de Québec—part of 1754, 1757-59.

List of Taché Papers.

Court House Archives, Quebec: Titre clerical, 1808.

Marriage contracts, 1642, 1645, 1648.

Court House Archives, Montreal: Notarial records of E. Basset, 1668-70.

St. Sulpice Library, Montreal: Divers papers of the Bâby Collection.

Oka: Parish Register, 1786.

St. Andrews: Paris Register, 1830. From Dr. Maude E. Abbott.

St. Eustache: Parish Register continued through 1832.

St. François-du-Lac: Parish Register, 1719-32.

Ste. Rose, Laval Co.: Parish Register, beginning 1796.

Séminaire de Nicolet: Inventory of the Papers of the Abbé Bois, with some transcripts.

College of Arms of the Noblesse, Inc.: Certificate of registration of arms of Captain W. Haws. (Photostat.)

Coat-of-Arms of Sales La Terrière. (Photostat.)

A. W. P. Buchanan: Family Papers. (Photostats.)

## ONTARIO

Registry Office of Russell County, L'Original: Manuscripts relating to the Seigniorship of Longueuil.

## MANITOBA

The Provincial Legislative Library, Winnipeg: Census of Red River, 1832-33; 1849. (Photostat.)

## BRITISH COLUMBIA

Letter from Masonic Lodge 1085 to Jewish Synagogue, Victoria, 1863.

## TRANSCRIPTS FROM THE UNITED STATES OF AMERICA

## DETROIT PUBLIC LIBRARY: BURTON COLLECTION

Farmer Papers: Inventory of supplies, Cadillac, 1701.

## ORIGINALS FROM FEDERAL GOVERNMENT SOURCES

## PRIVY COUNCIL

A large collection of miscellaneous papers which fit into gaps in the Canada (1840-1867) Executive Council Papers.

## DEPARTMENT OF THE INTERIOR

Correspondence relating to the Esterhazy Colony, Saskatchewan, 1885.  
2 vols.

## ROYAL COMMISSION ON FINANCIAL ARRANGEMENTS WITH THE MARITIME PROVINCES

Collected papers. 6 vols., 1935. (Printed.)

## INTERNATIONAL BOUNDARY COMMISSION

Records of survey and demarcation of international boundary between Canada and the United States of America, 1842-48. 17 vols.:

- I. Correspondence.
- II. Supplementary Correspondence.
- III. Transits by Capt. Robinson.
- IV. Transits by Capt. Robinson.
- V. Transits by Capt. Robinson.
- VI. Transits by Lieut. Pipon.
- VII. Transits by Lieut. Pipon.
- VIII. Comparison of Chronometers by Capt. Robinson.
- IX. Comparison of Chronometers by Lieut. Pipon.
- X. Difference of Longitude by Capt. Robinson.
- XI. Difference of Longitude by Lieut. Pipon.
- XII. Lunar Transits.
- XIII. Latitudes by Capt. Robinson.
- XIV. Latitudes by Lieut. Pipon.
- XV. Latitudes and Longitudes.
- XVI. Preliminary Calculations and Absolute Longitudes.
- XVII. Supplemental Correspondence.

Historical Sketch of the Negotiations at Paris in 1782 by [Capt.] G. W. Featherstonhaugh. 1842. (Printed.)

Wooden Box marked "North American Boundary, Original Observations by Captain Robinson 27 Books" containing 25 small notebooks, records of transits of stars, etc., and two diaries of 1843 and 1844, containing, chiefly, daily readings of barometer and thermometer with notes on the weather.

Wooden Box marked "North American Boundary, Original Observations by Lieut. Pipon, 19 Books", containing 19 small notebooks, transits of stars, etc., weather records, etc., etc.

Original records of the British North American Boundary Commission engaged between 1872 and 1876 on the original survey and demarcation of the international boundary between Canada and the United States along the 49th parallel from the Northwesternmost point of Lake of the Woods to the Summit of the Rocky Mountains:

Traverse Pembina River, A. L. Russell. . . . .	1873
Traverse Long River, etc., A. L. Russell. . . . .	1872
Meridian Lines. . . . .	1873
Zenith Observations. . . . .	1874
Zenith Observations by Capt. Featherstonhaugh. . . . .	1873
Traverse West of Red River, Sgt. Kay. . . . .	1872
Determination of Longitude Pembina—Chicago . . . . .	1872
Traverse Lake of Woods, Col. Forrest. . . . .	
Traverse Turtle Mountain. . . . .	1873
Traverse Lake of Woods to Roseau River. . . . .	
Traverse Dawson Road and Whitemouth River. . . . .	1873
Reconnaissance Notes. . . . .	1874
Astronomical Notebook, Capt. Featherstonhaugh. . . . .	1874
Lake of Woods and Roseau River, A. L. Russell. . . . .	
Survey of 6-Mile belt East Roseau River, Mr. East . . . . .	1873
Traverse Lines, Mr. Ashe. . . . .	1874
Field Notes, Col. Forrest. . . . .	1873
Traverse Lines Souris River, Sgt. Kay. . . . .	1873
Traverse Lines Red River East, Sgt. Kay. . . . .	1872
Traverse Lines Souris River to Turtle Mountain. . . . .	1873
Traverse Lines Souris River and Porcupine River. . . . .	1873
Astronomical Notes, Capt. Featherstonhaugh. . . . .	1872-73
Traverse Notes. . . . .	1873
Traverse Notes. . . . .	1873
Sextant Observations, Miscellaneous. . . . .	1874
Reconnaissance Notes, Mr. Compton. . . . .	1874
Zenith Observations, Capt. Featherstonhaugh. . . . .	1874
Zenith Observations. . . . .	1873-74
Tangent Line, Lt. Galwey. . . . .	1874
Astronomical Notebook, Capt. Featherstonhaugh. . . . .	1874
Notebook Chainage, Lt. Galwey, Miscellaneous . . . . .	1873
Star Places. . . . .	1874
49th Parallel Field Notes, Miscellaneous. . . . .	1872-76
Latitude Observations Le Grand Coteau. . . . .	1873
Latitude Observations Souris River West. . . . .	1873
Latitude Observations Milk River West. . . . .	1874
Latitude Observations Souris River East. . . . .	1873
Latitude Observations Porcupine River. . . . .	1873
Latitude Observations Pembina Mountain East. . . . .	1873
Latitude Observations Sleepy Hollow. . . . .	1873
Latitude Observations Big Muddy. . . . .	1873
Latitude Observations Lake of Woods. . . . .	1872
Latitude Observations Pembina. . . . .	1872
Latitude Observations Little Rocky Creek. . . . .	1874
Latitude Observations Point de Michel. . . . .	1873
Latitude Observations Milk River South Branch. . . . .	1874
Latitude Observations Chief Mountain. . . . .	1874
Latitude Observations Milk River West Fork. . . . .	1874
Latitude Observations Belly River. . . . .	1874
Latitude Observations Short Creek. . . . .	1873

Latitude Observations West Roseau. . . . .	1872
Latitude Observations Lac des Marrons. . . . .	1874
Latitude Observations Turtle Mountain East. . . . .	1874
Transit Observations. . . . .	1872-73-74
Constants of Zenith Telescope. . . . .	
Observing List Zenith Telescope. . . . .	1873
Apparent Places of Stars. . . . .	1873
Star Places. . . . .	1873-74
Star Places. . . . .	1873-74
Observations for Time and Azimuth. . . . .	1872-73-74
N. W. Angle Observations for Azimuth . . . . .	} 1872
Micrometer value. . . . .	
Azimuth Observations. . . . .	1873-74
Apparent Places of Stars. . . . .	1872
Apparent Places of Stars. . . . .	1873
Longitude of Pembina. . . . .	1872
Sextant Observations for Time and Latitude. . . . .	1873
U.S. record of Observations on 49th Parallel. . . . .	1872-73-74
Diary of an assistant in the special survey of 1875. . . . .	

ORIGINAL DOCUMENTS FORMERLY IN THE PHILLIPPS  
COLLECTION

## PORTFOLIO I

No. 1:	1558	Parchment document, Henry II of France.
No. 2:	1587	Order signed by Henry III of France.
No. 3:	1610	Order signed by Louis XIII of France.
No. 4:		Etat des anoblis de la province de Normandie. Includes: Etat des anoblis de l'année 1628 en faveur de Canada.
No. 5:	1667	Notarial deed signed by Abbé Gabriel Souart, first Superior of St. Sulpice.
No. 6:		Document signed by Roger Duplessis, son of Madame de Guercheville.
No. 7:	1706	Annuities in favour of Mgr. de St. Vallier and the bishopric of Quebec.
No. 8:	1708-09	Payments to naval officers at Brest, signed by Louis XIV.
No. 9:	1716	Minutes of Council of Marine, relating to Mexico and Louisiana, signed by the Prince de Bourbon and the Maréchal d'Estrées.
No. 10:	1718	Remarks on the Reigns of Henry IV, Louis XIII, and Louis XIV of France.
No. 11:	1718	Arrêt du Conseil d'Etat regarding the fur trade. (Printed.)
No. 12:	1722	Document signed by Lord Halifax.
No. 13:	1754	Donation to Canadian Missions by Mgr. Dosquet.
No. 14:	1755	Letter of Father Jacques Abgrall, on behalf of Récollet Mission of Ile Royale.
No. 15:	1756	Letter signed by Machault, Minister of Colonies.
No. 16:	1764	Letter of the King's Attorney to the Duc de Choiseul regarding accomplices of Bigot.
No. 17:	1764-66	Notarial record by David Allgeo.
No. 18:	1764	Letter signed by the Duc de Choiseul.
No. 19:	1766	Letter signed by Governor James Murray.
No. 20:	1766	Letter regarding an appeal to the King in Council from Quebec.

- No. 21: 1766 Letter signed by Governor James Murray.  
 No. 22: 1767 Dismissal of Appeal to Privy Council from Quebec.  
 No. 23: 1767 Report of the Privy Council recommending dismissal of Appeal.  
 No. 24: 1767 Letter from Quebec explaining delay in prosecuting Appeal.  
 No. 25: 1774 Autograph letter of the Comte de Rochambeau.  
 No. 26: 1775 License to John Comfort to keep a tavern in Montreal. (Printed.)  
 No. 27: 1778 Order of Governor Carleton authorizing payment of disbursements in the Indian Department.  
 No. 28: 1795 Letter signed by Edward, Duke of Kent. Refers to proposal that he should succeed Lord Dorchester.  
 No. 29: 1810 Letter from Andrew Stuart to John Neilson regarding an advertisement of Mr. Strachan.  
 No. 30: 1810 Receipt signed by Lieutenant General Forbes.  
 No. 31: 1815 1839 Pay-roll signed by Sir George Arthur.  
 No. 32: 1815 Letter of F. A. LaRocque (the fur-trader).  
 No. 33: 1818 Letter to Colonel de Salaberry regarding his badge as a Companion of the Bath.  
 No. 34: 1826 Letter of Abbé Chabouillez regarding ecclesiastical difficulties in Montreal.  
 No. 35: 1855-62 Letter Book from Office of the Clerk of the Legislative Assembly of Canada.  
 No. 36: 1857 Account Book of the Legislative Assembly of Canada.  
 No. 37: 1867 Autograph letter of Lord Monek, Governor General.  
 No. 38: 1884 Letter of E. Poirier to [Sir] Wilfrid Laurier.  
 No. 39: 1866 Letter of [Sir] Adolphe Chapleau.  
 No. 40: 1890 Autograph letter of the Marquess of Dufferin and Ava.  
 No. 41: 1890 Autograph letter of [Sir] Wilfred Grenfell.

## PORTFOLIO II

- No. 1: 1610 Geographia Praxis. Contains references to Canada and Virginia.  
 No. 2: 1532 Documents signed by Ponchier, officer of Francis I of France.  
 No. 3: 1568 Order for payment of money, signed by Charles IX of France.  
 No. 4: 1635-40 Grant by the Company of New France to François Lauzon.  
 No. 5: 1650 Document signed by Marguerite Mance, sister of Jeanne Mance.  
 No. 6: 1652 Autograph letter of Feuquière, Viceroy of New France.  
 No. 7: 1672 Autograph letter, with seal, of the Duchesse d'Aiguillon.  
 No. 8: 1672 Document relating to M. de Quaylus.  
 No. 9: 1675 Document signed by Colbert.  
 No. 10: 1680-1721 Memoires de Dangeau—Extracts by the Countess Delage.  
 No. 11: 1685 Geography by Du Quere.  
 No. 12: 1685 Recueil de plusieurs termes de finance, et de plusieurs comptes qui se rendent en la chambre des comptes à Paris. Includes several references to expenditures in Canada.  
 No. 13: 1686 Donation by Jeanne Leber.  
 No. 14: 1688 Deed signed by Comptroller Le Peletier for an annuity bought by the Hôtel Dieu, Montreal.  
 No. 15: 1688 Document relating to the Hôtel Dieu, Montreal.

- No. 16: 1689 Document signed by the Intendant Champigny.  
 No. 17: 1789 Document signed by Father Huet de la Valinière.  
 No. 18: 1690 Memoires sur les intérêts de la France.  
 No. 19: 1791 Document signed by the Superior of the Hôtel Dieu, Montreal.  
 No. 20: 1691 Letter of the [Intendant] Bégon.  
 No. 21: 1696 Document signed by Charles de Bresley, originator of the idea of the Lachine Canal. Countersigned by the Intendant Champigny.  
 No. 22: 1699 Notarial deed relating to the children of Jacques de St. Etienne de La Tour.  
 No. 23: 1709 Letter signed by Pontchartrain relating to missionaries in Canada.  
 No. 24: 1719 Original pastoral letter of Mgr. de Saint Vallier.  
 No. 25: 1620 An appointment by Louis XIII of France.  
 No. 26: 1720 Document relating to the Hôtel Dieu, Montreal.  
 No. 27: 1720 Document signed by Vachon de Belmont, Superior of St. Sulpice.  
 No. 28: 1746 Letter signed by D'Argenson, Minister of War.  
 No. 29: 1747 Letter from William Shirley, Governor of Massachusetts, to William Pitt.  
 No. 30: 1747 Bond by [General] James Murray.  
 No. 31: 1747 Declaration by [General] Murray regarding the bond.  
 No. 32: 1748 Statement of salaries in France.  
 No. 33: 1748-56 Papers from the Secretaries of State and the Board of Trade, *re* French encroachments in North America, delivered to the House of Lords.  
 No. 34: 1755 Letter signed by Machault, Colonial Minister.  
 No. 35: 1759 Letter signed by Berryer, Minister of Marine.  
 No. 36: 1762 Letter *re* garrison life in Montreal. (Incomplete.)  
 No. 37: 1764 List of goods bought by Governor Murray.  
 No. 38: 1764 Bill of sale of a state coach for the use of Governor Murray.  
 No. 39: 1764 Receipt from Governor Murray's coachman.  
 No. 40: 1765 Letter of exchange.  
 No. 41: 1765 Directions *re* planting horse-radishes.  
 No. 42: 1765 Letter of John Brown *re* draft in favour of Col. Haldimand.  
 No. 43: 1765 Document *re* the fur trade.  
 No. 44: 1766 Promissory note by Governor Murray.  
 No. 45: 1767 Receipt by Governor Murray.  
 No. 46: 1772 Letter of the Abbé de Résie.  
 No. 47: 1772 Autograph letter of the Comte de Rochambeau.  
 No. 48: 1773 Statement of account of the Congregation de Notre Dame, Montreal.  
 No. 49: 1774 Letter of the Abbé de Résie.  
 No. 50: 1774 Letter from the Abbé de l'Isle-Dieu.  
 No. 51: 1780 Geography by F. G. Thouret.  
 No. 52: 1792 Prospectus for a bank in Canada.  
 No. 53: 1794 Letter of Chief Justice Osgoode.  
 No. 54: 1820 Notes by John J. Bigsby (author of *The Shoe and Canoe*).  
 No. 55: 1826 Document signed by the Earl of Dalhousie.  
 No. 56: 1841 Blue Book of Nova Scotia.  
 No. 57: 1842 Blue Book of Nova Scotia.  
 No. 58: 1885 Autograph letter of the Marquess of Lorne.  
 No. 59: 1899 Autograph letter of the Marquess of Dufferin and Ava.

## ORIGINALS FROM MISCELLANEOUS SOURCES

- Lettre de noblesse de Nicholas Juchereau de Saint-Denys. 1692.  
 Indian Deed, dated 10 January, 1740.  
 Small collection of autograph letters from Montcalm, Lévis, Vaudreuil, Montreuil, and Lauzun; and an autograph letter from Bougainville to his son.  
 Letter to Holderness, probably from Loudon, dated at Halifax [1757?].  
 Letter from R. Townshend, dated at Louisburg, 28 August, [1758].  
 Wolfe's Orders and Journal of Expedition up the River St. Lawrence, 1759.  
 Copy of Wolfe's Journal, 1759.  
 Royal Warrant for payment for victualling British Forces in North America, 1759.  
 Gaol Delivery, Dutchess county, New York, 1760. From Sir Arthur Doughty. Report on the present state of Fort Pitt and posts depending, 24 December, 1760.  
 Letter from Vaudreuil to Duchesnay, 1764.  
 Miscellaneous Fraser Papers. (Included is a petition for a General Assembly, 1776, and a copy of the New York *Mercury*, 2 October, 1758.) From Mde Hector Prevost.  
 Autograph letter of Captain (afterwards Admiral Sir) Charles Douglas, and letter to him, signed H. H., at Quebec, 1776.  
 Land Grant in Clinton county, New York, 27 February, 1790.  
 Mr. Graham's opinion on Mr. Drummond's case as to distress for Quit Rent, 1794.  
 Will of Francis Glover, New Jersey, 25 June, 1796.  
 Manuscript, apparently in the handwriting of the Hon. W. D. Powell, relating to the early history of Upper Canada.  
 Commission of Charles Robinson as Captain in 72nd Regiment, 1804.  
 Commission of Thomas Wahab as hospital-mate, 1811.  
 Letter from Edward, Duke of Kent, to M. de Salaberry, 1812.  
 Warrant for payment of lighthouse expenses, York, U.C., 1820.  
 Petition from Huron Indians to Sir John Colborne, August, 1829.  
 Scrapbook of Henry S. Chapman, 1833-39. From Sir Frederick Chapman.  
 Collection of autograph letters of C. O. Perrault, Toussaint Peltier, L. H. La Fontaine, T. G. Brown, Wolfred Nelson, and Civil Secretary Wolcott.  
 Letter Book of the Lieut. Governor of New Brunswick, 26 October, 1839-8 April, 1841.  
 Challenge to duel, from Benjamin Street to Bolton Read, 25 September, 1839. From G. M. Matheson.  
 Ketchum Journals, 1842-88. From W. W. Ketchum.  
 Toronto and Lake Huron Railway Co.: Miscellaneous Papers.  
 Letter from William Barron, Upper Canada College, 1848.  
 Appointment of Alex. Macdougall as member of the Executive Council of Nova Scotia, 1849.  
 Proclamation by Governor Douglas, British Columbia, 1858.  
 Manuscripts of Mrs. Susanna Moodie.  
 The original MSS. of Dr. W. B. Cheadle's Journal of his trip across British North America, 1862-63, and of articles by Dr. Cheadle.  
 Letters relating to the Fenian Raids, 1866.  
 Letter of D. M. J. Hurley, 29 February, 1870.  
 Letter of L. A. Dessaulles, 1871.  
 Three letters of Charles Sangster, 1872, 1875, 1883.  
 Address to the Governor General from the people of Lethbridge, October, 1889, signed by C. A. Magrath, and His Excellency's reply. From Lieut. Colonel H. Willis O'Connor.  
 Collection of autographs. From W. H. Sandham.

- Papers of the Rt. Hon. Sir Gilbert Parker, Bart., including Letters Patent creating him Baronet, 21 June, 1915; grant of armorial bearings, 16 July, 1915; and certificate of his being sworn of the Privy Council, 27 June, 1916.
- Imperial Munitions Board Papers, 1919.
- Eleven letters to Mlle Hortense Cartier relating to her book *Le Centenaire Cartier*, 1928.
- Documents, printed and type-written, relating to the activities of the Imperial Order Daughters of the Empire, 1914-30.
- History of the Catholic Women's League of Canada, 1910-35, by Mrs. F. P. Coffey.
- Reunion of the North West Field Force of 1885 at Toronto, 1935.
- Historical sketch of Douro, Peterborough county, by the Rev. M. J. McGuire.
- Notes on Ottawa. From Dr. F. J. Audet.
- Essay on the Mickmak Language, by Thomas Wood.

G. T. HAMILTON

#### MAP AND CHART DIVISION

1 January—31 December, 1935

##### RESEARCH

During the year 152 requests for information were received, and 103 students and professional men consulted maps in the Map Division. Extensive searches were made in the interests of the Dominion and Provincial Governments for data and map material on the Ontario-Quebec Boundary, the limits of Toronto Harbour, the boundaries of counties and townships, and the location and extent of Ordnance Lands and water-lots.

Students and others conducting private research work in the Archives made more general use of maps. Every effort is made to place all the available material at the disposal of the student, and also to direct the searches of those making use of the maps.

Students from the University of Ottawa and St. Patrick's College, and from the Normal Schools and Collegiate Institutes of Ottawa, and others from North Bay, Montreal, and Quebec visited the Map Division in groups, and received instruction on the value and use of maps.

The Division supplied to inquirers 197 photostat copies and photographic prints.

##### ACCESSIONS

Among maps and plans in the following list that have special interest are those presented to the Public Archives by His Excellency Viscount Galway. The "Plan of the River and Bason of Annapolis Royal", 1741, is a manuscript plan mounted and framed, with the name "Honble Elizabeth Celia Monckton 1825" inscribed on the back of the frame. The "Soundings are set down at high water", and the "Divisional Line of each Man's Estate" is shown. In the left hand corner is a note, "In this River of Grand Nyjagon is a great Shad Fishery which is properly a Royalty but the Governour appoints it as a Publick Benefit."

The plan of Fort Venango and adjacent country is done in ink on medium-weight paper, and is about thirteen inches wide by twenty-four inches long. It is not signed, but bears a list of explanations, and a note that "Venango Fort is Situate on a Rising Piece of Ground in a Rich Bottom abounding with Clover, 60 yards West of the Ohio. Its N. & South Poligon is 45 yards and its E & West Poligon 37 yards the Bastion & Part of the Curtains are Built of Sapplins 8 inches thick and 13 feet in length set Stockade Fashion,

and part of the Curtains of hewed Timber laid length ways upon one another which also makes one side of the Barracks."

The Plan of Fort William Henry and adjacent country is a manuscript, in colours, about fourteen inches wide by sixteen inches long. It bears an explanation of the attack on the Fort by Montcalm in 1757.

#### ATLASES AND GEOGRAPHIES

Cosmographie In Four Books. Containing The Chorographie and Historie Of the Whole World, And all the Principal Kingdoms, Provinces, Seas, and Isles thereof. By Peter Heylen. The Second Edition. London. Printed for Henry Seile, and are to be sold at his Shop over against St. Dunstan's Church in Fleet Street, M.DC.LVII.

Taylor & Skinner's Survey and Maps of the Roads of North Britain, or Scotland. To His Grace John Duke of Argyll, Commander in Chief of His Majesty's Forces in North Britain &c. &c. &c. This Work is most humbly Inscribed by His Grace's most Obliged & very humble Servants. London. Publish'd for the Authors as the Act directs the 20th March, 1776.

The Edinburgh Geographical and Historical Atlas, comprehending a sketch of the history of Geography; a view of the principles of mathematical, physical, civil and political geography; an account of the geography, statistics, and history of each continent, state and kingdom, delineated, and a tabular view of the principal mountain chains in the world. Engraved on sixty-nine copperplates, and compiled from materials drawn from the newest and most authentic sources. Edinburgh: published by John Hamilton, 15, South St. Andrew Street, successor to Daniel Lizars; Whittaker, Treacher, & Co. Ava Maria Lane, London; and W. Curry Jun. & Co. Dublin. [The text and the maps are bound in separate volumes, bearing the signature of Andrew Smith, and a note "published in N<sup>o</sup> in years 1824 to 1830".]

System of Geography for the Use of Schools. Illustrated with more than Fifty Cerographic Maps and Numerous Wood-Cut Engravings. By Sidney E. Morse, A.M. New York: Published by Harper & Brothers, 329 & 331 Pearl Street, Franklin Square, 1859.

Lovell's General Geography, for the Use of Schools; With Numerous Maps, Illustrations, and Brief Tabular Views. By J. George Hodgins, LL.B., F.R.G.S. Revised edition: with entirely new maps and additional illustrations. Authorized by the Council of Public Instruction for Ontario. Montreal: Printed and published by John Lovell, St. Nicholas Street; and for sale at the bookstores, 1868.

The New Topographical Atlas of The Province of Ontario, Canada: Compiled from the Latest Official and General Maps and Surveys. Published by Miles & Co. Toronto, 1879. (Incomplete.)

A Primer of Map Geography. Compiled by Samuel Hughes and Jas. E. Dennis. W. J. Gage & Company, Toronto & Winnipeg. 1883.

The New Encyclopedic Atlas and Gazetteer of the World prepared and revised under the general supervision of William Potter and J. E. Homans (Third Edition Revised) P. F. Collier & Sons, publishers. New York, [1909].

Federal Electoral District Maps, according to the Representation Act of 1933. Five volumes: Nova Scotia, New Brunswick, and Prince Edward Island; Quebec; Ontario; Manitoba and Saskatchewan; British Columbia, Alberta, and Yukon.

#### MAPS AND PLANS

British North America. By Permission Dedicated to The Hon<sup>ble</sup> Hudsons Bay Company, Containing the latest information which their documents furnish By their Obedient Servant, J. Arrowsmith. 1832. Leggo & Co. Steam Lith. Montreal. Copied from Original and with latest Additions. (Photostat.)

Plans of Louisburg. Transcripts from the Archives des Colonies, Paris: Series C<sup>11</sup>A, Vol. 126:

No. 73. Profil coupé sur la ligne H, I, K, L de la face droit de la Tenaille de la Port Dauphine, 1756.

No. 74. Profil coupé sur la ligne AB, de la hauteur de la Justice. Profil sur la ligne CD, de la ditte hauteur, 1756.

No. 96. Plan du front de fortification d'entre le Bastion du Roy cotté, 3, celui de Dauphin cotté, 4, et la tenaille de la Port Dauphine, 1751.

No. 126. Coupée sur la ligne LM, dans le milieu de la face gauche de la grave cottée 7, au Plan. 1751.

Plan de la Ville d'Halifax dans la Nouvelle Ecosse. [1795-96]. (Photostat.)

A Plan of the River and Bason of Annapolis Royal in Nova Scotia 1741. (Original manuscript.)

Grand Manan Island. Adapted from British Admiralty Chart 2539 (Survey of 1855), U.S. Hydrographic Chart 1057 (Survey of 1886), and Canadian Geological Survey Map 259A (Issued in 1931). With the addition of many important features which have never before appeared on any Map. By Buchanan Charles. Grand Manan Historical Society, 1935. (Print.)

Débarquement de Jacques Cartier et des Colons Francais au Canada (1542). Carte de Vallard (1546) appartenant à la Huntington Library en Californie. From *L'Illustration*, Paris, 7 Juillet, 1934. (Print.)

Plans Profils et Elevations Du Palais Dans La Ville De Quebec 1722. Les feuilles volantes marquées CCC &c. Montrent comme le palais crête retable fait a quebec ce 28 Sep<sup>bre</sup> 1726. Chaussegros de Lery. Paris. Ministère des Colonies: D.F.C., No 409. (Manuscript.)

Maps of Lower and of Upper Canada. Z. Thompson, del. Entered according to Act of Provincial Legislature in the years 1835 and 1836 by Walton & Gaylord in the Clerk's Office of the Court of King's Bench, for the District of St. Francis. [Two maps folded to size 2½ x 3½ inches and bound in leather.] (Print.)

A Birds eye View of the river Niagara from Lake Erie to Lake Ontario shewing the situation and extent of Navy Island and the Towns and Villages on the banks of the river in Canada and the United States—with the situation of the Caroline Steamboat off Schlosser. From a Drawing by W. R. Callington, Engineer, Boston, from an Actual Survey made in 1837. Published by J. Robins, Bride Court, Fleet Street. (Print.)

Northwest Territories, showing Roman Catholic Dioceses. From "Missions de la Congrégation des Missionnaires Oblats", Tome Huitième, Paris. Typographie Hennuyer et Fils 1869. (Photostat.)

Saskatchewan South. Produced in co-operation with the Department of Natural Resources, Province of Saskatchewan. Prepared and printed at the Office of the Surveyor General, Ottawa, 1935.

General Plan of Fort Qu'Appelle 1867-1874. Also plan of the Fort built in 1867. From an original sketch by Isaac Cowie in Dec. 1910. (Tracing.)

Ground Plan of the Town Rapid City, Township of Flinn. N.W. Canada. C. J. Whellams, Del. Nov. 1878. [Also pamphlet issued by the Dominion Steamship Co. relating to the Little Saskatchewan Colony.] Enclosed in Whellams to Bishop of Rupert's Land, 19 Feb., 1879. (Photostat.)

Sketch Map British Columbia. Game Regulation Districts. Printed by Charles F. Banfield, Printer to the King's Most Excellent Majesty. Victoria, B.C., 1935. (Lithograph.)

Proposed Dioceses in British Columbia. Enclosed in Bishop of Columbia to Sec. S.P.G., 14 March, 1879. (Photostat.)

Map to accompany Report of Sup<sup>t</sup> S. B. Steele, Commanding the Detachment of Mounted Police in British Columbia. No date. (Lithograph.)

Stekin River. [Stikine River, B.C.] London. C.O.Lib.: Brit. Columbia, No. 8/4. No date. (Manuscript.)

Northern Boundary—British Columbia. Drawn by James Wyld, Geographer to the Queen, Charing Cross East, London. London, C.O.Lib.: British Columbia, No. 4. [1858]. (Manuscript.)

Plan of Route from New Westminster to Fountain in British Columbia by Lieut. H. S. Palmer, R.E. Lithographed at the Topographical Depot of the War Office. Col. H. James, R.E., Director, 1859. London, C.O.Lib.: Brit. Columbia, No. 8/1. (Manuscript.)

Sketch of Part of British Columbia By Lieut<sup>st</sup> R. C. Mayne, R.N. of H.M.S. Plumper, 1859. Lithographed at the Topographical Depot of the War Office. Col. H. James, R. E., Director. London, C.O.Lib.: Brit. Columbia, No. 8/2. (Manuscript.)

Sketch Of The Country Between Jervis Inlet & Port Pemberton, in British Columbia, by Lieut<sup>t</sup> Mayne, H.M.S. Plumper. 1860. Lith<sup>d</sup> & printed at the Topographical Dept., War Office, under the direction of Major A. C. Cooke, R.E. Col<sup>r</sup> Sir H. James, R.E., F.R.S., M.R.L.A. &c., Director. London, C.O.Lib.: Brit. Columbia, No. 8/3. (Manuscript.)

Thompson River District, British Columbia. From a Map in the possession of H. E. Gov. Douglas, C.B. made in 1835 by S. Black Esq., H. B. Company's Service. Drawn by R. Armstrong, R.E. Lithographed under the Direction of Capt<sup>s</sup> Parsons, R.E., New Westminster, July, 1861. By Order of Col. R. C. Moody, R.E. &c. Printed by W. Oldham, R.E. London, C.O.Lib.: Brit. Columbia, No. 8/5. [Also a copy numbered 8/5 Dup. bearing a note in ink, "The green and red lines show lines of existing trails and roads used by Packers and Miners."] (Manuscript.)

Bowles's New Travelling Map of England and Wales Exhibiting all the Direct and Principal Cross Roads: With the Distances in measured Miles. Printed by the Proprietor Carington Bowles. N<sup>o</sup> 69 in St. Pauls Church Yard, London. Published as the Act directs 2 Jany 1789. (Print.)

Map of United States, 1914. Oil and Gas Fields in 1916. Prepared under Supervision of John D. Northrop. Corrected to March, 1917. Dept. of the Interior. United States Geological Survey, George Otis Smith, Director. (Lithograph.)

A plan of Fort William Henry and the French Attack thereupon. [1757]. References and Explanation of the Attack. (Original manuscript.)

Pen and ink sketch of Fort Venango and the surrounding district, with a description of the location and of the fort, also list of references. [1760]. (Original manuscript.)

#### *Maps published by The Geological Survey of Canada*

Springhill, Nova Scotia. Surface Geology. Provinces of Nova Scotia and New Brunswick. Springhill Sheet. Geological Survey of Canada. Geo. M. Dawson, C.M.G., Director. 1895.

Province of Nova Scotia and Part of New Brunswick. Geol. & Natural History Survey of Canada. Alfred R. C. Selwyn, LL.D., F.R.S., Director, 1886.

Nova Scotia. Map of the Western Portion of Nova Scotia. Geological Survey of Canada. George M. Dawson, C.M.G., LL.D., Director. 1888.

*National Topographic Series, prepared by the Geographical Section of the General Staff, and published by the Department of National Defence, 1935*

Sheet 30 M/14, Province of Ontario, Markham.

Sheet 31 C, Province of Ontario, Belleville-Kingston District.

Sheet 31 H/5, Province of Quebec, Lachine.

Sheet 31 H/6, Province of Quebec, St. Johns.

Sheet 40 P/9, Province of Ontario, Guelph.

*National Topographic Series, compiled, drawn and printed at the Office of the Surveyor General, Ottawa, 1935*

- Sheet 26 I/W, Province of New Brunswick, Chipman.  
 Sheet 74 N, Province of Saskatchewan, Tazin Lake.  
 Sheet 74 O, Province of Saskatchewan, Fort-du-Lac.  
 Sheet 74 P, Province of Saskatchewan, Stony Rapids.

*Maps published by the Topographical Survey of Canada,  
 Department of Interior*

Dominion of Canada, South of Latitude 75°. 1935. Reproduced and printed at the Office of the Surveyor General, Ottawa, from Base Map engraved by the Geological Survey, Department of Mines. (Lithograph.)

North Pacific Ocean with adjacent countries. Compiled, drawn, and printed at the Office of the Surveyor General, Ottawa, 1935.

New Brunswick. Printed at the Office of the Surveyor General, Ottawa, 1935.

Maritime Provinces: Fredericton-Moncton. Compiled, drawn, and printed at the Office of the Surveyor General, Ottawa, 1935.

Province of Saskatchewan, Sectional Sheet No. 268. Carlton West of Third Meridian. Compiled, drawn, and printed at the Office of the Surveyor General, Ottawa, 1935, from surveys by the Topographical Survey of Canada, and from information supplied by Dominion and Provincial Departments, and by Railway Companies.

Waskesiu in Township 57 Range 1 West of the Third Meridian. Compiled, drawn, and printed at the Surveyor General's Office, Ottawa, 1935.

In addition to the above, twenty-five topographical maps of townships and plans of base lines in the Provinces of Manitoba, Alberta and Saskatchewan were received from the Topographical and Air Survey Bureau, Department of the Interior.

NORMAN FEE

### THE LIBRARY DIVISION

1 January—31 December, 1935

The activities of the Library Division, both in the accumulation of archival material and as a centre of research work, have been maintained throughout the year. Owing to the limitations imposed by the policy of economy purchases of books continued to be curtailed, yet the acquisitions were kept well up to the average of recent years, and important additions were made to the book and pamphlet collections.

As many current publications relating to Canada as the appropriation therefor would allow were acquired by purchase; a few others were presented. The accessions of books were 1,079. In addition, 200 items, either transferred from the main library or otherwise acquired, were listed in the Pamphlet Section, bringing this important collection of pamphlet material, ranging from early to contemporary publications, close to the 11,000 mark.

Revision of the Library catalogue proceeded, the number of cards typed therefor being 4,740. In the course of reclassification the re-arrangement of certain of the shelves was undertaken. For the catalogue of the daily and weekly newspapers and periodicals 9,880 items were compiled. When the typing can be overtaken these will be permanently filed on the regulation cards. During the year 1,203 volumes were sent to the Bindery for binding, renewal, or repair.

The number of items issued to members of the staff and others in pursuit of investigations and studies exceeded 8,000. Assistance was also given in more than 100 inquiries in person or by letter.

The attention presently devoted to economic and social questions, international relations and constitutional problems, has served to emphasize the importance of the large and comprehensive collection of Canadian newspapers deposited in the Archives. The value of this collection as a source of information bearing on such questions of timely interest as Reciprocity, Intra-Imperial and foreign trade, Imperial, International and Provincial relations and constitutional changes, is being more widely recognized from year to year, and inquiries from many quarters, made in person or through correspondence, have been directed to the examination of the files respecting discussions on these and kindred questions as reported in the press of the day.

Similarly the Legislative Journals of the original Assemblies of Nova Scotia, New Brunswick, Lower and Upper Canada, before Confederation, continue to be much in demand not only by students pursuing private researches, but by departmental officers of the Government, and by lawyers engaged in inquiries or litigation on behalf of public and private authorities and clients. Information is sought from, and in most cases found in, these Journals touching matters such as county and municipal organization, township and district boundaries, Indian Reserves, watercourses, origins of place names, as well as on other matters in which legal issues are involved. On occasion the resources of the Archives supply a determining element in the evidence adduced in trials in the courts. There is an increasing demand from all sections of the Dominion for this kind of service afforded through the Library Division.

Presentations of printed materials included collections from: Sir Arthur G. Doughty, the estate of William Smith, Dr. Jas. Bonar, Miss Margaret J. Smith, the Department of Marine, and the Secretary of State, comprising historical works, text and reference books, statutes, treaties, reports of commissions, and pamphlets.

A. F. MACDONALD

#### BINDERY DIVISION

12 December, 1934—31 December, 1935

Printed volumes bound .....	1,177 vols.
Printed volumes in various stages of binding .....	383 "
Printed volumes repaired .....	26 "
Manuscripts (approximately 21,400) repaired and bound into....	107 "
Manuscripts (approximately 10,800) in hand for repairs and binding .....	54 "
Archives Reports re-covered with Manila .....	1,296 "
Portfolios (large) made .....	9
Maps and pictures mounted on cotton.....	278
Photostat maps assembled .....	229
Tag folders for filing made.....	1,315
Linen Record paper cut for filing.....	550 sheets
Linen Record paper reinforced and cut for filing.....	410 "
Mailing boards cut to size.....	315

JOHN B. NOBLE

#### PHOTOGRAPHIC DIVISION

19 December, 1934—17 December, 1935

Photograph negatives.....	239
Photograph prints.....	529
Photostat prints.....	10,501

O. ST. AMOUR

## DONATIONS, 1935

(The following list does not include reports, periodicals and other current publications, whether received in exchange or otherwise, nor records transferred from other branches of the Federal Government. For these, however, as well as for the gifts more particularly described below, the thanks of the Department are gratefully offered.)

- Adeane, Captain M. E.: Sketchbook of Views in America, 1859, by Charlotte Smith.
- Agra and Oudh, The Government of the United Provinces of: British flag from the Residency at Lucknow.
- Altenborough, Stanley J.: Reunion of the North West Field Force of 1885 at Toronto, 1935. (Typescript.)
- Arlidge, J. A. R.: Portrait of J. Churchill Arlidge. (Print.)
- Bank of Canada, The Deputy Governor of the: Specimens of all currency notes of the Bank of Canada, English and French series.  
The first one-dollar notes issued, English and French.
- Belloy, Comte Henri de: Views of France. Ten post-cards.
- Bessborough, Their Excellencies the Earl and the Countess of: Photograph portraits, signed.
- Brown, Mrs. Robert: Portrait of James Mather. (Photograph.)  
Bronze medal commemorating the arrival in Canada of H. R. H. the Duke of Connaught.
- Buchanan, A. W. P.: Family papers. (Photostats.)
- Bundy, Mrs. Freda: Plaque, apparently similar to the La Vérendrye plaque found at Pierre, South Dakota, in 1913.
- Burns, The Rev. J. E.: *The Evening Mail*, Halifax, 11 February, 1899.
- Campbell, The Misses, through Dr. C. Laidlaw: *The Canadian Monthly and National Review*. Eleven numbers, 1876.
- Campbell, Mrs. Colin H., O.B.E.: *Canadian Champion*, Milton, Ont., 22 August, 1935. (Letter on the early history of Halton county.)
- Cauchon, Noulan (since deceased): Lettre de noblesse de Nicholas Juchereau de Saint-Denis, 1692.  
Letter, Vaudreuil to Duchesnay, 1764.  
Wolfe's Orders and Journal of Expedition up the River St. Lawrence, 1759.  
Letter, H. R. H. Edward, Duke of Kent, to M. de Salaberry, 1812.
- Chart, Dr. D. A., Deputy Keeper of the Records of Northern Ireland: Transcript of Lists of Emigrants from County Londonderry, 1833-35.
- Cheadle, W. W., Estate of: Four volumes, the original manuscript diary of Dr. W. B. Cheadle in the Milton-Cheadle Overland Expedition, 1862-63, and other manuscripts by him.  
Three water-colour views of Fort Yale, Victoria, and Pavilion Mountain.  
Sixteen framed engravings, being illustrations to *The North West Passage by Land*, by Milton and Cheadle. [1865.]  
Many relics of the Milton-Cheadle Expedition.  
*A Sketch of an Overland Route to British Columbia*, by Henry Youle Hind. (Toronto: 1862.)
- Coffey, Miss Agnes: A Bibliography of the Hon. Thos. D'Arcy McGee. (Typescript.)
- Coffey, Mrs. F. P.: History of the Catholic Women's League of Canada, 1910-35. (Typescript.)
- College of Arms of the Noblesse, Inc.: Copy of coat-of-arms of Sales La Terrière. (Photostat.)
- Collier, F. C.: View of the North-West Arm, Halifax. (Photograph.)
- Constantine, Major General C. F.: Photograph of the hull of the *Chicora*.
- Coots, G. G., M.P.: Poster of the Associated Charities of Montreal.
- Cowan, C. G.: Panorama view of Montreal. (Engraving.)

- Doughty, Sir Arthur G., K.B.E., C.M.G., Dominion Archivist Emeritus: A large collection, amounting to over one hundred items, of books, pamphlets, periodicals, maps, pictures, manuscripts, etc.
- Ducharme, Mme Ochille: Portrait of the Hon. J. Israel Tarte. (Painting in oils.)
- Electoral Officer, The Chief: Five Electoral Atlases, prepared according to the Representation Act, 1933.
- Fisher, Fred M.: *The Queen's Own Rifles of Canada*, by Captain E. J. Chambers. (Toronto: 1901.)
- North-West Field Force Re-Union—50th Anniversary Souvenir July 26, 27, and 28, 1935.*
- Foran, Mrs. T. P.: Indian bead work.
- Galway, His Excellency Viscount: Plan of the River and Bason of Annapolis Royal, 1741. (Original MS.)
- Plan of Fort William Henry and the French Attack thereupon. (Original MS.)
- Plan of Fort Venango. (Original MS.)
- Report on Fort Pitt, etc., 1760. (Original MS.)
- Bird's-eye view of the River Niagara. Survey of 1837. (Print.)
- Gear, Son and Co.: Imperial Munitions Board Papers.
- Geggie, Stuart: Grape-shot found at Prince of Wales Fort, Churchill.
- Gorham, R. P.: *Fredericton The Capital of New Brunswick 150th Anniversary 1785-1935.*
- Greenwood, The Rev. Walter R.: *History of Freeport, Nova Scotia, 1784-1934.*
- Hagglund, L. F.: Two photographs of the salvaged gondola *Philadelphia* used by the Continental naval forces on Lake Champlain, 1777.
- Halkett, Miss Margaret: Portraits of John, Julia and Marion Johnston. (Photographs.)
- A Primer of Map Geography*, by Samuel Hughes and James E. Dennis. (Toronto & Winnipeg: 1883.)
- Six maps, 1882-1916.
- Hathaway, Mrs. E. J.: *A Catalogue of the Rufus Hathaway Collection of Canadian Literature.* (Fredericton: 1935.)
- Hayes, A. O.: *A Sketch of the Life of Captain John Savage, J. P., first settler in Shefford County 1792. Also The Early History of St. John's Church, West Shefford, Quebec, 1821-1921*, by M. O. Vaudry. [1921.]
- Honduras, His Lordship the Bishop of: The seal of Bishop Dunn of Quebec.
- Jarvis, Æmilius: Portraits of J. H. Cameron, R. L. Casson, P. J. O. Chauveau, Joseph Howe, L. J. Papineau, and Thomas Talbot. (Photographs.)
- Lett, Mrs. R. C. W.: *The Dominion Illustrated*, 1888-91. 154 numbers.
- Lough, J. M.: *The London Times*, 7 November, 1805.
- Magrath, C. A.: Portrait of the Baroness Burdett-Coutts. (Photograph.)
- Mereweather, Mrs. George: The Prince of Wales and Family. Print by Currier and Ives.
- Mint, The Royal Canadian, The Governor of: Specimen silver dollar commemorating the twenty-fifth year of the reign of Their Majesties King George V and Queen Mary.
- Muggah, S. E.: *Official Programme Sydney's 150th Anniversary 1785-1935.*
- McCoy, Mrs. E. S.: Bronze medal commemorating the opening of the Victoria Bridge, Montreal, 1860.
- Bronze and silver medals awarded for wheat-growing.
- Macdonald, Lady: Many articles associated with Sir John A. Macdonald and Sir Hugh John Macdonald, including thirteen portraits, one landscape, a photograph album, and pieces of jewelry and silverware.
- Macdougall, Mrs. Mary Adelaide, Estate of: Two Confederation medals.
- McGuire, The Hon. W. H.: Historical sketch of Douro, Peterborough county, by the Rev. M. J. McGuire. (Typescript.)

- McMurtrie, C. Douglas: *The Royalist Printers at Shelburne, Nova Scotia.* (Chicago: 1933.)
- McNaughton, Major General A. G. L.: View of the departure of the First Canadian Contingent in the Great War, with Sir Sam Hughes in foreground. (Photograph.)
- McRae, J. B.: *Picturesque America*, parts 1-24. (New York: 1872-74.)  
*Master-Pieces of German Art.* (Philadelphia: 1884.)  
*Master-Pieces of Italian Art.* (Philadelphia: 1886.)  
*Memoirs of the Rise and Progress of the Royal Navy*, by Charles Derrick. (London: 1806.)  
*McGill University Magazine*, 1902-20. Sixty-one numbers.  
*The New Encyclopedic Atlas and Gazetteer of the World.* (New York: 1909.)  
*The New Topographical Atlas of the Province of Ontario.* (Toronto: 1879.)
- Ormston, W. J.: *The Ormistons of that Ilk.* (1933.)
- Phipps, Sir Edmund: Papers relating to the Fenian troubles on the Canadian borders in 1866. (Original MS and typewritten copies.)
- Pouliot, Jean François, K.C., M.P.: Papers relating to Unemployment in Canada.
- Prevost, Mme Hector: Miscellaneous Fraser Papers.
- Public Printing and Stationery, Department of: A large collection of Directories, Lists, Almanacs, etc.
- Pullen, E. F.: Vice-Admiral W. J. S. Pullen's account of his boat-journey in search of Sir John Franklin, copied from his pamphlets. (Typescript.)
- Reeves, James: Speech of Wm. Donnelly, Reeve of the Township of Head, delivered at Arnprior 26 June, 1864, in reply to James Bonfield, Reeve of the Township of Grattan. (Typescript.)
- Reid, R. S.: *The Sphere*, 21 and 28 May, 1910.  
 Portrait of His Excellency Lord Stanley of Preston. (Photograph.)
- Rochester, A. M. Stewart: Photograph of memorial tablet to the Rev. René Menard.
- Rogers, Mrs. A. F.: Show-case.
- Rome, D.: Letter from Masonic Lodge 1085 to Jewish Synagogue, Victoria, B.C. (Transcript.)
- Sandham, W. H.: Collection of autographs.
- Smith, Miss Margaret J.: Sixty-seven items, including Navy Lists, early Parliamentary Companions, etc.  
 View of Main Street, Winnipeg, 1892. (Print.)  
*Plans of the Roads and Cross Roads in Scotland.* (London: 1776.)  
*Lizar's Edinburgh Atlas.* (Edinburgh: Published in numbers, 1824-30.)  
*The Edinburgh Geographical and Historical Atlas.* (Edinburgh: Published in numbers, 1824-30.)  
*System of Geography for the Use of Schools*, by Sidney E. Morse. (New York: 1859.)  
*Lovell's General Geography for the Use of Schools*, by J. George Hodgins. (Montreal: 1868.)
- Bowles' New Travelling Map of England and Wales. (London: 1789.)
- Spencer, H. E., M.P.: *The Black Dwarf*. An extra number containing the last public legacy of Major Cartwright to the Reformers, Monday, 23 March, 1818. [London, England.]
- State, Department of the Secretary of, Library of: A large collection of early Statutes, Law Books and other official publications.
- State, The Under Secretary of: Two King George V and Queen Mary Silver Jubilee medals.
- Tompkins, Dr. S. R.: *The Dyea Press*, Dyea, Alaska, Vol. I, No. 7, 9 April, 1898.
- Verreault, The Rev. George, O.M.I.: Map of the North-West Territories, showing Roman Catholic Dioceses, [1869]. (Photostat.)

- Wagar, A.: A Few Letters about the Weger-Weegar-Wager-Wagar Family and the spelling of its name. 1934.
- Webster, Dr. J. C.: Portraits of General James Grant, the Earl of Dundonald, Sam Vetch, Mrs. S. Vetch, George Stacey Smyth, and General Samuel Waldo. (Photographs.)  
The Founding of Sydney, 1785. (Print.)
- Wilson, A. W.: Relics of Louis Riel, and documents relating to the Insurrection of 1885.

The first of these was the discovery of gold in California in 1848. This discovery led to a great influx of people to California and to the establishment of the state of California in 1850. The second was the discovery of gold in Nevada in 1859. This discovery led to a great influx of people to Nevada and to the establishment of the state of Nevada in 1864. The third was the discovery of gold in Colorado in 1858. This discovery led to a great influx of people to Colorado and to the establishment of the state of Colorado in 1876.

The fourth was the discovery of gold in Idaho in 1860. This discovery led to a great influx of people to Idaho and to the establishment of the state of Idaho in 1890. The fifth was the discovery of gold in Montana in 1862. This discovery led to a great influx of people to Montana and to the establishment of the state of Montana in 1889. The sixth was the discovery of gold in Wyoming in 1869. This discovery led to a great influx of people to Wyoming and to the establishment of the state of Wyoming in 1890.

The seventh was the discovery of gold in Utah in 1863. This discovery led to a great influx of people to Utah and to the establishment of the state of Utah in 1896. The eighth was the discovery of gold in Arizona in 1863. This discovery led to a great influx of people to Arizona and to the establishment of the state of Arizona in 1909. The ninth was the discovery of gold in New Mexico in 1861. This discovery led to a great influx of people to New Mexico and to the establishment of the state of New Mexico in 1906.

The tenth was the discovery of gold in Texas in 1845. This discovery led to a great influx of people to Texas and to the establishment of the state of Texas in 1845. The eleventh was the discovery of gold in Florida in 1822. This discovery led to a great influx of people to Florida and to the establishment of the state of Florida in 1845. The twelfth was the discovery of gold in Louisiana in 1804. This discovery led to a great influx of people to Louisiana and to the establishment of the state of Louisiana in 1812.

The thirteenth was the discovery of gold in Mississippi in 1821. This discovery led to a great influx of people to Mississippi and to the establishment of the state of Mississippi in 1821. The fourteenth was the discovery of gold in Alabama in 1828. This discovery led to a great influx of people to Alabama and to the establishment of the state of Alabama in 1819. The fifteenth was the discovery of gold in Georgia in 1829. This discovery led to a great influx of people to Georgia and to the establishment of the state of Georgia in 1788.

The sixteenth was the discovery of gold in South Carolina in 1823. This discovery led to a great influx of people to South Carolina and to the establishment of the state of South Carolina in 1776. The seventeenth was the discovery of gold in North Carolina in 1827. This discovery led to a great influx of people to North Carolina and to the establishment of the state of North Carolina in 1776. The eighteenth was the discovery of gold in Virginia in 1820. This discovery led to a great influx of people to Virginia and to the establishment of the state of Virginia in 1776.

APPENDIX

Calendar of State Papers Addressed by the Secretaries  
of State for the Colonies to the Lieutenant Governors  
or Officers Administering the Government of the  
Province of Upper Canada, 1821-1835

*(A continuation of the Calendar for 1796-1820 which appeared in  
the Annual Report for 1933)*

G. 60 (1821-1824)

**1821**  
Downing St.,  
Jan. 2.

Bathurst to Maitland. (Duplicate.) Stating that Commissioners of the Treasury, having before them Lieut. Governor's despatch of March 7, had authorized issue of £9,154-17-4 in satisfaction of claims mentioned. p. 1

Enclosure:—

**1820**  
Treasury  
Chambers,  
Dec. 27.

Harrison to Goulburn. (Copy.) Commissioners of the Treasury have authorized payment of claims for damages sustained during war with the United States. p. 2

**1821**  
Downing St.,  
July 23.

Bathurst to Maitland. Transmitting copy of Order in Council of June 9, confirming Provincial Act, passed November 1818, "to authorize the Enquiry and Trial of Crimes and Offences committed within the Province without the limits of any described Township or County to be had in any district thereof". (No enclosure.) p. 4

Downing St.,  
July 27.

Goulburn to Maitland. Transmitting memorial from John Martin, late Major of 99th Regiment, and conveying authority to make grant of land equal to what he would receive had he remained with regiment in Canada on its being disbanded. p. 5

Enclosure:—

Memorial of John Martin. (Copy.)

**1822**  
Downing St.,  
Jan. 14.

Bathurst to Maitland. With reference to despatch of May 10 transmitting joint address of both Houses of Legislature praying that half-pay be allowed to officers and staff of late Incorporated Battalion of Militia, as was done in case of Voltigeurs of Lower Canada, observes that circumstances were dissimilar. The Voltigeurs was a Fencible corps raised under regular conditions according to which every officer was required to raise his quota of men, and for a more extended service; the other, the local constitutional corps of the province, whose services could have been demanded, if they had not been volunteered by a certain proportion of the number. Upon this principle, compliance with address could not be recommended, and "not from any forgetfulness of the gallant conduct of the corps in question". p. 9

Downing St.,  
Feb. 12.

Bathurst to Maitland. Transmitting copy of Act 1 & 2 Geo. IV, cap. 66, "for regulating the Fur Trade and establishing a Criminal and Civil Jurisdiction within certain parts of North America"; and stating that an instrument had been prepared granting to the "Governor and Company of Adventurers of England trading to Hudson's Bay" and the "North West Company of Montreal" the monopoly of trading in the western country for 21 years, the same to be carried on in the name of the H.B. Co. p. 11

Enclosure:—

Printed copy of the Act, 1 & 2 Geo. IV, cap. 66. p. 391

**1821**  
July 2.

**1822**  
Downing St.,  
Feb. 14.

R. Wilmot to Maitland. Conveying authority to grant land to Thomas Alexander Stewart and Robert Reid who are going to settle in Upper Canada. p. 13

Downing St.,  
Feb. 14.

Wilmot to Maitland. Introducing Mr. Stewart and Mr. Reid, and requesting favourable consideration for them. p. 14

Bathurst to Maitland. Transmitting Order in Council (Jan. 17) disallowing Provincial Act, passed April 1821, "to establish a Provincial Bank, under the Style and Title of the President Directors and Company of the Bank of Upper Canada", which accompanied despatch No. 25 of May 12 last. (No enclosure.) p. 15

1822  
Downing St.,  
Feb. 28.

Bathurst to Maitland. Acknowledging despatch No. 37 transmitting proceedings of Commissioners of Upper and Lower Canada relative to division of duties, and stating that bill would be submitted to Parliament to regulate the proportion of duties collected at Quebec to which each province would be entitled. Encloses letter from Treasury on subject. (No enclosure.) p. 16

Downing St.,  
March 5.

Wilmot to Maitland. Conveying authority to grant land to Lieut. Bell, R.N., proceeding to Canada as settler. p. 18

Downing St.,  
March.

Bathurst to Maitland. Transmitting form on which to set out financial statement and explaining its details. (No enclosure.) p. 19

Downing St.,  
March 20.

Copy of preceding despatch. (Circular.) p. 24

Downing St.,  
March 31.

Second copy of preceding despatch. (Circular.) p. 35

Downing St.,  
March.

Bathurst to Maitland. Stating that inconvenience had arisen from notion entertained by governors and administrators that during absence or at end of their term they were at liberty to take with them the correspondence they had had with Colonial Secretary; and conveying instructions that all such correspondence should be carefully filed, and handed over to successor. p. 37

Downing St.,  
April 2.

Bathurst to Maitland. Acknowledging despatch of Jan. 23, and expressing approval of reduction of land fees in case of settlers in country between Lake Simcoe and Ottawa River. p. 39

Downing St.,  
April 4.

Bathurst to Maitland. Acknowledging despatch of Jan. 24, and stating that no objection appears to exist to the bill giving salary to Receiver General in lieu of poundage. p. 40

Downing St.,  
April 4.

Wilmot to Maitland. Transmitting certain correspondence respecting culture of hemp, from which it would be seen that instructions were given for the purchase of this article for the Navy in the province, and for the Dock Yards in England, the latter to extent of one-fourth of requirements, provided quality and price were satisfactory. p. 41

Downing St.,  
April 10.

Enclosures:—

(1) Wilmot to Croker. (Copy.) Stating that it is considered by H.M.'s Government of importance to afford every encouragement to the production of hemp in Canada, and submitting the expediency of giving instructions for the purchase of this hemp for the use of the Navy there; raising the question of the desirability of purchasing it for the Dock Yards in England. p. 43

Colonial  
Office,  
April 3.

(2) Barrow to Wilmot. (Copy.) Acknowledging despatch of April 3, and stating that directions have been given for purchase of

Admiralty  
Office,  
April 10.

- 1822 Canadian hemp for use in the Navy there, if quality and price are satisfactory; also for Dock Yards in England, to the extent of one-fourth the annual consumption. p. 45  
(3) Memo. on the purchase of hemp produced in Upper Canada. p. 47
- Downing St., Bathurst to Maitland. Expressing hope that decision of Home  
April 15. Government respecting claims for losses, etc. in Upper Canada may be communicated in short time. p. 49
- Downing St., Wilmot to Maitland. Transmitting copy of petition from Major  
June 7. Powell, of 76th Regiment, for grant of land, including two small islands in the St. Lawrence, and conveying authority to make grant, to include the islands if no objection is found. p. 50
- Enclosure:—
- Prescott, U.C., Petition of Major Powell of 76th Regiment. (Copy.) p. 51  
April 8.
- Downing St., Bathurst to Maitland. Acknowledging despatch of March 11,  
June 10. and expressing approval of his having issued patents to persons mentioned for lands granted to them from Crown Reserves by former governor. p. 54
- Downing St., Bathurst to Maitland. Acknowledging despatch (private) of  
June 11. April 8, and stating that Dr. Strachan need have no apprehensions on account of statements made by Chief Justice Powell, as the latter had confined his representations to a claim for arrears of salary for services in years between 1797 and 1799. After review of facts, authority was given to meet the claim if funds were available. p. 55
- Downing St., Wilmot to Maitland. Introducing a Mr. Brooke who desires to  
June 12. settle in Upper Canada with family. p. 59
- Downing St., Bathurst to Maitland. Stating with reference to claims for losses  
June 12. sustained during war with United States, that authority was given for raising loan of £100,000, half the interest of which (£2,500 per annum) would be guaranteed by British Government, the claims to be adjudicated upon by a commission to be appointed by Provincial Government. If amount stated proved insufficient further loan might be raised on same terms. Subject should be submitted to Legislature. p. 61
- Downing St., Bathurst to Maitland. Acknowledging despatch of March 19,  
July 4. and stating that Government fully recognized importance of line of communication between Lake Simcoe and eastern parts of province, but could not assist in its construction. Subject would be proper one for consideration of United Legislature if such should be established. p. 63
- Downing St., Bathurst to Maitland. Acknowledging despatch of March 18,  
July 5. and expressing regret that grant of land could not be made to Rev. Alex' Maedonell, for services as chaplain to militia during late war, but approving of moderate grant being made to him as reward for his loyalty and active exertions. p. 65
- Downing St., Bathurst to Maitland. With reference to his (Bathurst's) des-  
July 12. patch of Sept. 28 last, with copy of letter addressed to Messrs. Kerr and Brant on claim of the Five Nations Indians to tract six miles in depth on both sides of Grand River from source to mouth, now

transmits copy of letter from these gentlemen in which this claim was relinquished on condition of Indians receiving grant in fee simple of undisputed land on Grand River. In compliance with assurance given to these gentlemen, directs that the Indian Nations be given a fee simple right to the lands occupied by them on Grand River.

1822

p. 66

## Enclosures:—

(1) Robt. J. Kerr and John Brant to Wilmot. (Copy.) Relinquishing claim to the disputed district on condition of receiving grant in fee simple of undisputed land on Grand River.

3 Francis St.,  
Bedford  
Square,  
p. 65  
April 25.

(2) Wilmot to Kerr and Brant. (Copy.) Stating that the Lieutenant Governor will be authorized to give the Indian Nations a fee simple right to lands occupied by them on the Grand River.

Downing St.,  
April 26.  
p. 70

Wilmot to Maitland. Informing him that Mr. Small's leave of absence has been renewed for nine months.

Downing St.,  
July 12.  
p. 72

Bathurst to Maitland. (Circular.) Transmitting General Order respecting salutes which certain public functionaries were entitled to receive from H.M.'s forts, garrisons and batteries.

Downing St.,  
Aug. 1.  
p. 73

## Enclosure:—

Printed copy of the Order (No. 395).

p. 398  
Horse Guards,  
June 3.

Bathurst to Maitland. Transmitting copy of Act "to regulate the Trade of the Provinces of Lower and Upper Canada, and for other purposes relating to the said Provinces", passed in last session.

Downing St.,  
Aug. 10.  
p. 74

## Enclosure:—

Printed copy of the Act, 3 Geo. IV, cap. 45.

p. 399  
July 24.

Bathurst to Maitland. Dealing with subjects brought to his attention in memorandum presented by Attorney General Robinson. Approval given to proposition to open road through those parts of Crown Reserves in Haldimand County which intervene between settled tracts, and authority given to grant 50-acre lots on accustomed condition of making and maintaining road. If Assembly should ask for account in detail of expenditure of monies levied under 14 Geo. III, request should not be complied with until Colonial Secretary, being informed of reasons for request, gives instructions regarding it. Agreement expressed as to inexpediency of granting salaries to clergymen not of Established Church of England or of Scotland. Gentlemen referred to in memorandum were recommended by principal members of Edinburgh Presbytery.

Downing St.,  
Oct. 12.

Directions had been given to pay £300 voted by Parliament for maintenance of three Catholic schoolmasters to Rev. Alex' Macdonell to be distributed as he deems best. Recommendation that Deputy Postmaster General should be appointed for Upper Canada was referred to Postmaster General; also the suggestion that Government Gazette should be allowed to pass through Provincial Post Office free of postage. No communication appears to have been made to Gore relative to organization of Court of Chancery. Recommendation respecting sale of portion of Clergy Reserves in order to establish schools on the National system of education, dealt with separately.

p. 75

1822  
Downing St.,  
Oct. 12.

Bathurst to Maitland. Acknowledging despatch No. 65. Authority given for remission of fees to Col. Talbot on certain grants of land on clear understanding that the remission was allowed as a matter of grace and not of strict right; and for further grant of 2,500 acres in compensation for lands of same quantity bestowed by him on Highlanders. Authority also given for appropriation for support of schools on National plan of education from lands allocated for university. Care to be taken not to endanger ultimate interests of university. Allotment of Bibles and Prayer Books will be sent on requisition. Respecting sale of part of University Reserves for purposes of cultivation and concentration, the proceeds to be applied to same purposes, this matter is left to Lieut. Governor's careful discretion. Talbot who desired the same concession in his own district, estimated the value of those reserves at from £30,000 to £40,000. With respect to location of Crown and Clergy Reserves, established principle to be followed, unless there are manifest reasons for other course. Care should be taken to enforce in all grants of lands the condition that titles should depend upon performance of preliminary duties. p. 78

Downing St.,  
Oct. 24.

Bathurst to Maitland. Transmitting Order in Council of Sept. 16, confirming an Act, passed March 1821, "relative to the right of Tythes within this Province", which had been laid before two Houses of Parliament. (No enclosure.) p. 82

Downing St.,  
Nov. 10.

Wilmot to Maitland. Transmitting copy of letter from Mr. Mends, Naval Store Keeper at Kingston, and conveying authority to make grant of land to him on reduced scale of fees paid by his predecessor, unless some objection exists. p. 83

Enclosure:—

Kingston,  
Aug. 10.

M. B. Mends to Wilmot. (Copy.) Asking that reduced scale of fees paid by his predecessor be observed in his case on grant made to him. p. 84

Downing St.,  
Nov. 10.

Bathurst to Maitland. Acknowledging despatch of July 30, and conveying approval of purchase of 200 acres for £450 for town site on east shore of Lake Simcoe. p. 87

Downing St.,  
Dec. 6.

Bathurst to Maitland. Stating, with reference to discussion in Assembly, and to a communication from Mr. Robinson, that Postmaster General would readily acquiesce in appointment of separate Deputy for Upper Canada. As position would require officer of experience, Postmaster General suggests appointment of Postmaster of York or Kingston. This officer, if appointed, would be required to make thorough examination of service, and report results to Postmaster General. There seems to be some doubt as to whether expenses of service did not exceed revenues. Increases lately made in Upper Canada service had not been met by corresponding increase in revenue. p. 88

Downing St.,  
Dec. 6.

Bathurst to Maitland. Acknowledging despatch of March 20, and sanctioning, if Maitland approve, recommendation of Executive Council that Thomas Smith, a deputy surveyor, be granted 800 acres of land, on four magistrates' certificates in favour of a discharged

soldier and three seamen. Points out objectionable character of such transaction between surveyor and grantees of location tickets. **1822**  
p. 90

Bathurst to Maitland. Acknowledging despatch of July 23, with letter from Deputy Q.M.G. relative to an island in township of Burgess granted erroneously to Lieut. Gray, a reduced officer of 104th Regiment; and authorizing, since Gray had made improvements on island and could not be held responsible for error, that patent be made out to him. **1822**  
Downing St., Dec. 6.  
p. 92

Wilmot to Maitland. Stating that, after further consideration, Colonial Secretary could not see his way to recommending free passage through mails of Government Gazette, in preference to other newspapers. **1822**  
Downing St., Dec. 7.  
p. 93

Bathurst to Maitland. Acknowledging despatch of June 3 on subject of discontinuance by Commander of Forces of establishments on Rideau River, and sanctioning recommendation that advantages offered by Military Settlements should be extended to settlers on projected line of road between Ottawa River and Lake Simcoe, but for two years only. **1822**  
Downing St., Dec. 7.  
p. 95

Bathurst to Maitland. Acknowledging despatch of July 24, and expressing regret at inability to comply with memorial from Rev. John Barclay, Presbyterian minister at Kingston, for annual allowance. **1822**  
Downing St., Dec. 7.  
p. 96

Wilmot to Maitland. Transmitting a memorial from a Mr. James Roch, formerly an army officer, making claim for services and losses during late war, amounting to £2,000; and requesting that Roch may receive grant of land proportioned to his ability to cultivate it. (No enclosure.) **1822**  
Downing St., Dec. 17.  
p. 97

Bathurst to Maitland. Stating that the King had been pleased to order that payment be made at once of war losses sustained during war with United States at the rate of five shillings in the pound, according to valuation made by first commission. Errors discovered in later inquiries could be corrected afterwards. The King's gracious intentions should be made known throughout province. **1823**  
Downing St., Jan. 13.  
p. 98

Wilmot to Maitland. Stating that leave of absence to Mr. Small, Clerk of Executive Council and Clerk of Crown, had been extended for six months. **1823**  
Downing St., Jan. 31.  
p. 102

Bathurst to Maitland. Referring to his despatch of Jan. 13, respecting the payment of war losses, states that the terms of that arrangement are cancelled by fact that Galt, agent for claimants, was unable to raise loan of £100,000 on terms agreed to by British Government. With view of preventing disappointment, Treasury has directed acceptance of bills drawn by Lieut. Governor to amount of 5 shillings in pound on reduced sums awarded by new commission; but as British Government has no intention of affording less relief than was promised in earlier despatch, Lieut. Governor is authorized, as soon as whole award is finally made, to direct such further percentage payment as, together with 5 shillings in pound on new award, will amount to £57,412-10-0, being one-fourth of claims admitted by first award. Legislature to be advised that no further

1823

payment will be made by Treasury until province has also raised £57,412-10-0 on its own security applicable to further liquidation of claims awarded by second commission. Should additional sum be necessary after that payment by Upper Canada, British Government will contribute in same proportion as Provincial Legislature.

p. 103

Downing St.,  
Feb. 15.

Copy of preceding despatch.

Downing St.,  
Feb. 27.

Wilmot to Treasury. (Copy.) Respecting sums totalling £13,885-1-10½ issued from Military Chest on account of Lanark settlers. Letter from Bathurst to Maitland, dated May 6, 1820, is enclosed, showing that advances made to settlers from Scotland in 1820 and 1821 are to be repaid within ten years. No deposit money was lodged by them in hands of any person in Great Britain prior to their embarkation.

p. 113

Enclosures:—

1820

Downing St.,  
May 6.

(1) Bathurst to Maitland. (Copy.)

"An application has been addressed to His Majesty's Government on behalf of certain Individuals who have associated for the purpose of removing to Upper Canada as Settlers, a portion of the labouring population of the County of Lanark.

The Substance of their proposition is, that they should receive an Advance of Money from the Government to be repaid by them within ten Years of the Date of the Advance. Having submitted this proposal to His Majesty I have now the honor of forwarding to You the Arrangement which has received His sanction, and under which I entertain but little doubt that a Body of Settlers to the extent of twelve hundred (including Women and Children) will shortly proceed to Quebec, you will observe from the Memorandum inclosed that the means of Transport from Quebec to the place of Settlement are to be provided by Government You will therefore take such preliminary measures as may be necessary to prevent the detention of these persons for any time after their Arrival at Quebec, their early arrival at the actual place of Settlement being most essential both with a view to their own Comfort, and the object of Government in affording them assistance.

As the disposition which exists among these people to emigrate to Canada, has arisen in a great degree from the favorable Accounts which they have received from Persons already settled on the Brideau (*sic*) and Tay from whom they expect to receive some assistance in making their first Establishment, it will be extremely desirable that they should be located as near as Circumstances permit to the Settlements already formed in that Neighbourhood. Every preparation that can be made for their reception, and for their receiving the Land allotted to them, without delay, will necessarily contribute to the Success of the enterprise without increasing the expense which the Government here has consented to incur, and I have therefore given You this early intimation of the Arrangement, in order that you may on the Arrival of the parties, be in a state to give immediate effect to it. — I shall not fail, as soon as I receive an account of the precise numbers and Names of the Parties who propose availing themselves of the arrangement held out in the Memorandum, to communicate it to You, for your further direction—"

p. 114

(2) Memorandum. (Enclosure in preceding.)

1820

"The Government are ready to assign to the Settlers on their Arrival in Upper Canada, Land at the rate of 100 Acres for every Family, under the usual Conditions of residence and partial Cultivation within a limited period; on failure of a compliance with which, the Land will as in all other cases be resumeable by the Crown. The expense of Surveying the Land, amounting to fifteen Shillings per 100 Acres, will be defrayed by the Government. It is proposed that the Emigrants should themselves arrange the means, and defray the expense of their Conveyance to Quebec.

Estimated at  
£4 a head.

That the Charge of their removal from Quebec, to the place of actual Settlement, should be borne by Government, or that the Government should provide the means of Transport for the Emigrants and their Baggage—

Estimated at  
£2 a head.

That on their Arrival at the place of Settlement, the Leaders of the several Parties should receive and (*sic*) advance of Money not exceeding £3 per head for every Emigrant.

That another Advance of £3 per head should be made to them at the expiration of three Months after the date of their Arrival—And a further Allowance of £2 at the end of six Months after the date of their Arrival. It will be requisite for each party to nominate two or three persons with whom alone all the Communications of Government will be carried on, and to whom the several Advances may be made under the Conditions proposed in the memorandum delivered in by the Parties themselves.

Seed-Corn—and Implements of Husbandry will be supplied to the Emigrants at prime Cost.—" p. 117

Bathurst to Maitland. With reference to despatch of Oct. 8, Admiralty has no objection to extending for nine months contract of Charles Hayes for supplying Naval Board with a quantity of iron ballast for use of Naval Establishments in Canada. p. 119

1823

Downing St.,  
Feb. 28.

Bathurst to Maitland. Recommending for favourable consideration that part of memorial of Mr. Small, Clerk of Crown and Pleas, applying for allowance for clerks and stationery in consideration of reductions made from time to time in his fees of office. p. 120

Downing St.,  
March 18.

Enclosure:—

Memorial of John Small. Requesting (1) to be allowed to retire on pension from Executive Council Office; (2) an allowance for clerks and stationery; (3) additional allowance promised in 1814. p. 121

London,  
Feb. 5.

[Wilmot] to Maitland. [Private.] (Incomplete.) Discussing memorial of John Small. p. 384

Discussing Downing St.,  
March 21.

Bathurst to Maitland. (Circular.) Transmitting blank forms for preparation of Blue Book for 1822. p. 124

Downing St.,  
April 30.

Enclosure:—

Copy of earlier despatch on same subject, found at p. 19 of G. p. 125

1822

Downing St.,  
March 30.

Duplicate of despatch at p. 124 of G. 60.

p. 127

1823

Downing St.,  
April 30.

- 1823**  
Downing St.,  
May 9. Bathurst to Maitland. Stating, with reference to Lieut. Governor's despatch of April 2, 1822, that Treasury would not object to payment of £1,000 to representatives of late William Jarvis, Provincial Secretary, as compensation for losses incurred by him in execution of his office. p. 128
- Downing St.,  
May 30. Wilmot Horton\* to Maitland. Transmitting memorial from Lieut. Wm. Tully of First Carleton Militia requesting additional grant of land. p. 130
- Enclosures:—  
Horse Guards,  
May 6. (1) Taylor to Wilmot. (Copy.) Transmitting memorial of Lieut. Wm. Tully. p. 131  
Perth, U.C.,  
March 12. (2) Memorial of Wm. Tully. (Copy.) p. 132  
Perth, U.C.,  
March 12. (3) Testimonial to respectable character of Lieut. Wm. Tully. (Copy.) p. 134  
(4) Memorandum stating inadvisibility of complying with the memorialist's petition for further grant of land. p. 135
- Downing St.,  
June 5. Wilmot Horton to Maitland. (Private.) Stating that no decision had been reached on question of union of Legislatures of Upper and Lower Canada, but one may be expected by the July mail. p. 137
- Downing St.,  
June 5. Bathurst to Maitland. Stating that Government would give encouragement to limited number of settlers from Ireland to go to Upper Canada during summer; also, enclosing copy of letter to Lord Dalhousie on subject. (No enclosure.) p. 139
- Colonial  
Office,  
June 6. Bathurst to Maitland. Authorizing, in view of difficulties in way of carrying out original intention respecting Mr. McGillivray's application for certain lands reserved for St. Regis Indians, that lands be granted to him elsewhere as equivalent. p. 140
- Downing St.,  
June 10. Bathurst to Maitland. Acknowledging despatches Nos. 73 to 88, inclusive. With reference to lands set aside for Church and Rectory in York, which had been alienated for other purposes, this might be remedied by transfer of other lots, reserved or unappropriated, in town plot of York. 2,000 acres might be allotted to Dr. Strachan, and an allowance for erecting parsonage which was given to the other parishes in province. Authority given to make grant of land to Mr. Hicok in accordance with statement in No. 79. Memorial of merchants interested in corn and flour trade referred to proper departments. No. 85 respecting Indian whose execution was suspended, and No. 88 respecting outlawry of Samuel Thompson, have been referred to Home Department. p. 143
- Downing St.,  
July 31. Bathurst to Maitland. Acknowledging despatch of Dec. 7, and stating that there was no objection to compliance with petition of Ensign Nathan Hicok, of Leeds Militia, for grant of land. p. 146
- Downing St.,  
July 31. Bathurst to Maitland. Transmitting, with reference to despatch of Feb. 1, letter from Treasury. p. 147

\* Robert John Wilmot, Under Secretary of State for the Colonies, assumed the name of Horton by royal licence May 8, 1823, in accordance with the will of his father-in-law, Eusebius Horton, of Catton, Derbyshire.

## Enclosure:—

Harrison to Wilmot-Horton. (Copy.) Stating that it would be impracticable to give merchants in Upper Canada a preference in contracts for supply of flour to troops and ships in West Indies. All supplies of this description were given by contract, on certain conditions, to lowest tenderer. The merchant who obtains the contract resorts to the market from which he can obtain supplies on best terms. The supply of flour would rest with merchants who contract, and not with the commissaries. 1823  
Treasury  
Chambers,  
July 18.

p. 149

Bathurst to Maitland. (Circular.) Transmitting copy of Order in Council of July 21, imposing certain duties on American vessels and cargoes entering British ports in North America and West Indies. Downing St.,  
July 31.

p. 151

## Enclosure:—

Copy of Order in Council.

p. 152 July, 21.

Bathurst to Maitland. Transmitting, with reference to despatch of Feb. last respecting Indian convicted of murder, copy of a letter stating that Mr. Peel desires information regarding existence of a Treaty referred to by Mr. Justice Campbell before laying case before the King. (No enclosure.) Downing St.,  
Aug. 11.

p. 156

Bathurst to Maitland. Acknowledging despatch of June 2, and stating it is not in his power to accede to application of David Thompson for grant of island in the St. Lawrence. Downing St.,  
Aug. 11.

p. 157

Bathurst to Maitland. Acknowledging despatch of March 8, and authorizing renewal of lease of land held by Mr. Burn on Crown Reserve, as he had improved the property. Downing St.,  
Aug. 30.

p. 158

Bathurst to Maitland. Transmitting request from Mr. Campbell, Government agent for arranging the Scottish emigration of 1815-16, and directing that, as his statement is strictly correct, his petition on their behalf may be complied with. Downing St.,  
Aug. 30.

p. 159

## Enclosures:—

(1) John Campbell to Bathurst. (Copy.) Enclosing letters on the question of exemption from certain fees of emigrants brought out to Canada in 1815-16. Edinburgh,  
July 26.

p. 160

(2) Hamilton to Craigie. (Copy.) Enclosing letter from secretary of the Lieut. Governor in reply to his application on behalf of certain emigrants to have their titles signed free according to the promise held out to them by Mr. Campbell. New Liverpool,  
May 28.

p. 163

(3) Hillier to Hamilton. (Copy.) Stating that the Colonial Government received no notification from the Colonial Office that Mr. Campbell had been authorized to promise to emigrants patents free of expense. 1822  
Government  
House, York,  
Dec. 18.

p. 165

Bathurst to Maitland. Acknowledging despatch No. 90, and directing that Mr. Mends may receive eligible grant of land; adding that it was not in his power to dispense with the accustomed fees. 1823  
Downing St.,  
Sept. 8.

p. 168

Bathurst to Maitland. (Circular.) Stating that Society for encouragement of Arts, Manufactures and Commerce is authorized to transmit to him copy of premiums offered by them annually, many Downing St.,  
Sept. 18.

1823

of which were proposed specially for colonies, and directing that those referring to Upper Canada be published in Gazette, in order to call attention to advantages that would accrue from production of articles of export, for a supply of which Great Britain was mainly if not wholly dependent on foreign countries. Every assistance and encouragement should be given to those participating. p. 169

Enclosure:—

Adelphi,  
Aug. 25.

Arthur Aikin to Maitland. Transmitting copy of list of premiums offered by the Society of Arts, etc. (No enclosure.)

p. 171

Downing St.,  
Sept. 22.

Bathurst to Maitland. Acknowledging despatch No. 93, and authorizing a grant of land be made to Samuel Casey.

p. 172

Downing St.,  
Sept. 22.

Bathurst to Maitland. Acknowledging despatch No. 92, with petition from Mr. McNab of McNab for extensive grant of land for purpose of settling a number of his clan thereon, under special conditions. As plan would likely prove embarrassing to himself and Government, it cannot be approved.

p. 173

Downing St.,  
Sept. 30.

Bathurst to Maitland. Giving instructions as to preparing despatches so as to facilitate the handling of them in Colonial Office.

p. 174

Downing St.,  
Oct. 8.

Bathurst to Maitland. Commissioners of the Treasury, having before them another letter from Mr. Galt with further proposal on subject of raising sum for relief of sufferers from late war, are of opinion that it would be undesirable to depart from arrangement communicated to Lieut. Governor on Feb. 15. He is therefore instructed to carry it into effect.

"If however the Province shall provide Funds, arising from new Taxes to be specially imposed for that purpose and in no degree hazarding the appropriation of the existing Revenue, by which Funds the Province may be enabled to take upon itself the Annual payment of some portion of the Civil Establishment the expence of which is now defrayed by Parliament, I should in that case be disposed to recommend to the Treasury the propriety of sanctioning a further grant in aid of the claimants bearing a proportion to the diminution of the Annual Grant of the British Parliament which may be effected by the Assembly taking a proportion of that payment on themselves."

p. 176

Downing St.,  
Oct. 8.

Duplicate of preceding despatch.

p. 180

Downing St.,  
Nov. 5.

Horton to Maitland. Conveying regret of Treasury that there is no fund from which the widow of Capt. McGregor could be granted pension she would have received if her husband had been in regular army.

p. 183

Downing St.,  
Nov. 10.

Bathurst to Maitland. Foreign Secretary having received application from American Minister in favour of John Macdonnell, who was indicted for high treason, instructions are given for Attorney General to enter a Nolle Prosequi upon indictment.

p. 184

Downing St.,  
Dec. 6.

Bathurst to Maitland. Acknowledging despatch of Sept. 25, and expressing regret that, on public grounds, he cannot sanction the grant of Navy Island to Sir John Johnson.

p. 185

Bathurst to Maitland. Acknowledging despatch of Sept. 27, and stating that it was not intended, in approving of discontinuance of temporary officers, to include under that head John Halliday, school-master of Perth Settlement. **1823**  
Downing St.,  
Dec. 6.  
p. 186

Bathurst to Maitland. Stating that the following acts passed in Jan. 1822 and reserved for signification of H.M.'s pleasure were not found open to objection:—  
Downing St.,  
Dec. 8.

“An Act to repeal the Laws now in force making provision for the office of Adjutant General of Militia of this Province and to make more adequate provision for the said office.”

“An Act to repeal the Laws now in force granting Poundage to the Receiver General of this Province and to provide a Salary for that officer in lieu of such Poundage.”  
p. 188

Bathurst to Maitland. Acknowledging despatch of Oct. 15, and stating that claim of Lieut. James McGregor for continuance of pension on ground of disability from wounds must be settled on report of Medical Board appointed by Provincial Legislature.  
Downing St.,  
Dec. 8.  
p. 190

Bathurst to Maitland. Respecting payment of salary of Rev. Mr. Wilson as master of Grammar School at Kingston, reported on in despatch of Feb. 20, 1821.  
Downing St.,  
Dec. 31.  
p. 192

Horton to Maitland. Conveying authority for grant of land to Henry Matthews, whose application was objected to on ground that he had proceeded to Canada by way of United States. **1824**  
Downing St.,  
Jan. 29.  
p. 193

Enclosure:—

P. Taylor to Sir T. D. Acland. (Copy.) Presenting case of Henry Matthews.  
Jan. 12.  
p. 194

Horton to Maitland. Transmitting memorial from H. Powell, and directing that he might receive a moderate proportion of land adjacent to property of his son, Major Powell, near Prescott.  
Downing St.,  
Jan. 31.  
p. 196

Enclosures:—

- (1) Memorial of Henry Powell. (Copy.) p. 197  
Winchelsea,  
Jan. 19.
- (2) Surgeon's certificate of state of Mrs. Powell's health. (Copy.) p. 199  
Winchelsea,  
Jan. 19.

Bathurst to Maitland. Stating that he had received an advertisement in Upper Canada newspapers, offering for sale a portion of lands reserved for education, and requesting information on subject. A memorial was also transmitted containing complaints of excessive fees charged on land patents, which were materially higher than those fixed by Lord Hobart. Report is desired furnishing in detail an account of fees demanded on grants of land, with authority therefor.  
Downing St.,  
Jan. 31.  
p. 200

Enclosures:—

- (1) Memorial of Daniel Keohler. (Copy.) p. 202  
Enniscoorthy,  
Jan. 2.
- (2) Table of fees on land patents authorized by Duke of Portland in 1798, and Lord Hobart in 1804. (Copy.) p. 205

Horton to Maitland. Transmitting copy of letter from Mr. Powell stating that owing to a family misfortune he would be unable to reach Canada until 1825, and asking that grant of land be held over until then. The grant to be reserved, and the matter of survey left to discretion of Lieut. Governor.  
Downing St.,  
Feb. 19.  
p. 206

- 1824**  
Winchelsea,  
Feb. 3. Enclosure:—  
Henry Powell to Bathurst. (Copy.) Asking that grant of land be held over till he arrives in Canada but that it be surveyed at same time as his son's land. p. 207
- Downing St.,  
April 10. Bathurst to Maitland. Transmitting, for inquiry and report, letter from Mary Crozier requesting information respecting will of her brother, Alexander Crozier, of Kingston. p. 209
- Blantyr Works,  
March 6. Enclosure:—  
Mary Crozier to Bathurst. (Copy.) Requesting information. p. 210
- Downing St.,  
April 30. Bathurst to Maitland. Acknowledging despatch of Feb. 7, and expressing regret at inability to recommend meeting wishes of Assembly respecting allowance of half-pay to officers who served in late Incorporated Battalion of Militia; adding that if Legislature should make provision therefor, assent to bill for that purpose would not be withheld. p. 211
- Downing St.,  
April 30. Bathurst to Maitland. Acknowledging despatch of March 21 respecting jurisdiction of courts of law, a bill on subject having been reserved for H.M.'s decision, and stating that, if Chief Justice saw no objection to bill, Lieut. Governor might assent to it. p. 213
- Downing St.,  
April 30. Duplicate of preceding despatch. p. 216
- Downing St.,  
May 7. Bathurst to Maitland. Transmitting for inquiry and report copy of letter from Mrs. Catherine Brown, requesting information respecting her son William Brown who went to Canada in 1815. p. 220
- Blackfriar's  
Road, May 3. Enclosure:—  
Petition of Catherine Brown. (Copy.) p. 221
- Downing St.,  
May 8. Bathurst to Maitland. Acknowledging despatch of Jan. 21, and stating that address from Assembly relative to claim of Presbyterians of Kirk of Scotland to participate in Clergy Reserves had been laid before the King. p. 224
- Downing St.,  
May 8. Bathurst to Maitland. Acknowledging despatch of Feb. 9, and stating that address of both Houses on subject of decision of Commissioners under Treaty of Ghent respecting boundary between British dominions and United States in that part of the St. Lawrence in which Barnhart's Island is situated, and on claim of United States to free navigation of St. Lawrence to the sea, would receive attentive consideration of Government. p. 225
- Downing St.,  
May 8. Bathurst to Maitland. Acknowledging despatch of Feb. 10, and stating that joint address of both Houses expressing gratitude for bounty for relief of war losses, with joint resolutions as to providing means for further indemnity, had been laid before the King. p. 227
- Downing St.,  
May 19. Horton to Maitland. Transmitting copy of estimate for civil establishment for 1824, and stating that sum of £7,000 voted in aid of funds for the Propagation of the Gospel applied to both Lower and Upper Canada. p. 229

Enclosure:—

1824

## "UPPER CANADA.

Estimate of the Charge of defraying the Civil Establishment of Upper Canada from the 1 of January to the 31 December 1824

£8229

Proposed distribution of the above Sum £8,229— on account of the Civil Establishment of Upper Canada for 1824—

	£
Salary of the Lieutenant Governor—	2000
Chief Justice, . . . . .	1100
Attorney General, . . . . .	300
Solicitor General, . . . . .	100
Two Judges of the Court of Kings Bench at £750 per annu. . . . .	1500
Clerk of the Crown & Pleas, . . . . .	100
2 Sheriffs at £100 each p ann. . . . .	200
Secretary & Register, . . . . .	300
Clerk of the Council, . . . . .	100
Receiver General of the Revenues, . . . . .	200
Five executive Councillers at £100 each p. ann. . . . .	500
Surveyor General of Lands, . . . . .	300
Naval Officer, . . . . .	100
Three schoolmasters of Roman Catholic Church, . . . . .	300
Salary to the Bishop's Commissary, . . . . .	150
Allowance to the Widow of the late Colonel Campbell Governor of Bermudas in reward of his Firm and Judicious conduct and able Services at the Myramis and in consideration of her straightened Circumstances, . . . . .	250
Allowance to the late Surveyor General of Lands in consequence of his long services and his infirm State of health, . . . . .	200
Allowance to the Widow of the late Major Genl. Shaw recommended by the Lt. Governor for some Provision on account of the Services of her late Husband in different Public Situations, . . . . .	100
Agent, . . . . .	200
	8000
On account of Fees for rect. of audit, . . . . .	229
	<u>8229</u>

N.B. the Sum of £7000 has also been voted, in aid of the Funds of the Society for the Propagation of the Gospel and which will be issued to the Agent." p. 231

Bathurst to Maitland. (Circular. Duplicate.) Transmitting copy of book prepared for making returns for Blue Book. (No enclosure.) p. 234

Bathurst to Maitland. (Circular.) Transmitting copy of letter from Committee of P.C. for Trade to Treasury relating to heavy charges to which navigation and commerce of United Kingdom are subject in ports of British North America, and requesting report on all Customs and other charges on such navigation and commerce, with authority for same. p. 236

Enclosure:—

Thomas Lack to Herries. (Copy.) Recommending that immediate action be taken to grant relief from the very heavy charges to which navigation and commerce of the United Kingdom are subject in the colonies, especially in British North America. p. 239

Office of  
Board of  
Trade,  
March 18.

- 1824**  
Downing St.,  
June 8. Horton to Maitland. (Copy.) Transmitting, with recommendation of Colonial Secretary, application of John Rowswell, a settler in Upper Canada, for grants for his five sons. p. 244
- Enclosures:—  
Hill House,  
Langport,  
May 27. (1) Vincent Stuckey to Horton. Transmitting letter of John Rowswell. p. 245  
South Crosby,  
Jan. 1. (2) John Rowswell to Stuckey. Giving account of experiences as settler, and requesting grant of land for his sons. p. 246
- Downing St.,  
June. Bathurst to Maitland. Stating, with reference to despatch of Feb. 5, that by Act 5 Geo. IV, cap. 43, sec. 15, tobacco produced in Canada would, after July 5, be admitted to United Kingdom at a duty three pence less per pound than tobacco produced in any other country. p. 250
- Downing St.,  
July 10. Horton to Maitland. Respecting size of paper on which despatches should be written. p. 251
- Downing St.,  
July. Bathurst to Maitland. Directing, with reference to his despatch of June 10, 1823, that grant of 2,000 acres to Dr. Strachan be made from any lands at disposal of Government which might be equivalent in value to arrears of income which he would have received if there had been no alienation of endowment attached to his living. As these lands cannot be productive for some considerable period, approval is given of a payment of £225 sterling from the King's Rights or the Clergy Reserves, this annual sum being lessened in proportion as new endowment becomes productive. p. 252
- Downing St.,  
July 17. Duplicate of preceding despatch. p. 254
- Downing St.,  
July 17. Bathurst to Maitland. (Private. Duplicate.) Stating that Strachan had submitted to him a letter in which it was stated that Lieut. Governor would solicit permission to charge to some fund at disposal of Crown the £300 per annum allowed to President of General Board of Education from date of appointment, the charge on such fund to diminish as interest should accrue from monies raised by sale of lands appropriated to that object. That recommendation when received will meet with his approbation. p. 257
- Downing St.,  
Aug. 9. Bathurst to Maitland. Stating, with reference to despatch of May 13, that Treasury, whose letter was enclosed, desired much further information before passing upon application of Mr. Baby, Inspector General of Public Accounts, for increase of salary. p. 260
- Enclosure:—  
Treasury  
Chambers,  
Aug. 4. Heries to Horton. (Copy.) Requesting a detailed statement of the duties of the office of Mr. Baby, under what control those duties are performed, and the nature of the increase of business which called for the increased salary said to have been granted in 1815, but not paid. p. 262
- Downing St.,  
Aug. 13. Bathurst to Maitland. Acknowledging despatch of April 22, and stating that, under the circumstances, no objection is offered to grant of 6,000 acres of land in Plantagenet township to William McGillivray. p. 265

Bathurst to Maitland. Acknowledging despatch of May 15, and expressing approval of table of fees on land grants adopted on Jan. 31 last. 1824  
Downing St.,  
Aug. 13.  
p. 266

Horton to Maitland. (Private and confidential.) Conveying recommendation of Mr. Bastable, who was an applicant for grant of land. Downing St.,  
Aug. 24.  
p. 267

Horton to Maitland. Expressing regret that the notice that two reserved bills relating to offices of Receiver General and Adjutant General of Militia were no objectionable was not received until after the time limit of two years had passed. Delay explained. If bills again passed an immediate assent may be given. Downing St.,  
Sept. 2.  
p. 270

Bathurst to Maitland. (Private.) Taking occasion of Strachan's departure, to express a sense of the valuable information received from that gentleman, and authorizing the payment of his travelling expenses from Clergy funds, if Lieut. Governor considers his journey to England as necessary from public point of view. Downing St.,  
Sept. 22.  
p. 273

Bathurst to Maitland. Acknowledging despatch of July 6, and stating mandamus will be prepared appointing Thomas Ridout, Surveyor General, and William Allan to seats in Legislative Council. Downing St.,  
Sept. 22.  
p. 275

Bathurst to Maitland. Stating, with reference to despatch of July 7, that Admiralty assents to further extension of time for completion by Mr. Hayes of contract for supply of ballast to dock yard at Kingston. Downing St.,  
Sept. 30.  
p. 277

Duplicate of preceding despatch. Downing St.,  
Sept. 30.  
p. 278

Bathurst to Maitland. Acknowledging despatch of April 1 on subject of improving internal navigation of province, and expressing satisfaction that public interest has been awakened on it. As he understands report, there are two distinct objects in view, one, a canal connecting Lakes Ontario and Burlington [Erie?]; and the other, a water communication from Lake Ontario to Rideaux River, the latter estimated to cost £70,000. Will recommend a loan of £70,000 from Treasury provided Legislature will give security for payment of interest and for progressive liquidation of principal charged on specific taxes imposed for that special purpose and pledged inalienably thereto. As regards former undertaking, it seems preferable to defer it until latter is under way, but if Legislature desires that two schemes proceed simultaneously shall have pleasure in recommending it. Downing St.,  
Oct. 8.  
p. 280

Duplicate of preceding despatch. Downing St.,  
Oct. 8.  
p. 287

Bathurst to Maitland. Acknowledging despatch of March 15. After discussing the merits of a claim of John Hartford to a piece of land which he acquired in Simcoe's time but for which he neglected to apply for a patent, and to which his right was compromised by his conduct in War of 1812, concludes that he should have his patent, subject to his re-imbursing a later occupant. Downing St.,  
Oct. 11.  
p. 293

Bathurst to Maitland. With reference to despatch No. 147 of July 24, has received His Majesty's commands to issue the following instructions: When Maitland is called by his military duties to Downing St.,  
Oct. 11.

- 1824** Lower Canada he is to use his own judgment as to the appointment of an administrator; but if his absence is caused by a visit to any other place than Lower Canada, or is not occasioned by military duties, or exceeds one month, an administrator is to be appointed. This despatch is to be shown to the Executive Council, who, on the occasion of the absence of the Lieutenant Governor and the non-appointment of an administrator, are to proceed with the ordinary details of public business, holding for his return matters that require the Lieutenant Governor's approval. p. 299
- Downing St.,  
Oct. 30. Bathurst to Maitland. Stating that Home Secretary found it most inconvenient that so many references were made to his Department in the matter of decisions in criminal cases made by Colonial Courts, and directing that only in cases of the most serious doubt should there be a reference to Home Government. Reference raises such hopes in mind of convict that it is nearly impossible to direct execution of sentence of death. p. 306
- Downing St.,  
Oct. 31. Bathurst to Maitland. Acknowledging despatch of Aug. 2, and explaining the considerable delay in conveying decision to confirm Assessment Bill. p. 310
- Downing St.,  
Nov. 5. Horton to Maitland. Conveying authority for grants of land to sons and other relatives of Mr. Buchanan, British Consul at New York, proportioned to their means of cultivation. p. 313
- 1825** Buchanan to Hillier. Enclosing letter from Horton relative to grants of land to members of his (Buchanan's) family. p. 314  
York, U.C.,  
April 6. Enclosures:—
- 1824** Two copies of despatch from Horton to Maitland calendared  
Downing St.,  
Nov. 5. above. p. 388
- Downing St.,  
Nov. 10. Bathurst to Maitland. Acknowledging despatch of Aug. 5, and authorizing grant of land to Sylvester Earle, a retired captain, at present residing in United States, of same extent as was allowed to captains reduced since late war, on condition of his coming to Canada to reside. p. 315
- Downing St.,  
Nov. 20. Bathurst to Maitland. (Circular.) Transmitting copy of order from the King respecting uniforms to be worn by governors and superior officers of colonies, and requesting names of officers entitled to this distinction. p. 317
- Nov. 9. Enclosure:—  
The Order. p. 320
- Downing St.,  
Nov. 23. Bathurst to Maitland. Acknowledging despatch of April 20, and authorizing that grant of 500 acres of land be made to Joseph Spragg, who had satisfactorily conducted a school on National plan in Upper Canada, on condition of his performing usual settlement duties. p. 321
- Downing St.,  
Nov. 23. Duplicate of preceding despatch. p. 322
- Downing St.,  
Nov. 29. Bathurst to Maitland. (Circular.) Stating regulations governing relative duties and authority of civil and military officers. (*The same circular to Dalhousie is printed in Appendix to Report of the Public Archives for 1934, Constitutional Documents, 1819-1828, pp. 235-7.*) p. 324

Bathurst to Maitland. Acknowledging despatch of Aug. 20, 1824 reporting death of late Chief Justice Scott, and anticipated retirement of Chief Justice Powell, and stating that, if Powell retired, Judge Campbell might replace him, if he were not incapacitated by age. Downing St.,  
Nov. 30.

p. 335

Duplicate of preceding despatch.

p. 337 Downing St.,  
Nov. 30.

Bathurst to Maitland.

"Having referred to the consideration of His Majesty's Law Officers in the case of Mr. Barnabas Bidwell, a Citizen of the United States, who had been returned as a Member of the House of Assembly of the Province of Upper Canada, and having requested their opinion whether M<sup>r</sup> Bidwell has any right to sit as a representative in the Assembly of Upper Canada under the 31<sup>st</sup> Geo. 3<sup>d</sup> cap 31 or under any other Act of Parliament, and in the event of M<sup>r</sup> Bidwell being deemed ineligible whether they considered M<sup>r</sup> Bidwell's Son who was born in the United States since the Peace of 1783 as possessing any claim to a Seat in the Legislative Assembly, I have now to acquaint you that they are of opinion that M<sup>r</sup> Bidwell has no right to Sit as a representative in the Assembly of Upper Canada, under the 31<sup>st</sup> Geo. 3<sup>d</sup> cap 31, or under any other act, and they are further of opinion that M<sup>r</sup> Bidwell's Son is also ineligible— The general question has been for some time depending in the Court of King's Bench and after very elaborate argument it has been decided that a person in the situation of M<sup>r</sup> Bidwell is not a Natural Born Subject of His Majesty, but an Alien, and that the Son of such a person born in the United States after the Treaty of 1783 is also an Alien." Downing St.,  
Nov. 30.

p. 340

Duplicate of preceding despatch.

p. 343 Downing St.,  
Nov. 30.

Bathurst to Maitland. Enclosing note from Gillespie, Moffatt & Co., and stating that it was necessary to bond some walnut plank, until certificate of origin had been received from Maitland. (No enclosure.)

p. 346

Bathurst to Maitland. Directing that, as Government had entered into arrangement for disposing of all Crown Reserves and part of Clergy Reserves to a company (the Canada Company) at valuation to be fixed by commissioners who have been appointed, Corporation for management of Clergy Reserves be notified to grant no more leases until further instructions. Downing St.,  
Dec. 11.

p. 347

Duplicate of preceding despatch.

p. 348 Downing St.,  
Dec. 11.

Bathurst to Lord Dalhousie. (Copy.) Stating that Roman Catholic Bishop of Quebec was resigning part of diocese composing Upper Canada, and that Rev. Dr. Macdonell was to be invested with situation; also, that Bishop wished to resign Montreal to Mgr. Lartigue. Colonial Secretary not aware of objections to plans, provided Bishop of Quebec does not assume title of Archbishop. Dalhousie's opinion desired. Downing St.,  
Dec. 16.

p. 350

Bathurst to Maitland. Transmitting documents explanatory of arrangement with Canada Company: a memo. containing heads of provisions to be introduced into charter to be granted to company; memo. of heads of provisions of bill to be submitted to Parliament; Downing St.,  
Dec. 26.

- 1824 minutes of intended arrangements which require appointment of commissioners by Lieut. Governor, with draft of commission. Lieut. Governor requested to fix Great Seal to commission appointing commissioners named in draft of commission. (*The documents mentioned respecting the arrangement with Canada Company are found in G. 61, pp. 1-95.*) p. 352
- Downing St.,  
Dec. 29. Bathurst to Maitland. Acknowledging despatch of Oct. 24, and stating as the two arbitrators appointed under 3 Geo. IV, cap. 119 had failed to agree on a third, that H.M. had appointed Ward Chipman to that office. p. 354
- Downing St.,  
Dec. 30. Bathurst to Maitland. Transmitting copy of letter from Mr. Barrow and enclosure from Commissioner Barrie, proposing construction of saw mills on Reserve of Crown up the Great Cataract which has been leased to individuals for term of 99 years, but of which the lease may be relinquished to Government. Desires that every facility possible be afforded in forwarding arrangement. p. 355
- Admiralty  
Office,  
Dec. 16. Enclosures:—  
(1) Barrow to Horton. (Copy.) Transmitting copies of correspondence between the Navy Board and Commissioner Barrie. Recommending that measures be taken to accomplish the object therein stated. p. 356
- Kingston  
Dock Yard,  
Nov. 8. (2) Barrie to Commissioners of H.M. Navy. (Copy.) Respecting the construction of a saw mill on the Great Cataract. p. 360
- Kingston  
Dock Yard,  
March 28. (3) Extract of a letter from Commissioner Barrie to Major Hillier, stating desirability for naval purposes of the erection of saw mills if reserve can be obtained. p. 367
- Downing St.,  
Dec. 31. Bathurst to Maitland. Transmitting Order in Council confirming Assessment Act. p. 370
- Dec. 18. Enclosure:—  
The Order in Council. p. 372
- Downing St.,  
Dec. 31. Bathurst to Maitland. Acknowledging despatch of July 26 [No. 148]. Discusses the claim of Robert Randal to a property on Niagara River held by Thomas Clark, and indicates lines on which further evidence should be procured. p. 375
- Dec. 31. Memorandum by Peter Robinson as to a supply of provisions under Col. Marshall for subsistence of 2,000 settlers for six months. (Copy.) p. 380
- Memorandum of stores at Lanark in charge of Colonel Marshall to be sent to Prescott to remain there until navigation opens. p. 383

## G. 61 (1824-1825)

Enclosures in despatch, Bathurst to Maitland, Dec. 26, 1824, found in G. 60, p. 352:—

(1) "A Memorandum containing the heads of the provisions of the Bill which Lord Bathurst proposes to bring into Parliament.

1. The Bill will contain a clause enabling the King to sell and convey to the Canada Company that proportion of the Clergy Reserves which is mentioned in the preceding Minutes

2 The Bill will prescribe a simple form for the registration and transfer of the shares of Individual Proprietors of the Company

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3 It will be declared that the shares of the Company are to be regarded as Personal Estate

4 Provision will be made for the forfeiture to the Company of the shares of Persons who after a certain period shall fail to comply with calls for paying up their subscriptions and such persons, will in the mean time be declared incompetent to sell their shares or vote or act as members of the Corporation

5 A Short and simple form of conveyance of lands from the company to Individuals will be prescribed and declared effectual in the Law to all intents and purposes.

6 Power will be given to the company to purchase and hold lands in England which it may be expedient for them to require in order to their carrying the purposes of their Incorporation into more complete effect and to dispose of such as may not be required for such purposes, provided that the Lands so purchased and held be not of more than the annual Value of 2000£—”

p. 1

(2) “A Memorandum containing the heads of the provisions to be introduced into the Charter to be granted to the Canada Company.

1<sup>st</sup> The objects with a View to which the company is established will be stated in the Charter, by way of preamble, in the same, or in similar terms, with those employed in the preamble or introductory paragraph of the preceding minutes

2<sup>nd</sup> It will be recited as a matter of fact that a Capital of One Million sterling has actually been subscribed towards the undertaking and that of this Capital a certain part has actually been paid up by the subscribers.—

3<sup>rd</sup> The Charter will then grant to such Gentlemen being shareholders, as the Company shall nominate and to all the other share holders, whether present or future a corporate character, and the stile of the Corporation will be “The Canada Company”.

4<sup>th</sup> Perpetual Succession the power of suing and being sued and the power to use a common Seal will be granted to the Company

5<sup>th</sup> The specific object of the Company thus created will be declared to be that of purchasing waste and uncleared lands in the Province of Upper Canada and of settling, clearing, and disposing of such lands.

6<sup>th</sup> It will further be declared that the company is established with the view of carrying into effect all such other lawful objects, as it may be necessary to pursue in order to the efficient accomplishment of the primary object designated in the preceding Paragraph— Among these subsidiary purposes will be enumerated, in express terms the making advances of capital to Settlers the opening and improving of Roads and other internal communications and the promoting the cultivation of such articles as can advantageously be exported from the Province

7<sup>th</sup> The Charter will then recite the conditions upon which His Majesty will grant and subject to which the Company are to hold, the lands to be conveyed to them in Upper Canada, so far as such conditions are specified in the preceding Minutes.

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8<sup>th</sup> It will immediately be declared that the company are to have for the management of their concerns, a Chairman a Deputy Chairman, eighteen Directors, four Auditors, and a Secretary—

9<sup>th</sup> The names of the first Chairman, Deputy Chairman Directors and auditors will be mentioned in the Charter and it will be declared that the persons thus named shall continue in office until the 25 of March 1829— and until Successors in their respective offices have been elected with a proviso that any intermediate vacancy arising from the death resignation or disqualification of any of these officers, shall be filled up by the election of a successor.

10<sup>th</sup> A power will be granted to enable the court of Directors to appoint two or more Commissioners resident in Upper Canada to conduct the affairs of the Company in that Province with power to contract for and bind the company to such extent and subject to such restrictions, as the directors may see fit to direct and impose it will however be provided that any restrictions as to the power of contracting for and binding the company which may be imposed upon the Commissioners shall be made publicly known in the Province to the intent that all persons with whom they deal may know the extent and limits of their authority —

11<sup>th</sup> Provision will be made for holding annual General Courts of the Company for the election of the Directors and Auditors.—

12<sup>th</sup> That at all General Courts the shareholders are to vote according to the following Rules.

A Person holding 5 shares and less than ten to have one vote if holding ten shares and less than twenty he will have two votes if holding twenty shares and less than twenty five he will have three votes if holding twenty five shares or more he will have four votes that being the largest number of votes which any person is to have

13 At each annual court which may be holden after the 25 of March 1829 six Directors and one auditor at the least must retire from Office, and an equal number of Persons be chosen in their stead to fill the vacancies thus created.

14 It will be determined by rotation which of the Directors and Auditors are to vacate their offices at each successive Annual Court but in the Year 1829 and in each of the two following Years this question will be decided by casting lots, There being no seniority of appointment as between the original officers of the company by which in those years, the rotation could be determined.

15 Directors and auditors vacating their Offices shall be capable of being reelected if otherwise properly qualified.

16 Every Director must be a holder of 25 Shares, at the least, of the capital Stock of the Company, in his own right and every auditor must possess a similar qualification. Every Director or auditor diminishing such qualification shall forthwith vacate such his office and a person shall be elected in his stead, to serve for the remainder of the years.—

17<sup>th</sup> A power will be given to the general Court to grant Salaries and allowances to all or any of the officers of the Company as may be deemed expedient, provided that circular notices, convening any such general court shall issue at least one month before the meeting of it, and shall contain a distinct statement that a motion will be then made for the grant of such Salaries and allowances—

18<sup>th</sup> Two General Courts at the least will be held in each year when the half yearly dividends shall be declared—

19 Special General courts may be held which the directors will be bound to convene on the requisition of any ten or more proprietors, and in default of the directors issuing the necessary Summons such proprietors, may themselves convene such Special General Courts by advertisement under their Hand in the London Gazette—

20 General Courts or Special General Courts will be invested with the power of making or confirming bye Laws and making all resolutions relative to the affairs of the Company such Bye Laws and resolutions not being repugnant to the Charter, or to the laws of England The Bye Laws must be duly recorded in a book to be kept for that purpose to which all members of the Company have access—

21— Notice is to be given in the Gazette and by circular letters addressed to all Members of the Company in England and Special General courts and such notices must state the particular objects or business with a view to which such courts may be so convened

22 The Directors are annually to chuse from among their own number a Chairman and deputy Chairman within fourteen days next after the annual election of Directors. In the absence of the Chairman and deputy Chairman the court of Directors or the General court of Proprietors as the case may be may elect a person to act on that occasion, for, and to represent the Chairman

23 The Chairman or deputy Chairman or the director acting as Chairman for the day and presiding at any court of Directors or General court of Proprietors may vote on the question under discussion and may also give a casting vote.

24 The Company will be authorised to raise an additional capital, amounting to 1,000,000£ sterling, or other smaller amount, in pursuance of any resolution adopted at one and confirmed at another General or Special General court— and the new Subscribers will be entitled to all the Privileges and advantages of the old—

25 Power will be granted to the company to cultivate, settle or clear, hold, and dispose of, such waste lands, as they may purchase from His Majesty in the Province of Upper Canada with power to make loans of money to the settlers on any such lands upon Mortgage or other security.—

26 Power will also be granted to the company to purchase, hold, and dispose of Lands situate in any other part of his Majesty's Dominions, which it may be necessary for them to acquire, in order to the carrying the purposes of this Charter into more complete effect provided that the Lands so purchased in England be not altogether of more than the annual value of £2000— and also provided that any such purchases, as aforesaid be made in conformity to the local laws and statutes in force in those parts of His Majesty's foreign Dominions, in which the land so to be purchased may be situate

27. A Power will be granted to the Company to purchase and send to the Province of Upper Canada all such matters and things as may be necessary or convenient for the cultivation, clearing or improvement of the Land which may be purchased by them therein, and they will also be empowered to receive and to sell and dispose of all goods and merchandize which may be consigned or remitted to them from such their lands in payment or purchase money arising from the occupation or sale of any such lands and they will farther

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be empowered to receive and negotiate in England Bills of Exchange Notes or other negociable securities for money which may be remitted to them on account of any such rent or purchase money

28 The company will be empowered to make Loans to the Upper Canadian Government in case any Loan Bill should receive the Royal assent—

29 The appointment of Secretaries Solicitors and agents. The fixing their salaries and the power of displacing them, the general conduct of the business of the company and the nomination of sub committees will be entrusted exclusively to the court of Directors

30 The corporate seal must never be affixed to any instrument except in pursuance of a written resolution of the Court of Directors and in the presence of at least two Directors—

31 No person holding the office of Chairman Deputy Chairman Director Secretary or Auditor, may in his own personal or individual Character, enter into any Contract with the Company—

32 No Dividend may ever be declared by which the Capital stock of the company will be diminished, but this not to affect the right of paying Interest not exceeding 4 P Cent P Annum—” p. 5

(3) Minutes of the intended arrangements between Earl Bathurst, His Majesty's Secretary of State, and the proposed Canada Company. (*Printed in Appendix to Report of the Public Archives for 1934, Constitutional Documents, 1819-1828, pp. 253-63.*) p. 28

(4) Draft of Commission to be granted to Lieut. Col. Francis Cockburn, Simon McGillivray, Sir John Harvey, John Galt and John Davidson empowering them to value the lands in Upper Canada.

(5) Instructions to commissioners appointed to value the lands in Upper Canada. p. 78  
p. 84

1825

Downing St.,  
Jan. 5.

Bathurst to Maitland. (Duplicate.) Stating that 2,000 persons from Ireland, under superintendence of Peter Robinson, will embark during April to settle in Upper Canada, and giving directions as to their reception and sustenance. p. 96

Downing St.,  
Jan. 8.

Bathurst to Maitland. Acknowledging despatch of Aug. 26, and assenting as exceptional measure to the prayer of Joseph Van Ornam and others for leave to dig for iron ore, but insisting as a general principle on the rights of the Crown to iron ore, particularly in districts where its presence had been ascertained. p. 100

Downing St.,  
Jan. 12.

Bathurst to Maitland. Acknowledging despatch of Oct. 7, and expressing acquiescence in objections to granting lands to Major Henry Powell while he is still in military service. p. 102

Downing St.,  
Jan. 29.

Bathurst to Maitland. Acknowledging despatch of Nov. 8, with petition from Welland Canal Company for extensive tract of land for assisting in construction of canal, and stating that if canal had been intended to pass through line of country which would have combined defence with commerce, he might have looked upon petition favourably. As it is, does not feel justified in complying with petition. p. 104

Downing St.,  
Feb. 12.

Horton to Maitland. (Private and confidential.) Stating that Mr. Galt had expressed wish to be appointed to Executive Council. Colonial Secretary informed him that he never interfered in these

matters except on initiative of Lieut. Governor. If Lieut. Governor were to recommend Galt, Colonial Secretary would be disposed to confirm appointment. 1825  
p. 106

Bathurst to Maitland. (Circular.) With reference to circular of Nov. 20 respecting uniforms, the only persons entitled to wear them were members of Executive and Legislative Councils, Chief Justice and Speaker of Assembly. Downing St.,  
March 1.  
p. 109

Bathurst to Maitland. (Circular.) Transmitting blank book for statistics for Blue Book, and noting that Blue Book for 1823 had not reached Colonial Office. Downing St.,  
April 9.  
p. 111

Horton to Maitland. Stating that Master General of Ordnance had appointed commission of Engineer officers, headed by Col. Sir Henry Carmichael Smyth, to proceed to North America to report on the defences; and requesting that commission might have every assistance. Downing St.,  
April 9.  
p. 114

Horton to Maitland. Transmitting estimate for civil establishment for 1825. (No enclosure.) Downing St.,  
April 20.  
p. 116

Bathurst to Maitland. Transmitting petition from Eleanor Gibbons, asking for passage to Perth where she may join her husband, and desiring inquiry to be made. If circumstances make it desirable, assistance may be given. Downing St.,  
April 26.  
p. 117

Enclosure:—

Petition of Eleanor Gibbons. (Copy.) p. 120  
Sligo,  
April 20.

Bathurst to Maitland. Transmitting memorial from Sir D. W. Smith, asking to be allowed to acquire grant of land in township of Pickering; and requesting that Canada Company be desired to give favourable consideration to case. Downing St.,  
April 26.  
p. 123

Enclosures:—

(1) D. W. Smith to Horton. (Copy.) Transmitting memorial. Alnwick,  
March 29.  
p. 125

(2) Memorial of D. W. Smith. (Copy.) p. 127  
Alnwick,  
March 29.

Bathurst to Maitland. Transmitting, in connection with despatch of April 26, further memorial from Sir D. W. Smith, detailing public services on which he bases his application for grant. Downing St.,  
May 9.  
p. 131

Enclosures:—

(1) D. W. Smith to Horton. (Copy.) Stating he would not have asked for grant if he had known Crown Reserves were promised to the Canada Company, and enclosing memoir to be presented to Earl Bathurst as his apology. Alnwick,  
April 27.  
p. 133

(2) (Copy.) Sir David Smith's apology for having intruded himself on the notice of the Colonial Department in an application for part of the Crown Lands in Canada. Gives detailed account of his public services. Alnwick,  
April 27.  
p. 137

Bathurst to Maitland. Acknowledging despatch of March 7, and conveying approval of nomination of James Macaulay to seat in Executive Council. Downing St.,  
May 10.  
p. 157

- 1825**  
Downing St.,  
May 18. Bathurst to Maitland. Notifying him of appointment of Charles Coxwell Small as Clerk of the Crown and Pleas in room of his father, John Small, resigned. p. 158
- Downing St.,  
May 31. Bathurst to Maitland. Requesting him to lay before Commission appointed to report upon state of fortifications and defences, correspondence transmitted in Lieut. Governor's despatch of Oct. 9, [Oct. 8?] 1824, respecting proposed canal between Burlington Bay [Lake Erie?] and Lake Ontario, with any other information on subject he may possess. p. 160
- Downing St.,  
May. Bathurst to Maitland. (Circular.) In view of the expediency of establishing British metallic currency as circulating medium of all the colonies, transmits Order in Council declaring that a tender or payment of four shillings and four pence shall be equivalent to tender or payment of one Spanish dollar, and making British copper money legal tender to amount of 12 pence in one payment; and directs that Order be put into effect. Also transmits copy of instructions from Treasury, explaining principles on which foregoing Order was based. Public notice is to be given that holders of British silver money may demand of Commissariat bills upon Treasury at 30 days sight for any sums not less than £100 at fixed rate of a bill for £100 for every £103 of British silver money tendered. Public notice also to be given as to what is the sum of "money of account" to which British silver money is, in accordance with these instructions, equivalent. Thus if Spanish dollar is equivalent to five shillings of "money of account", 17 shillings and 4 pence of British silver and copper money would be equal to one pound of such "money of account". If Spanish dollar equals five shillings and four pence of "money of account", 16 shillings and three pence of British silver and copper money equals one pound of such "money of account". If Spanish dollar equals six shillings and eight pence of "money of account", 13 shillings of British money is equal to one pound of such "money of account". If actual value of Spanish dollar in "money of account" is not furnished by any of these examples, the proportions between British silver money and the "money of account" could be calculated upon same principles. Treasury is shipping £30,000 in British silver and a small amount of copper for service of the Canadas. p. 163
- Enclosures:—
- Treasury  
Chambers,  
April 27. (1) Harrison to Officer Commanding His Majesty's Forces, Upper Canada. (Circular. Duplicate.) Transmits Order in Council of 23 March, 1825, regarding circulation of British silver and copper. p. 172
- March 23. (2) The Order in Council. (Printed copy.) p. 384
- Downing St.,  
June 6. R. W. Hay to Maitland. Conveying instructions to make grant of land to Mr. Sharp Sawyer. p. 173
- Treasury  
Chambers,  
June 29. Harrison to Maitland. (Duplicate.) Respecting travelling expenses of officers engaged upon public business. p. 174
- Downing St.,  
June 14. Horton to Archdeacon Mountain. (Copy.) Acknowledging letter of May 31 addressed to Colonial Secretary protesting, on behalf of the Corporation for managing the Clergy Estates in Upper Canada, against the inclusion of part of Clergy Reserves in sale to Canada Company; and stating that terms of bargain were arranged after consideration and with advice and assistance of the President of the

Clergy Corporation, who now petitions against it. Colonial Secretary, after further consideration, adheres to original opinion that the transaction would be beneficial to Clergy, but in view of opposition which has arisen will advise His Majesty to substitute another plan which may be satisfactory both to Corporation and to Canada Company. The present bill will not be abandoned but will be pressed through without deviation from any article agreed to with the Company, which the latter considers essential to their interests. But it may be that Company will be satisfied with other lands in lieu of those of Clergy Reserves. In that case, no further action by Corporation will be necessary. If such agreement cannot be made, lands will be appropriated to replace those alienated from Clergy Reserves. In either case the whole money from Canada Company would be at disposal of Crown, exempt from any obligation towards the Clergy. 1825

p. 177

G. J. Mountain to Horton. (Copy.) Acknowledging letter of the same date, and expressing concern and regret that proceedings of Corporation should have appeared lacking in respect towards H.M.'s Government, states that he and Robinson concur in opinion that petition should not be presented to Parliament. 23 Bury St.,  
St. James's,  
June 14.

p. 182

G. J. Mountain to Bathurst. (Copy.) Lengthy statement of reasons which led Corporation for managing Clergy Estates in Upper Canada to believe that the interests of Clergy would suffer if bargain with Canada Company, so far as concerned them, were carried into effect. Bury St.,  
St. James's,  
May 31.

p. 184

Bathurst to Maitland. Acknowledging despatch of Jan. 31, and expressing regret and entire disapprobation of conduct of Chief Justice Powell, but as latter has expressed desire to retire from offices of Chief Justice and Speaker of Legislative Council, his request has been acceded to, in view of long and useful services, and pension of £1,000 Stg. granted. Downing St.,  
June 30.

p. 199

Bathurst to Maitland. Stating with reference to Lieut. Governor's despatch of Aug. 23, 1824, that Treasury, whose letter is enclosed, authorize payment of claim of Mr. McGregor, amounting to £242-11-0 currency, but cannot admit the others. Downing St.,  
June 30.

p. 202

Enclosure:—

Harrison to Horton. (Copy.) Stating that the Treasury, in consideration of a letter of April 26 from Sir William Robinson respecting the claims of Mr. McGregor to remuneration for loss sustained in late war, had written to the Lieut. Governor authorizing payment to Mr. McGregor, but refusing to admit any of the other claims. Treasury  
Chambers,  
June 15.

p. 206

Bathurst to Maitland. (Circular.) Giving notice that R. W. Hay had been placed on establishment of Colonial Office as additional Under Secretary of State, and enclosing memorandum showing division of business between the two Under Secretaries. Colonial  
Office,  
July 6.

p. 207

Enclosure:—

Memorandum showing division of business between R. W. Horton and R. W. Hay. p. 208

- 1825**  
Downing St.,  
July 6. Bathurst to Maitland. (Private.) Stating that, as requested, leave to visit England will be granted, but that expenses cannot be allowed. H.M.S. "*Herald*" when returning from taking out Lord Dalhousie will be available for Maitland and his family.  
p. 209
- Downing St.,  
July 7. Bathurst to Maitland. To same effect as private letter of July 6.  
p. 212
- Downing St.,  
July 7. Duplicate of preceding despatch.  
p. 213
- Downing St.,  
July 22. Bathurst to Maitland. With reference to Crown timber in Upper Canada, particularly on Ottawa River, survey of this district desired and such report as will enable him to decide upon system best adapted for regulation of timber trade and for protection of H.M.'s forests.  
p. 215
- Downing St.,  
July 22. Bathurst to Maitland. Directing payment from funds at disposal of Crown to Land Granting officers for issuing patents for military and other settlers who proceeded to Canada under promise of free grants of land.  
p. 218
- Downing St.,  
July 22. Duplicate of preceding despatch.  
p. 221
- Downing St.,  
July 22. Bathurst to Maitland. With reference to the naturalization of aliens. (*Printed in Appendix to Report of the Public Archives for 1934, Constitutional Documents, 1819-1828, pp. 273-3.*)  
p. 223
- Downing St.,  
July 22. Duplicate of preceding despatch.  
p. 226
- Downing St.,  
July 22. Bathurst to Maitland. (Duplicate.)  
"I have received His Majesty's Commands to direct that you do from time to time with the advice of the Executive Council for the Affairs of the Province of Upper Canada constitute and erect within every Township or Parish which now is or hereafter may be formed constituted or erected within the said Province one or more Parsonage or Rectory, or Parsonages or Rectories according to the Establishment of the Church of England, and that you do from time to time by an Instrument under the Great Seal of the said Province endow every such Parsonage or Rectory with so much or such Parts of the Land so allotted and appropriated as aforesaid, in respect of any Lands within such Township or Parish which shall have been granted subsequently to the commencement of a certain Act of the Parliament of Great Britain passed in the 31<sup>st</sup> year of the Reign of His late Majesty King George the Third intituled "An Act to repeal certain parts of an Act passed in the 14<sup>th</sup> Year of His Majesty's Reign" intituled "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" or of such Lands as may have been allotted and appropriated for the same purpose by or in virtue of any Instruction which may have been given by His said late Majesty before the commencement of the said Act, as you shall with the advice of the said Executive Council judge to be expedient under the existing Circumstances of such Township or Parish.

You shall also present to every such Parsonage or Rectory an Incumbent or Minister of the Church of England, who shall have been duly ordained, according to the rites of the said Church, and supply from time to time such vacancies as may happen therein—”

p. 230

Bathurst to Maitland. Acknowledging despatch of April 28, and expressing approval of his answers to addresses of Legislature requesting information regarding the Casual Revenue, the fees on grants of land, and the leases of Crown Reserves. In conveying H.M.'s permission to furnish these accounts, directs that, in case Assembly renews such application with a view to making it an annual measure, they are to be informed that Lieut. Governor cannot furnish these accounts without instructions from H.M.'s Government.

p. 236

Downing St.,  
July 28.

Duplicate of preceding despatch.

p. 239

Downing St.,  
July 28.

Horton to Maitland. (Circular.) Conveying instructions as to details to be observed in preparing despatches.

p. 242

Downing St.,  
July 26.

Bathurst to Maitland. Transmitting copy of regulations in force in New South Wales for granting lands, together with report of J. B. Robinson upon it, and directing that these regulations as amended by Robinson be put in operation in Upper Canada, unless some serious objection to them appears. Opinion of Executive Council on regulation is desired, with Lieut. Governor's remarks. (No enclosure.)

p. 245

Downing St.,  
July 28.

Bathurst to Maitland. Stating, with reference to address of Assembly in 1823 respecting boundary line between Canada and United States in neighbourhood of Barnhart's Island, that British Commissioner represented that the line agreed to was the best that under circumstances could be obtained. It is regrettable that some facts accepted by British Commissioner appear to be contradicted by statements received from Upper Canada, but as award was unanimous there is no option but to abide by it.

p. 249

Downing St.,  
July 28.

Duplicate of preceding despatch.

p. 251

Downing St.,  
July 28.

Horton to Maitland. (Private.) Stating that he has endeavoured to communicate by Mr. Robinson answers on all subjects addressed by Lieut. Governor to Colonial Secretary, but expressing readiness to attend to any inadvertently overlooked.

p. 254

Downing St.,  
July 29.

Horton to Maitland. Stating that Colonial Secretary, having detained Attorney General Robinson to a period when he was subjected to considerable loss from inability to attend to professional business in Upper Canada, desires compensation be granted, and authorizes payment of not less than £500. Robinson's letter on subject enclosed.

p. 256

Downing St.,  
July 30.

Enclosure:—

Robinson to Horton. (Copy.) Stating losses sustained as a result of his having been detained by the Colonial Secretary.

p. 259

London,  
June 24.

Horton to Maitland. (Private and confidential.) Stating his views as regards borrowing money for public purposes of colony. The British Government is desirous of assisting Upper Canada, and the most practicable way would be lending money for those purposes

Downing St.,  
July 30.

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at low rate of interest. He presumes that the province could not borrow at less than six per cent, to which must be added one per cent for sinking fund. The British Government could let Upper Canada have money at three per cent, if it approved of objects to which it was intended to be applied. Thus if canals proposed could be made to combine military defence with commercial plans, this would be case in point. The advantages of receiving by way of loan over that of donations.

p. 262

Enclosure:—

Memorandum discussing several plans for construction and financing of a canal in Upper Canada. There were three propositions: the first would provide for vessels of large burden; the second would be on a much diminished scale; the third, submitted by Legislature, would be for an intermediate scale. The point to be considered by Treasury is, not the merits of the plans, but whether they would be disposed to lend the money necessary at moderate rate, say three per cent, with two per cent for sinking fund, taking canal revenues as collateral security, in addition to certain specific taxes for progressive repayment. The U.C. Legislative Committee, however, take the view that the least expensive plan, which would answer commercial requirements, could be undertaken by the province on its own resources, and raise the question whether, if considerations of military defence are added, part of the cost should not be borne by the Home Government. The answer suggested is, that it is better that the Treasury lend one sum, on the most moderate terms, than that a distinction be made between funds from which the work is to be accomplished. The difference in the rates of interest would almost equalize the two estimates of cost.

p. 266

Downing St.,  
July 30.

Bathurst to Maitland. Acknowledging despatch transmitting acts of Legislature referred to H.M. in Council. The one regulating trade between Upper Canada and United States will probably be disallowed, as being at variance with acts of Imperial Parliament on same subject, but its more important provisions have been incorporated in an Imperial Act lately passed.

p. 275

Colonial Office,  
Aug. 1.

Bathurst to Maitland. Giving notice that allowance to Rev. Dr. Macdonell, Titular Roman Catholic Bishop in Upper Canada, has been increased to £400 Stg. per annum from July 1, 1824.

p. 278

Colonial Office,  
Aug. 12.

Bathurst to Maitland. Stating he has permitted Bishop Macdonell to draw on the Colonial Government for one year's allowance of the stipend authorized to be paid to him.

p. 280

Downing St.,  
Aug. 14.

Bathurst to Maitland. Acknowledging despatch of May 16, and conveying approval of provisional agreement with Chippewa Indians of River St. Clair for cession of a tract of their territory to Crown.

p. 282

Downing St.,  
Aug. 20.

Bathurst to Maitland. (Circular.) Transmitting copies of Imperial Acts for regulation of Colonial trade, viz.:—6 Geo. IV, cap. 73, cap. 105, cap. 109, cap. 110, cap. 111, cap. 114. (No enclosure.)

p. 284

Colonial Office,  
Aug. 31.

Bathurst to Maitland. Transmitting warrants for appointment of Mr. Campbell to be Chief Justice, and of L. P. Sherwood to be Puisne Judge, and requesting payment of the stamp duties and fees thereon, Campbell's amounting to £159-15-6, and Sherwood's to £59-15-6.

p. 285

Bathurst to Maitland. (Circular.) Directing transmission every six months of minutes of proceedings of Assembly, and of Boards of Privy and Legislative Councils, and giving instructions as to how these should be prepared. 1825  
Downing St.,  
Sept. 3.  
p. 287

Bathurst to Maitland. With reference to despatches of July 26, 1824, and of May 4, 1825, relative to claims of Robert Randal to certain lands on the Niagara in possession of Thomas Clark, it appears indisputable that Randal was a consenting party to conveyance of these lands to Mr. McCulloch. Does not feel called upon to interfere. Downing St.,  
Sept. 5.  
p. 291

Bathurst to Maitland. Transmitting copy of communication from Society for the Propagation of the Gospel requesting that instructions be given for endowment of parishes already erected in Canada in accordance with 31 Geo. III, cap. 31, and for erection and endowment of others wherever practicable; and inquiring what had been done in this connection. Downing St.,  
Sept. 7.  
p. 293

Enclosure:—

The communication from S.P.G. [Copy.]

p. 296

St. Martin's  
Library,  
July 15.

Horton to Maitland. (Private.) Transmitting copy of private communication addressed to Lieut. Governors in Maritime Provinces respecting general state of granted and ungranted lands in those provinces, in order that information to be sent from Upper Canada may be put in similar form. Downing St.,  
Sept. 10.  
p. 300

Enclosure:—

[Copy, not addressed or signed.] (Private and confidential.) Requesting information about grants of land during last twenty years, general state of granted and ungranted lands, and maximum and minimum number of acres granted at any time to one individual. Downing St.,  
Sept. 9.  
p. 297

Horton to Maitland. (Private.) Stating that, as result of conversation with Dr. Stewart, Bishop of Quebec, Colonial Secretary is of opinion that, as two archdeacons are to be appointed for Upper Canada, they should be fairly remunerated if paid £300 a year each. There being but one archdeacon in Lower Canada he would receive £500. The Bishop suggested that, as Dr. Strachan resided at York, he had better be appointed Archdeacon of York, and Mr. Stewart, Archdeacon of Kingston, the one appointed first to have precedence. Downing St.,  
Sept. 12.  
p. 303

Lord Palmerston to Maitland. Asking whether enclosed marriage certificate (to be returned) of widow of Lieut. Joseph Piggott who claims pension would establish her marriage in Canada. (No enclosure.) War Office,  
Sept. 28.  
p. 306

Bathurst to Maitland. (Circular.) Requiring return of all civil and other officers residing in houses or lodgings at public expense, with information regarding value and ownership of the houses; also authority for granting such accommodation. Downing St.,  
Oct. 5.  
p. 307

Charles B. Vaughan to Maitland. Transmitting copy of letter from Secretary of State Clay (United States), with two other letters, from which it appears that promise given by Mr. Canning to U.S. Minister that directions would be given to enter a Nolle Prosequi on Washington,  
Nov. 12.

1825

indictment against John Macdonell for his conduct during war between Great Britain and United States had not so far been carried into effect; and inquiring as to state of case. p. 310

Enclosures:—

Washington,  
Nov. 2.

(1) Henry Clay to Chas. R. Vaughan. (Copy.) Transmitting copies of two letters which show that directions had been given to enter a Nolle Prosequi on indictment against Mr. Macdonell and that it had not been carried into effect. p. 313

Foreign Office,  
June 9.

(2) Geo. Canning to Rush. (Copy.) Stating that authority has been given to Lieut. Governor to direct entry of Nolle Prosequi on indictment against Mr. Macdonell. p. 315

Detroit,  
Oct. 17.

(3) Gabriel Richards to U.S. Secretary of State. (Copy.) Stating that John Macdonell has received no information from any official authority in Canada that the prosecution against him is to be discontinued. p. 317

Downing St.,  
Nov. 30.

Bathurst to Maitland. (Circular.) Requesting account of all fees levied upon the shipping and trade of the colony, by any person not connected with the Customs Revenue, with particulars. p. 320

45 Margaret  
St., Cavendish  
Square,  
Nov. 30.

H. J. Bolton to Horton. (Copy.) A lengthy review of the conclusions of the Commissioners appointed to determine the value of the land purchased by the Canada Company. p. 322

Downing St.,  
Dec. 31.

Horton to Maitland. Conveying instructions that monthly returns be made to Colonial Secretary of average price of wheat and other grains. p. 343

Downing St.,  
Dec. 31.

Bathurst to Maitland. Acknowledging despatch of June 22, and, after a review of all the facts before him, deciding that the minister of St. Andrew's Presbyterian Church, Kingston, had not made out a case, establishing the right of Protestant bodies to bury their dead, according to the rites of the denomination to which they belonged, in either of the cemeteries claimed by the ministers of the Church of England. Directions given that patents be prepared confirming the Church of England in their right to the two cemeteries, one of which was to be subject to right of the Roman Catholics to use it jointly with Church of England. If the minister of the Church of Scotland should state that burial ground allotted to his congregation had not been duly or explicitly granted, or if ground was not sufficiently large, he should be fully satisfied in either particular. p. 344

Downing St.,  
Dec. 31.

Duplicate of preceding despatch. p. 364

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Downing St.,  
Jan. 7.

Bathurst to Maitland. (Circular.) Stating that, in order to give effect to Imperial Acts 6 Geo. IV, caps. 73 and 114, for regulating and extending colonial trade, it was decided to remunerate Customs officers by fixed salaries instead of by fees, and to abolish situation of Naval officer altogether, and asking for a variety of information to enable Government to carry measures into effect. p. 1

Downing St.,  
Jan. 7.

Duplicate of preceding despatch. p. 7

Downing St.,  
Jan. 19.

Bathurst to Maitland. Stating that Treasury, having before them address of Assembly enclosed in despatch of April 25 last, had sanctioned granting half-pay to officers of Battalion of Incorporated

Militia for services during War of 1812, but, that owing to inconveniences that would arise from recognition of principle involved, they hoped no other requests on behalf of battalions would be made. p. 12 **1826**

Duplicate of preceding despatch. p. 14 Downing St.,  
Jan. 19.

Horton to Maitland. Transmitting for attention letter from Foreign Office with request from Bavarian Minister for information respecting John Paul Rattelmüller who was employed in 1804 by Lieut. Governor of Upper Canada as interpreter. p. 17 Downing St.,  
Jan. 23.

Enclosures:—

(1) Lord Clanricarde to Hay. (Copy.) Transmitting copy of Foreign Office an official note from Bavarian Minister. p. 19 Foreign Office,  
Jan. 9.

(2) Baron de Cetto to Canning. (Copy.) Requesting information regarding a Bavarian subject, John Paul Rattelmüller. (In French.) p. 20 **1825** 2 Queen St.,  
Mayfair,  
Dec. 8.

(3) Affidavits relating to death of Rattelmüller. p. 23

Bathurst to Maitland. Stating, with reference to his despatch of Jan. 19, that provision is being made in Army Estimates for half-pay to officers of Battalion of Incorporated Militia. p. 27 **1826** Downing St.,  
Jan. 31.

Enclosures:—

(1) Harrison to Horton. (Copy.) Transmitting copy of letter from Secretary of War. p. 29 Treasury  
Chambers,  
Jan. 23.

(2) Palmerston to Harrison. (Copy.) Stating he has made provision in Army Estimates for half-pay to officers of Battalion of Incorporated Militia. p. 30 War Office,  
Jan. 18.

Bathurst to Maitland. Transmitting letter from Home Office with a warrant for the execution of Shawanakiskie, an American Indian convicted of murder, the facts of which were reported in despatch of Feb. 14, 1823; and stating that, although the circumstances fully warranted letting the law take its course, there might be other facts known to Lieut. Governor which would make it proper to commute the sentence to transportation, and that the question was left to Lieut. Governor's judgment. p. 32 Downing St.,  
Feb. 23.

Enclosures:—

(1) H. Hobhouse to Hay. (Copy.) Transmitting warrant for execution of Shawanakiskie. p. 35 Whitehall,  
Feb. 17.

(2) Warrant, dated Feb. 13, vesting the Governor or Lieut. Governor of Upper Canada with discretionary power in the case of Shawanakiskie. p. 39

Bathurst to Maitland.

"It has been represented to me that by a Provincial Law of Upper Canada a Member of the Church of Scotland is prevented from solemnizing Marriages, in all cases in which the one and the other of the parties to be Married has not been for the space of six Months a Member of his Congregation— It is stated that in consequence of this law, which is peculiar to Upper Canada, instances are perpetually occurring of applications for Marriage by persons who are obliged to be sent by the Minister of the Church of Scotland, to the Clergyman of the Episcopal Church to have their Marriage

1826

Solemnized, and that a Minister of the Church of Scotland could not even solemnize the Marriage of a Brother Clergyman unless he was to be Married to a person belonging to a Congregation of another Minister of the Church of Scotland; and even then it is that Minister to whose Congregation the Lady belongs and no other who could legally perform the Ceremony—

I am to desire that you will inform me whether the statement abovementioned is correct and I should be glad to receive from you any explanation which it may be in your power to afford of the circumstances which led to enactments which are represented to be at variance with the Law, in other parts of His Majesty's Dominions." p. 42

Downing St.,  
Feb. 24.

Duplicate of preceding despatch.

p. 45

Downing St.,  
Feb. 28.

Duplicate of despatch of Feb. 20, respecting Shawanakiskie.

p. 49

Whitehall,  
Feb. 17.

Enclosure:—

H. Hobhouse to Hay. Duplicate of enclosure in despatch of Feb. 20.

p. 53

Downing St.,  
Feb. 28.

Bathurst to Maitland. Respecting propriety of restoring pension of Mr. McGregor, an officer of Kent Volunteers, reported upon by Lieut. Governor on Oct. 15, 1823.

p. 57

Enclosure:—

Army Medical  
Department,  
Feb. 7.

Certificate signed by Sir William Franklin as to the effects on the health of Lieut. James McGregor of wounds received in action. (Copy.)

p. 60

Downing St.,  
March 1.

Bathurst to Maitland. Acknowledging despatch of Nov. 21 and approving of judicial arrangements made on retirement of Mr. Powell from Chief Justiceship. Directions have been given for preparing commissions to Mr. Campbell as Chief Justice and Mr. Sherwood as Puisne Judge; and a mandamus will be prepared appointing Mr. Campbell to Legislative Council.

p. 64

Downing St.,  
March 1.

Duplicate of preceding despatch.

p. 66

Downing St.,  
March 1.

Bathurst to Maitland. Acknowledging despatch of Nov. 24, and stating that petition from Presbyterian Congregation in Kingston would be laid before the King. Can see no grounds for revising decision of Dec. 31. Regret expressed for continuance of dispute.

p. 69

Downing St.,  
March 1.

Duplicate of preceding despatch.

p. 71

Downing St.,  
March 1.

Bathurst to Maitland. (Circular.) Transmitting, in connection with circular of Nov. 29, 1824, copy of letter from Sir Herbert Taylor with minute from Commander in Chief, which had been approved by the King, detailing extent of military authority to be exercised by civil governors, and regulating allowances to them for servants' rations and horses' forage.

p. 74

Enclosures:—

1825  
Horse Guards,  
Dec. 3.

(1) Taylor to Horton. (Copy.) Transmitting copy of memorandum respecting military authority of civil governors in the colonies.

p. 76

(2) Copy of memorandum.

p. 78

Bathurst to Maitland. Acknowledging despatch of Dec. 15, and expressing regret at inability to sanction grant of half-pay to Wm. J. Kerr, formerly captain in Indian Department, while acknowledging his zealous and gallant services. 1826  
Downing St.,  
March 14.  
p. 86

Bathurst to Maitland. Acknowledging despatch of Dec. 5 and sanctioning, under special circumstances, grant of land to Mr. Beikie, for many years confidential clerk in Council Office, who also deserves consideration for services during late war. Downing St.,  
March 14.  
p. 87

Bathurst to Maitland. Acknowledging despatch of Dec. 12, and authorizing payment from Clergy Reserves Fund to Archdeacon of Quebec of £200 Stg., to meet the expense of his voyage to England on behalf of Corporation for managing Clergy Reserves. Downing St.,  
March 14.  
p. 89

Horton to Maitland. Respecting application of Brice McGregor for repayment of sum advanced by him to Lieut. James McGregor. Downing St.,  
March 21.  
p. 90

Enclosure:—

Brice McGregor to Horton. (Copy.) Respecting repayment of £100. Horse Guards,  
March 15.  
p. 93

Bathurst to Maitland. (Circular.) Transmitting papers explanatory of arrangement made with Ordnance for transferring to that department all military works and buildings in colonies referred to. Downing St.,  
April 10.  
p. 96

Enclosure:—

Regulations A and B of January, 1826. p. 97

Bathurst to Maitland. (Private. Circular.) Stating that full explanation will be given by Treasury of instructions respecting charging Customs collections with salaries of Customs officers and compensations to Naval officers. (Endorsed, "Not applicable to U.C.") Downing St.,  
April 12.  
p. 414

Horton to Maitland. (Private.) Expressing satisfaction at prospect of report from Upper Canada on immigration being received before Parliamentary Committee finish their work. Explaining circumstances of discontinuance of Parliamentary Estimate for civil government of Upper Canada. Arrangement had been made with Canada Company by which they were to pay £25,000 on account into Commissariat, which would be applied by local government under direction of Colonial Secretary. But since dropping estimate Company had intimated that should arbitration in which they were involved be unfavourable to them, they would request to be dissolved. If money should not be received from them, Lieut. Governor would be instructed to draw on Treasury for amount. In such case, first proceeds from sale of Crown Reserves under any arrangement would be applied towards liquidating debt to Treasury, and so on in substitution for estimates of future years. Downing St.,  
April 12.  
p. 103

Bathurst to Maitland. (Circular.) Enclosing copy of Treasury Minute on question of payment of expenses of Customs establishments out of proceeds of Customs duties. Downing St.,  
April 23.  
p. 107

Enclosure:—

Copy of Treasury Minute. p. 110 April 25.

- 1826**  
Downing St.,  
April 28. Horton to Maitland. (Private.) Explaining terms of Treasury Minute on payment of expenses of Customs establishment. p. 125
- Downing St.,  
May 3. Horton to Maitland. Enclosing copy of letter from Mr. Galt. p. 129
- Enclosure:—  
13 St. Helen's  
Place,  
March 2. John Galt to Horton. (Copy.) Respecting new land-granting regulations which he considers interfere unfairly with the interests of the Canada Company, and are contrary to pledges on the part of the Government. p. 130
- Downing St.,  
May 31. Bathurst to Maitland. Acknowledging despatch of Feb. 16, and approving of appointment of Rev. Dr. Phillips as master of Royal Grammar School in Upper Canada, to replace Rev. John Wilson, resigned, and also of sale of lands to provide for erection of buildings for accommodation of master and scholars. p. 151
- Downing St.,  
May 31. Duplicate of preceding despatch. p. 153
- Downing St.,  
May 31. Bathurst to Maitland. Transmitting free pardon to Hans Howe and Elizabeth Maxwell convicted of child murder. p. 155
- Enclosure:—  
May 17. Warrant for free pardon and discharge from custody of Hans Howe and Elizabeth Maxwell. p. 156
- Downing St.,  
June 3. Bathurst to Maitland. Respecting the address of the Assembly of Upper Canada on the subject of the administration of justice, and appointment of the Chief Justice as a member of the Executive Council. (*Despatch and address printed in Appendix to Report of the Public Archives for 1934, Constitutional Documents, 1819-1828, pp. 281-2.*) p. 158
- Downing St.,  
June 3. Duplicate of preceding despatch. p. 160
- Downing St.,  
June 8. Bathurst to Maitland. Acknowledging despatch of April 3, and conveying authority to pay Colonel Talbot the sum of £400 annually, in consideration of his labours and sacrifices in promoting settlement. p. 163
- Downing St.,  
June 8. Duplicate of preceding despatch. p. 165
- Downing St.,  
June 9. Bathurst to Maitland. (Duplicate. Circular.) Transmitting for guidance, papers explanatory of arrangement for transfer to Ordnance of all military works and buildings referred to. p. 168
- Enclosure:—  
Regulations C and D of January, 1826. (Printed.) p. 170
- Downing St.,  
June 10. Bathurst to Maitland. Stating that address from Assembly, praying that encouragement might be given to emigration from United States to Upper Canada, had been laid before the King, and that His Majesty is so assured of loyalty and attachment of people of Upper Canada that he is convinced that the Assembly would regret success of any measures which would interfere with plans in contemplation for encouragement of emigration from United Kingdom. p. 175
- Downing St.,  
June 10. Duplicate of preceding despatch. p. 177

Bathurst to Maitland. Stating, with reference to petition of Assembly for repeal of so much of 6 Geo. IV, cap. [75] as permits appropriation of lands in lieu of Clergy Reserves, that intent of Act was misunderstood by Assembly, as its object was not to increase amount of Reserves specially allotted by the Imperial Parliament for the Established Church.

1826

Downing St.,  
June 11.

p. 180

Duplicate of preceding despatch.

p. 182 Downing St.,  
June 11.

Bathurst to Maitland. Acknowledging despatch with address of Assembly, praying that John Hardy be restored to United Empire List, and stating that Assembly could not have been aware that Hardy had been in service of rebels and actually engaged in invasion of Canada during Rebellion, that he was taken prisoner, and then joined 84th Regt. He cannot be included in that List, but his faithful service after joining British army, entitled him to enjoy all the advantages granted to those who served in that war, as if he had enlisted in England.

Downing St.,  
June 12.

p. 185

Duplicate of preceding despatch.

p. 190 Downing St.,  
June 12.

Bathurst to Maitland. Transmitting copy of agreement with Canada Company by which the Company received 1,000,000 acres of land in London and Western Districts in lieu of Clergy Reserves.

Downing St.,  
June 12.

p. 194

Enclosure:—

"At a meeting held this day at the Colonial Office at which Lord Bathurst and Mess<sup>rs</sup> Downie, Hullett, Fullerton, M<sup>rs</sup>Gillervray, Logan, and Galt were present, the following arrangement was made and concluded between Lord Bathurst on behalf of His Majesty's Government and the said Mess<sup>rs</sup> Downie, Hullett, Fullerton, M<sup>rs</sup>Gillervray, Logan, and Galt on behalf of the Canada Company.

Downing St.,  
May 23.

1. It appearing from the award of the Commissioners that the Clergy Reserves, valued by them, comprised 829430 Acres and those lands being valued at 3/6 current money of Upper Canada, per acre, the Canada Company would have had to pay to His Majesty's Government the sum of £145150.5.0 current money of Upper Canada, if those Clergy Reserves had been conveyed to them— In lieu of the before mentioned 829430 Acres, His Majesty's Government will grant & convey to the Canada Company for the same price of £145150.5.0 currency, a Block of Land containing One Million of Acres in the Territory lately purchased from the Indians in the London and Western Districts.

2. One third part of the before mentioned sum of £145150.5.0 currency, shall be expended by the Canada Company in Public Works and improvements within the said Block of Land and the remaining two third parts only of the said sum of £145150.5.0— Currency shall be actually paid to His Majesty's Government—

3— By the terms "Public works & improvements" will be understood Canals Bridges, High Roads, Churches, Wharves, Schoolhouses, and any other works undertaken & calculated for the common use and benefit of His Majesty's Subjects, resident within that part of the Province of Upper Canada in contradistinction to works intended for the use & accommodation of private persons—

4— The Plan and Estimate of every such undertaking will originate with the Company & must be invariably submitted by them to the Governor in Council prior to his consent being given that the

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expence of such undertaking shall be received in part of payment and in the event of any difference of opinion arising between the Company & the local Government respecting the advantage or expence of any such proposed undertaking or respecting the time or mode in which the same may most conveniently be carried into execution the question is to be referred to the Secretary of State whose decision shall be final—

5— Upon the completion of any such undertaking the Company shall lay before the Governor in Council a Statement of the cost incurred by them in effecting the same and if the Governor and Council shall deem such work to have been duly executed according to the plan upon which the estimate was founded and in such a manner as was intended at the time that the Estimate was formed, the Company shall be allowed credit in account for the amount actually expended; provided it has not exceeded the Estimate— If however the Expence should in any instance exceed such estimate and the Governor in Council shall deem such excess to have been justified by special circumstances, the Company shall in that case also be allowed credit in account for the amount actually expended provided such sums do not exceed in the whole one third of the said purchase money of the said Million Acres.

6— The Block of 1000,000 acres of Land to be allotted to the Company shall be selected by them from such part of the lands lately purchased by [from?] the Indians as are situate in the London & Western Districts— The Block shall be marked out by the Surveyor General or his Deputies and shall approximate to the form of some regular Mathematical figure as nearly as may be, consistently with preserving any well defined natural land marks or boundaries—

7. The Provisions contained in the original Contract of the 26. of November 1824 respecting the resumption of lands by His Majesty for Public Services and generally all the provisions contained in those arrangements for the security and benefit of the Public, shall be applied to & affect the lands to be substituted for the Clergy Reserves—

8. The Block of one Million Acres of land will be surveyed and a road will be made through the Blocks of Clergy Reserves in the District of Gore such survey & road will be made at the expence of His Majesty's Government—

The Company shall be allowed *sixteen years* to commence from the 1. of July 1826 for the fulfillment of their contract with His Majesty's Government—

9. In substitution for the Provisions contained in the minutes of the Agreement respecting the mode of paying the Purchase money to His Majesty's Government it is agreed that the Company shall pay in the year commencing the 1 of July 1826 and ending the 1 of July 1827—£20,000

In the year ending the 1 July 1828. ....	£15,000
In the year ending the 1 July 1829. ....	15,000
In the year ending the 1 July 1830. ....	15,000
In the year ending the 1 July 1831. ....	16,000
In the year ending the 1 July 1832. ....	17,000
In the year ending the 1 July 1833. ....	18,000
In the year ending the 1 July 1834. ....	19,000
In the year ending the 1 July 1835. ....	20,000

and in each of the 7 succeeding years the like sum of £20,000.

The sums above mentioned are the amount of what the Canada Company is actually to pay to His Majesty's Government and do not include the sums which they are to invest in Public Works & Improvements in the Block of Land in the London and Western Districts—

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10. The preceding sums are the greatest amount which in each year\* years abovementioned, the Canada Company shall be obliged to pay to His Majesty's Government, but this arrangement is not to prejudice the right of the Company to lay out any greater sums of money in any of those years according to the terms of the original contract—

11. In the year ending 1 of July 1843 the Company shall either take up on the terms already stated all the lands then remaining to be taken up or shall terminate the contract & abandon all claim to such lands as have not at that time been taken up by them—

12. If any of the Lands to be sold to the Company shall be alleged by them to be altogether unfit for cultivation either in arable or in pasturage Arbitrators shall be appointed in the manner prescribed in the 31 article of the original Contract and such Arbitrators shall decide both whether such Lands or any of them are totally unfit for cultivation & what is the amount of the compensation or equivalent to be allowed to the Company in respect of any such lands, and the lands which shall have been thus decided to be totally unfit for cultivation shall be thenceforth considered as having lapsed to the Crown and to belong exclusively to the Crown.

13. Lord Bathurst will immediately take the necessary measures for completing the Charter of the Company with all practicable dispatch—

Lord Bathurst does not consider that the formation of high Roads would be a Legitimate application of money, within the meaning of the Clause N<sup>o</sup> 3, except in those peculiar & special cases in which the formation of the road may be directly conducive to the Public interests of the Province: and his Lordship will instruct the Lieut<sup>g</sup> Governor that he is to approve expenditure on high roads under this clause only in those cases where such general interests may be promoted by the undertaking" p. 195

Duplicates of preceding despatch and enclosure. The enclosure has a minute of its adoption at Court of Directors, dated May 30, 1826. p. 220

Downing St.,  
June 12.

Bathurst to Maitland. Acknowledging despatch of April 27, and authorizing increase of salary of Mr. McMahon of Secretary's Office from £182-10 to £250, on account of ten years' service, and an increase for second clerk from £150 to £182-10, when he had served 10 years. p. 247

Downing St.,  
June 30.

Horton to Maitland. (Private.) Introducing, at request of Mr. Ellice, late M.P., Mr. Osgood. p. 249

Downing St.,  
July 24.

Bathurst to Maitland. Acknowledging despatch of April 10, and instructing him, with reference to address of Assembly requesting detailed account of Casual and Territorial Revenue for ten years past, to inform Assembly, in case of renewal of request, that as no reason had been assigned for request, no instructions from Colonial Secretary on the subject had been received. p. 250

Downing St.,  
July 31.

\* The duplicate copy reads, "in each of the years." See p. 240 of G. 62.

- 1826**  
Downing St.,  
July 31. Horton to Maitland. Transmitting two printed copies of Act entitled "An Act to amend so much of an Act of 31 Geo. III as relates to the Election of Members to serve in the Legislative Assembly of the Province of Upper Canada—" p. 251
- Enclosure:—
- May 26. Two printed copies of the Act, 7 Geo. IV, cap. 68. p. 424; p. 428
- War Office,  
Aug. 5. Palmerston to Maitland. Requesting statement of emoluments of Capt. Archibald McLean, who desired to retain his half-pay as well as several offices he held under Provincial Government. p. 252
- Downing St.,  
Aug. 11. Horton to Maitland. Transmitting copy of circular addressed to West India Governors and to Governor of Newfoundland respecting trade of British Possessions abroad. p. 253
- Enclosures:—
- Downing St.,  
Aug. 12. (1) Circular addressed by Bathurst to the West India Governors and to the Governor of Newfoundland. (Copy.) Respecting trade with British possessions abroad. Enclosing copy of letter addressed by the Secretary of the Treasury to the Commissioners of Customs. p. 258
- Treasury  
Chambers,  
Aug. 2. (2) Herries to Commissioners of Customs. (Copy.) Regarding privilege of trading in foreign ships with the British Colonies, as provided for by the Act, 6 Geo. IV, cap. 114, and giving directions that the ports of all the British West Indian possessions and Newfoundland may be closed against the shipping of the United States from and after December the first next. p. 254
- Downing St.,  
Aug. 12. Horton to Maitland. (Private.) Requesting observations, with special reference to Upper Canada, upon the Report and Evidence of the Emigration Committee. p. 264
- Downing St.,  
Aug. 31. Bathurst to Maitland. Authorizing payment of claims of Mr. Baby, Inspector General of Provincial Accounts, if Lieut. Governor sees no objection. p. 265
- Downing St.,  
Aug. 31. Bathurst to Maitland. Respecting naturalization of aliens. (*Printed in Appendix to Report of the Public Archives for 1934, Constitutional Documents, 1819-1828, pp. 305-7.*) p. 266
- Downing St.,  
Sept. 4. Bathurst to Maitland. Acknowledging despatch of June 5, and expressing assent to proposal that Mr. Beikie be appointed to office of deputy to Mr. Small, as Clerk of Executive Council, on understanding that he succeed Small on retirement of latter. p. 276
- Downing St.,  
Sept. 4. Horton to Maitland. Transmitting copy of letter from Canada Company, stating that they were about to nominate those persons to be sent to Upper Canada to select territory substituted for Clergy Reserves; and directing that they be given every assistance. p. 278
- Enclosure:—
- Canada House,  
St. Helen's  
Place, Aug. 14. Galt to Horton. (Copy.) Requesting use of a government vessel on Lake Huron for the persons sent out by the Canada Company. p. 279
- Downing St.,  
Sept. 11. Bathurst to Maitland. (Circular.) Transmitting certain tables for use in furnishing more expeditiously than by the Blue Book, information respecting colony. p. 282
- Downing St.,  
Sept. 11. Copy of preceding despatch. p. 284

Bathurst to Maitland.

"His Majesty's Government having granted the sum of twelve Thousand Pounds in aid of the expence of constructing the La Chine Canal in Lower Canada upon condition that all Boats and Vessels with Public Stores should be permitted to pass without the payment of any Toll or Duty, and considering that the Welland Canal now in progress on the Niagara Frontier will afford great facility in forwarding Stores to Lake Erie and the Upper parts of the Province of Upper Canada and that by constructing the Locks of the width of twenty two feet it would become a work of much greater public utility; I am to desire that you will acquaint the Directors that His Majesty's Government would be willing to afford the same degree of assistance towards the expence of the Welland Canal which was given to that of La Chine, which was about a ninth of the estimated sum required in it's completion, and as the estimated expence of the Welland Canal is One hundred and forty seven thousand two hundred and forty pounds, the sum to be contributed by the Public for the privilege of forwarding Government Stores &c would be Sixteen thousand three hundred and sixty pounds—

1826

Downing St.,  
Sept. 30.  
£12,000.

£147,240.£16,360.

In the event of the Directors agreeing to this proposal it is necessary that a Provincial Act should be passed in which the Company shall engage to construct the Locks of the Canals of the width of at least twenty two feet and securing the use of the Canals to all Vessels and Boats the property of His Majesty and also to all other Boats and Vessels when engaged in carrying Government Stores, without the payment of any duty or Toll in consideration of receiving the sum of sixteen thousand three hundred and Sixty Pounds to be paid in four equal annual Instalments or sooner if the Canal should be completed at an earlier period—"

p. 286

Duplicate of preceding despatch.

p. 293  
Downing St.,  
Sept. 30.

Horton to Maitland. (Circular.) Requiring a list prepared half yearly, showing despatches received but which had not been formally acknowledged.

p. 298

Bathurst to Maitland. Transmitting, for report, letter from M. de Farcy stating that a grant of land in Upper Canada made to him in 1798 was afterwards cancelled on promise of its being revived at later date.

p. 300

Enclosure:—

M. De Farcy du Roseray to the Colonial Secretary. (Copy.) (In French.)

p. 303  
Laval,  
Mayenne,  
Aug. 10.

Horton to Maitland. (Private.) Introducing John Galt of the Canada Company.

p. 310  
Downing St.,  
Oct. 3.

Horton to Maitland. (Private and confidential.) With reference to personal characteristics of Galt. The letters received from him were most unadvised and, in expression, insulting. His correspondence respecting the war claims of Canadians reflect seriously upon Home Government. "He is a very odd man and I really believe writes infinitely stronger than he thinks."

p. 312

Bathurst to Maitland. (Duplicate.) Stating that instructions would be given by Treasury respecting payment of £750 per annum from funds from Canada Company for salaries of Presbyterian min-

Downing St.,  
Oct. 6.

- 1826** isters, and same amount for support of Roman Catholic priests. Payments to Presbyterian ministers to be limited to natural born subjects, in full communion with Church of Scotland, by whom they should be recommended to Lieut. Governor for appointment. Roman Catholic priests to receive allowance should be recommended by Bishop Macdonell, who would assume responsibility for their conduct. Presbyterian ministers and Roman Catholic Bishop and priests should be required to produce certificates that they had been in actual discharge of their duty for periods for which they claimed allowance. p. 417
- Downing St.,  
Oct. 7. Horton to Maitland. Transmitting copy of letter written to Peter Robinson, and of letter from Major Duncan McGregor. p. 315
- Enclosure:—
- Little  
Charles St.,  
Oct. 5. Donald (?) McGregor to Horton. (Copy.) Stating that he had just returned from Upper Canada, where he had proposed to settle a body of Highlanders, but that conditions were such that he abandoned his intention. The grievances of the Scotch Presbyterian settlers chiefly engaged his interest. One serious evil was their not being able to receive spiritual instruction in their own form. This had induced doubts as to the character of the Government. Another was the facilities afforded to Americans to settle even on the borders of the province. No blame was attached to Lieut. Governor whose intentions were the best. It was the officials who abused their trust. The settlers were particularly concerned about the little attention paid to their representations respecting Clergy Reserves. p. 317
- Military  
Sec'y's Office,  
Quebec,  
Oct. 17. H. Darling to Maitland. Transmitting, by direction of Commander of the Forces, correspondence relative to monies advanced to paymasters of Militia in Upper Canada during late war, and desiring full information respecting Mr. McLean. p. 324
- Enclosure:—
- Treasury  
Chambers,  
July 12. Wm. Hill to Dalhousie. (Certified copy.) Respecting money advanced to John McLean, late district paymaster of Militia in Upper Canada, in 1813. Inquiring as to his character. p. 325
- Colonial  
Office,  
Oct. 26. Adam Gordon to Major Hillier. Respecting payment to be made to Brice McGregor for advances to Lieut. McGregor. p. 327
- Downing St.,  
Oct. 26. Bathurst to Maitland. On same subject. p. 329
- Downing St.,  
Oct. 26. Duplicate of preceding despatch. p. 331
- Downing St.,  
Oct. 20. Bathurst to Maitland. Transmitting letters from Admiralty with memorial from certain officers and others residing in Upper Canada upon subject of providing means of education for their children. p. 333
- Enclosures:—
- Admiralty  
Office,  
Oct. 10. (1) Barrow to Horton. (Copy.) Transmitting memorial. p. 335
- Hill Naval  
Yard, Isle  
aux Noix,  
Aug. 12. (2) Capt. H. D. Byng to J. W. Croker. (Copy.) Transmitting memorial to the Admiralty. p. 336
- Township  
of March,  
May 20. (3) Memorial from officers on half-pay and others residing in military settlements in Upper Canada, praying for the establishment of a seminary within their means, local and pecuniary, where their

children and others might receive the benefit of a military or naval education, and setting forth, at length, the reasons moving them. **1826**  
(Copy.) p. 337

Duplicates of preceding despatch and enclosures. p. 349 Downing St.,  
Oct. 30.

Bathurst to Maitland. Stating that letters patent had been issued establishing two archdeaconries in Upper Canada, to be called York and Kingston; and that Dr. Strachan, who had been appointed Archdeacon of York, would be the bearer of the instrument. The fees—£119-4-8—would be chargeable to revenue from Clergy Reserves. p. 367 Downing St.,  
Oct. 31.

Duplicate of preceding despatch. p. 369 Downing St.,  
Oct. 31.

Horton to Herries. (Copy.)

"I am directed by Earl Bathurst to state for the information of the Lords Commissioners of H. M's. Treasury that this Department entered into arrangements with the Canada Land Company by which it was agreed to convey to the said Company the Crown Reserves in Upper Canada not already occupied or disposed of and one half of the Lands which have been set apart for the support of a Protestant Clergy in that Province Downing St.,  
Nov. 20.

In consequence of this agreement a Bill was brought into Parliament last year to enable His Majesty to convey the stipulated portion of the Clergy reserves to the Company which after passing through the usual stages become a Law. Commissioners had in the mean time been appointed, two on the part of H. M's. Government & two on the part of the Company who choose a fifth to proceed to Upper Canada for the purpose of ascertaining the quantity and value of the Lands disposed of. These Gentlemen after remaining some months in the Colony returned to England in June 1825 & make their report by which it appeared that the Crown Reserves contained 1,384,413 Acres one half of the Clergy Reserves 829,430 and that they had unanimously agreed on the average value of 3/6 per Acre Current Money of the Province of Upper Canada as the price to be paid by the Company to H.M's. Government; According to which valuation The Crown Reserves £242,272-5-6 One half of the Clergy Reserves 145,150-0-0 Total in Canada Currency £387,422-5-6 deduct 1/9 to reduce it to Sterling—£344,375-7-2 —\* On examining the Report in detail it appeared to Lord Bathurst that in some respects the Commissioners had misunderstood their instructions & that there were still some difficulties as respected the actual conveyance of the Clergy Reserves, it was therefore deemed inexpedient to proceed with their Sale & the Company was induced to accept of a continued tract at a distance from Settlement of one million of Acres in lieu of the 829,430 Acres of Clergy Reserves awarded by the Commissioners but scattered through the settled divisions of the Colony, praying (*sic*) however for this tract only the sum stipulated for the number of Acres in the reserves as returned by the Commissioners. It was further agreed that in consideration of the distance of this tract of one million of Acres the Company should be permitted to expend on its improvement one third of the purchase money paying the other two thirds to His Majesty's Gov<sup>t</sup>.

\* Pencil note and calculation here show there was "Error against Gov<sup>t</sup> £4,305 Sterling." The deduction should have been one-tenth.

1826

With these modifications the agreement was finally ratified and the Charter of Incorporation to the Company issued declaring them a Corporate Body with the usual powers and privileges to make their arrangement available.

After deducting one third of the value of the estimated value of the million of Acres allowed to be laid out on their improvement amounting to £43007 rejecting Shillings & pence the sum which the Canada Land Company is actually bound to pay in 16 Years in the following annual instalments £301367 St<sup>d</sup>

1 <sup>st</sup> July 1826	_____	£20,000
_____ 1827	_____	15,000
_____ 1828	_____	15,000
_____ 1829	_____	15,000
_____ 1830	_____	16,000
_____ 1831	_____	17,000
_____ 1832	_____	18,000
_____ 1833	_____	19,000
_____ 1834	_____	20,000

A large payment was required for the first year to meet the share of expence attending the Commission & from the year 1834 the instalments are to be paid during the remainder of the term at the rate of £20,000 per annum it being however still in the option of the Company to increase the annuity payment as it may seem fit it being provided that in the last year the account shall be completely settled, that is on the 1 July 1843. I am directed by Lord Bathurst further to state for the information of the Lords Comm<sup>rs</sup> of H.M's. Treasury that his Lordship recommends to their Lordships consideration the following appropriations of the annual payments growing out of this agreement with the Canada Company—

First the sum of £8500 for the Civil Establishment of Upper Canada which till the present year has formed an item in the estimate voted by Parliament.

Second the sum of £1000 as an annual grant towards the building of a college for the province of Upper Canada.

Thirdly, the sum of £400 as an annual salary to the Roman Catholic Bishop resident in that Colony.

Fourth. The sum of £750 as an annual Provision for the Roman Catholic Priests employed in the Province.

Fifth. The sum of £750 as an annual Provision for the Presbyterian Minister in connection with the Kirk of Scotland having stated congregations in the Province—

Sixth. The sum of £400 as a pension to Colonel Talbot in reward for the exertions of that Officer & the sacrifice which he has made of his fortune & profession in directing & superintending the Settlement of the London & Western Districts which are now very flourishing.

Seventh. The sum of £2566.3.8 as an annual compensation for the period of seven years to those Officers of the Land granting Department who by the adoption in Upper Canada of the new regulations for the granting of Land which were suggested by this Department are deprived of their emoluments arising from fees on Land Patents although their Services in preparing them will still be required.

The sum total of these appropriations amounts to £14,366.3.8 which taken from £15,000 the sum to be paid by the Company for each of the next three years leaves a balance of £733.16.4 per annum.

I am to desire that you will take an early opportunity of laying this letter before the Lords Commissioners of H.M.'s Treasury and request their Lordships sanction to the above appropriations." p. 371 **1826**

Horton to Major Wray. Stating that Government does not give any encouragement to military and naval officers proceeding as settlers to North America, beyond a grant proportioned to their rank. The grants are: to Lieut. Colonel 1,200 acres; to Major 1,000 acres; to Captain 800 acres; to Subaltern 500 acres. They are subject to condition of actual residence and cultivation. p. 385 Downing St., Nov. 24.

Bathurst to Maitland. On the question of payment of certain items of the contingencies of the Assembly. Approval expressed of course adopted by Lieut. Governor in withholding payment, and discussion of objectionable features in some of the items. p. 386 Downing St., Nov. 24.

Duplicate of preceding despatch. p. 394 Downing St., Nov. 24.

Bathurst to Maitland. Transmitting copy of Alien Bill, and expressing satisfaction at being able to recommend adoption of remedy so far as related to part urged in Lieut. Governor's despatch of March 15. His suggestions reserved for future consideration. p. 402 Downing St., Nov. 24.

Enclosure:—

Printed copy of a bill, "To amend so much of an Act of the Thirty-first year of his late Majesty, as relates to the Election of Members to serve in the Legislative Assembly of the Province of Upper Canada." (7 Geo. IV, cap. 68.) p. 426 May 17.

Duplicate of preceding despatch. p. 404 Downing St., Nov. 24.

Bathurst to Maitland. Acknowledging despatch of August 24, and authorizing the Lieut. Governor to exercise discretion in making grants of land to individuals who derive claims from military service, and who are entitled from their merits and circumstances to such consideration. p. 407 Downing St., Nov. 30.

Bathurst to Maitland. Acknowledging despatch No. 26 of June 19, and stating that final decision on claim of Mr. McGregor to be restored to pension list, in consequence of receiving wound while serving in Kent Volunteers, would depend on report required from surgeons of Provincial Medical Board. p. 409 Downing St., Dec. 12.

Bathurst to Maitland. Acknowledging despatch of Sept. 2, and expressing concurrence in opinion of Attorney General that Mr. Small was not entitled by virtue of his office of Clerk of the Crown to act as clerk of the Assize Courts, the appointment to that office being vested in the judges. However, the question should be referred to Court of King's Bench. p. 412 Downing St., Dec. 20.

#### G. 63, Pt. I (1827)

Bathurst to Maitland. Announcing death of Duke of York and Albany on Jan. 5. p. 1 **1827** Downing St., Jan. 6.

Circular. Duplicate of preceding despatch. p. 3 Downing St., Jan. 6.

Horton to Maitland. (Private.) Stating that, with view to possible adoption of scheme of emigration, Colonel Cockburn is being sent to Canada, and requesting that he might receive every assistance. p. 6 Downing St., Feb. 2.

- 1827  
Downing St.,  
March. Horton to Maitland. (Private.) Transmitting copy of letter from Mr. Galt, with one addressed by him to Canada Company. (No enclosure.) p. 8
- Downing St.,  
March 1. Bathurst to Maitland. (Circular.) Requesting, to complete the geographical knowledge of the colony, that half-yearly reports of the progress in geographical and topographical knowledge made, be transmitted to Colonial Office. p. 203
- Downing St.,  
March 28. Bathurst to Maitland. Stating that Treasury, having before them application of W. J. Kerr, late Captain in Indian Department, to be allowed half-pay, are unable to accede to application, as it would make embarrassing and inconvenient precedent. p. 10
- Downing St.,  
March 28. Duplicate of preceding despatch. p. 11
- Downing St.,  
March 31. Bathurst to Maitland. Transmitting copy of letter from Board of Trade stating intention to propose some measure to enable merchants to avail themselves of benefits intended to be conferred on them by Acts 6 Geo. IV, cap. 114, and 7 Geo. IV, cap. 48, more particularly with respect to importing and warehousing American flour for exportation to West Indies. At present, duties on these goods must be paid at frontier. Customs officers are being instructed that all goods entering Canada by land or inland navigation should be given entry upon security satisfactory to Customs officers for due delivery at some free warehousing port in one of the provinces. p. 13
- Enclosures:—
- Whitehall,  
March 16. (1) Thos. Lack to Horton. (Copy.) Transmitting copy of letter to Herries. p. 16
- Whitehall,  
March 16. (2) Lack to Herries. (Copy.) Regarding entry of goods by land or inland navigation. p. 18
- Downing St.,  
March 31. Duplicates of preceding despatch and enclosures. p. 21
- Downing St.,  
March 31. Bathurst to Maitland. (Duplicate.)  
"I have the honor to inform you that His Majesty has been pleased to grant a Royal Charter by Letters Patent under the Great Seal for establishing at or near the Town of York in the Province of Upper Canada one College with the style and privileges of an University for the education & Instruction of Youth in the Arts & faculties to continue for ever to be called Kings College.  
I am further to acquaint you that H.M. has been pleased to grant One thousand Pounds per annum as a Fund for erecting the Buildings necessary for the College to be paid out of the Monies furnished by the Canada Company and to continue during the term of their Agreement.  
I have to authorize you on the receipt of this despatch to exchange such Crown Reserves as have not been made over to the Canada Land Company for an equal proportion of the Lands set apart for the purposes of education and foundation of an University as suggested in your despatch of the 19 Dec<sup>r</sup> 1825 and more fully detailed in D<sup>r</sup> Strachan's report of the 10<sup>th</sup> March 1826 and you will proceed to endow King's College with the said Crown Reserves with as little delay as possible.

I had great satisfaction from your strong recommendation in submitting D<sup>r</sup> Strachan's name to His Majesty as the first President of King's College and you will assign to him a salary of two hundred and fifty pounds per annum to be charged on the proceeds of the endowments as they become available." p. 29

1827

Bathurst to Maitland. (Copy.) Stating that the following Provincial Acts had been disallowed:—

Downing St.,  
April 2.

No. 523, because it was repugnant to recent acts of Imperial Parliament regulating intercourse between Upper Canada and the United States.

No. 524, because it enabled evidence to be taken without oath in criminal cases, and extended privilege of giving evidence without oath to classes of dissenters respecting conduct and religious opinions of whom nothing was known with certainty.

No. 526, because, though otherwise unobjectionable, it contained the phrase that the alteration in the law should take effect, "anything in the Canada Act of 14th Geo. the third to the contrary notwithstanding". p. 206

Bathurst to Maitland. (Copy.) Transmitting Order in Council permitting various Provincial Acts (unnamed) to go into operation. (No enclosure.) p. 210

Downing St.,  
April 2.

Bathurst to Maitland. On the Provincial Judiciary. (*Printed in Appendix to Report of the Public Archives for 1934, Constitutional Documents, 1819-1828, pp. 367-9.*) p. 35

Downing St.,  
April 9.

Duplicate of preceding despatch.

p. 42  
Downing St.,  
April 9.

Bathurst to Maitland. Enclosing, with reference to despatch of even date, letter from Archdeacon Strachan on conditions in the Court of King's Bench. Authorizing pension equal to two-thirds of salary to Justice Boulton on his retirement. p. 52

Downing St.,  
April 9.

Enclosure:—

"I have the honor to state for your Lordship's information, that I am directed by His Excellency Sir P. Maitland most respectfully to call your Lordship's attention to the present state of the Court of King's Bench in the Province of Upper Canada, as particularly referred to in His Excellency's despatch dated 24 July 1826 enclosing a Memorial from the Judges.

1826

19 Bury St.,  
St. James's,  
Nov. 10.

In addition to what is mentioned in these Documents, I beg leave to submit that the State of the Court is truly deplorable, M<sup>r</sup> Boulton one of the Puisne Judges is from age and infirmity totally disabled from performing any part of the duty of his Office. The Chief Justice is an Old man and tho' of resolute spirit and apt to labour far beyond his strength, is liable to sudden attacks of the most alarming nature, and from which persons of less energy of mind would not soon recover M<sup>r</sup> Justice Sherwood, who has been lately appointed a Puisne Judge is of very delicate constitution and tho' quite able and well qualified to discharge the duties of his Office for many years, yet the feebleness of his health, would make it next to impossible for him, to undertake more than one Circuit or to conduct the public business were both his Colleagues seriously indisposed.

1826

Two methods of curing this great evil suggest themselves, one of which in my humble opinion it will be found necessary to adopt, or the due & regular administration of Justice will very soon cease to exist in Upper Canada.

First, to permit Mr Justice Boulton to retire on two thirds of his present income £500 and not only to appoint a Judge in his room but also an additional Judge, so that the Bench may consist of four Judges, viz<sup>t</sup> the Chief Justice and the three Puisne Judges. The additional expence attending this arrangement amounts to £2100 per annum.

At present the Administration of Justice in Upper Canada costs in Salaries to the Judges as follows,

The Chief Justice . . . . .	£1100
Two Puisne Judges at £750 Sterling each . . . . .	1500
	<hr/>
	2600

By the proposed change

The Chief Justice . . . . .	£1500
Three Puisne Judges at £900 each . . . . .	2700
Mr Justice Boulton retirement . . . . .	500
	<hr/>
	£4700 Ster <sup>s</sup>

Additional Charge . . . . . £2100

This arrangement would place the Bench on a most respectable footing and afford a reasonable maintenance to the Judges who are at present by no means paid in proportion to the value, and extent of their Labour and the Chief Justice might be relieved from travelling the larger Circuits, as his services are very much required at the seat of Government.

The second method, tho' by no means so effectual, offers nevertheless a great improvement on the present state of the Bench.

The Chief Justice . . . . .	£1500
Two Puisne Judges at £900 each . . . . .	1800
Mr Justice Buoltons retirem <sup>t</sup> . . . . .	500
	<hr/>
	£3800

Requiring an additional charge of . . . . . £1200

In regard to the sources from which either of these additional charges can be defrayed, I beg leave to submit that the Crown Revenue raised by the 14 Geo 3 Cap 88 is much more than sufficient to pay the sums now charged upon it, and to allow of a considerable surplus to be transferred to the Provincial Revenue.

For a reference to the supplies voted by the House of Assembly it appears, that the sums required have almost regularly decreased a result which has proceeded chiefly from the gradual increase of the Crown or Kings Right or Territorial Revenue, upon which items have been charged which the Provincial Legislature must have otherwise provided for.

The Province of Upper Canada contributed nothing towards the support of its Civil Administration till 1817, when it was called upon to defray at least part of its expenses and voted for the service of 1818 £9201.2.2½

1826

1819 . . . . .	£5815-5-
1820 . . . . .	£4815-5-
1821 . . . . .	£3811-0
1822 . . . . .	£3390-0
1823 . . . . .	£4470-0
1824 . . . . .	£3720-0

From this table it is seen as was already observed, that the supply required almost regularly diminished owing to the increase of the other Sources of Revenue not at the disposal of the Provincial Legislature. But as the Revenue raised by the 14 Geo 3 Cap 88 is expressly for the administration of Justice [and] is mentioned first, I submit, that the expence attending any new arrangement to (*sic*) be charged exclusively upon that Fund. It is true the Legislature will find it necessary in that case to vote in addition to the usual supply a sum equal to the difference, but this can be a matter of no just complaint for within the due administration of Justice there is no social comfort, nor will the necessity for such an additional supply be of long continuance, for the Crown Revenue is increasing so fast that it will soon furnish the sum required for the first arrangement.

There are indeed one or two Items, which might at present be made available if judged proper by your Lordship, to assist in furnishing the additional means required to place the Bench on a respectable footing.

First there remains of the £2500 Currency given by an express law to His Majesty towards defraying the administration of Justice, and support of the Civil Government after paying the Charges upon it about £390 Ster\* and there will remain on the £1500 to be paid next year by the Canada Land Company after defraying the appropriations, which have been approved of by your Lordship a balance of £733.16.4 Both these sums amounting to £1123.16.4 might if on consideration it should be your Lordship's pleasure, defray the greater portion of the expence attending any of the proposed arrangements. If the second be adopted only £76.3.8 will be deficient, if the first £976.3.8 a sum small indeed when contrasted with the great benefit to be obtained by the Province." p. 54

Bathurst to Maitland. Transmitting, with reference to despatch of March 21 on collection of Customs duties on goods entering Canada by land or inland navigation, copy of letter from Treasury as to measures for carrying regulations into effect. p. 71

1827  
Downing St.,  
April 28.

## Enclosures:—

(1) Herries to Horton. (Copy.) Transmitting copy of letter from the Committee for Trade and a report of the Commissioners of Customs. Directions will be given to instruct Customs officers to aid the carrying of recommendation into effect. p. 74

Treasury  
Chambers,  
April 16.

(2) Lack to Herries. (Copy.) Duplicate of letter to be found at p. 18 of G. 63-I. p. 78

Whitehall,  
March 16.

(3) Report of the Commissioners of Customs. (Copy.) p. 81

Customs  
House,  
March 31.

- 1827  
Downing St.,  
May 1. Lord Goderich to Maitland. (Circular.) Announcing his accession to Colonial Secretaryship. p. 87
- Downing St.,  
May 2. Goderich to Maitland. No. 1. Expressing approval of restoration to Lieut. McGregor of pension, as reported in despatch of Feb. 10. p. 89
- Downing St.,  
May 2. Duplicate of preceding despatch. p. 90
- Downing St.,  
May 16. Horton to Maitland. (Duplicate.) Transmitting memorial from Captain Bullock, late of 88th Regiment, soliciting grant of land, and conveying authority to comply with application. p. 91
- Enclosure:—
- 12 Villiers St.,  
Strand, May 6. Memorial of Richard Bullock. (Copy.) p. 93
- Downing St.,  
May 17. Horton to Maitland. Requesting attention to Major Wray, who is going to Canada as settler. p. 101
- Downing St.,  
May 17. Duplicate of preceding despatch. p. 102
- Downing St.,  
May 18. Horton to Maitland. Conveying authority for grant of land to Captain Gladwin, late of the 19th Dragoons. p. 103
- Downing St.,  
May 18. Duplicate of preceding despatch. p. 104
- Downing St.,  
May 25. Goderich to Maitland. No. 2. Acknowledging despatch of Dec. 21, and stating, with reference to memorial of James Crooks, that his application for half-pay as major cannot be acceded to, as he did not raise the number of men necessary to qualify him for major. p. 106
- Downing St.,  
May 25. Duplicate of preceding despatch. p. 107
- Downing St.,  
May 26. Goderich to Maitland. No. 3. Acknowledging despatch of Feb. 24, and stating, with reference to memorial of Mr. Mason for continuance of allowance of £50 per annum as schoolmaster at Lanark settlement, that as Mason proceeded to Canada without appointment or encouragement, his application cannot be acceded to. p. 109
- Downing St.,  
May 26. Duplicate of preceding despatch. p. 110
- Downing St.,  
May 27. Goderich to Maitland. No. 4. Transmitting letter from Treasury authorizing allowance to Col. Simons as Major Commanding, in lieu of allowance as Major. p. 112
- Enclosure:—
- Treasury  
Chambers,  
May 26. Hill to Horton. (Copy.) Authorizing increased pension rate for Col. Simons. p. 113
- Downing St.,  
May 27. Duplicates of preceding despatch and enclosure. p. 116
- Treasury  
Chambers,  
June 27. Hill to Officer Commanding Forces in Upper Canada. (Circular.) Respecting rations of officers proceeding from one foreign station to another. p. 121
- Downing St.,  
June 28. Goderich to Maitland. No. 5. Authorizing the payment from Clergy Reserves to Dr. Strachan of his expenses in connection with his visit to England on public business. p. 123

Goderich to Maitland. No. 6. Stating that Treasury, having before them petition from rector and churchwardens of Established Church at Amherstburg praying for assistance in completion of church, is unable to decide because of lack of necessary information. p. 126

1827  
Downing St.,  
June 29.

Enclosure:—

Jos. Planta to Horton. (Copy.) Regarding assistance to church at Amherstburg. p. 127

Treasury  
Chambers,  
May 28.

Duplicates of preceding despatch and enclosure. p. 131

Downing St.,  
June 29.

Horton to Maitland. (Private and confidential.) Respecting Mr. Randal and the Naturalization Bill. (*Published in Appendix to Report of the Public Archives for 1934, Constitutional Documents, 1819-1828, pp. 362-3.*) p. 136

Downing St.,  
July 6.

Horton to [Maitland]. (Incomplete.) Defending his conduct on the question of aliens, and in the treatment of Mr. Randal. p. 140

Goderich to Maitland. No. 7. On the Naturalization Bill. (*Printed in Appendix to Report of the Public Archives for 1934, Constitutional Documents, 1819-1828, pp. 363-6.*) p. 144

Downing St.,  
July 10.

Duplicate of preceding despatch. p. 158

Downing St.,  
July 10.

Horton to Maitland. Conveying instructions that grant of land be made to Lieut. Col. Robinson, late of 8th or King's Regiment. p. 176

Downing St.,  
July 11.

Duplicate of preceding despatch. p. 177

Downing St.,  
July 11.

Goderich to Maitland. No. 8. Introducing John Walpole Willis, appointed a judge of the Court of King's Bench. It is in contemplation to make provision for the administration of that part of law that is administered by Chancery in England, and to commit that jurisdiction to Willis, who practised for several years in Courts of Equity. Some difficulties delayed execution of that purpose, but it is hoped that a further communication on subject will be made at early date. p. 179

Downing St.,  
July 19.

Goderich to Maitland. (Circular.) Transmitting copy of letter addressed to governors of colonies not having legislatures, and desiring information asked for, so far as related to Upper Canada. p. 183

Downing St.,  
July 20.

Enclosure:—

Goderich to Governors of Colonies. (Copy. Circular.) Requesting statement of revenue and expenditure. p. 184

Downing St.,  
July 1.

Duplicates of preceding despatch and enclosure. p. 188

Downing St.,  
July 20.

Goderich to Maitland. No. 9. Acknowledging despatch of March 30, and approving of the resignations of Government officials or other residents of Upper Canada from office of Trustee of the Royal Institution for Advancement of Learning in Lower Canada. p. 193

Downing St.,  
July 20.

Duplicate of preceding despatch. p. 194

Downing St.,  
July 20.

Herries to Maitland. Respecting the accounts of Deputy Paymaster General McDonell, Col. Talbot, and John Kerr, District Paymaster. p. 196

Treasury  
Chambers,  
July 21.

- 1827** Goderich to Maitland. No. 10. Acknowledging despatch of Feb. 23, and expressing his unwillingness to sanction Surveyor General Ridout's being appointed a commissioner of the Canada Company. p. 199  
Downing St., July 25.
- Duplicate of preceding despatch. p. 200  
Downing St., July 25.
- 1826** Bathurst to Maitland. Acknowledging despatch of April 12, and expressing regret that the claim of Thomas McCormick for war losses cannot be acceded to. p. 202  
Downing St., July 31.

## G. 63, Pt. II (1827)

- 1827** Goderich to Maitland. No. 11. Acknowledging despatch of May 22, and stating H.M. had received address of condolence on death of Duke of York very graciously. p. 212  
Downing St., Aug. 1.
- Duplicate of preceding despatch. p. 214  
Downing St., Aug. 1.
- Goderich to Maitland. No. 12. Acknowledging despatch of April 2, and stating, with reference to request of Bishop Macdonell for allowance for support of Roman Catholic schools, that as the children of Roman Catholics can attend the schools already provided, in which nothing objectionable to that religion is taught, that he is not disposed to make any special provision for them. Has no objection to the application of one-fourth of present appropriation for priests to support of schoolmasters, for whose character and conduct the Bishop must be held responsible. p. 215  
Downing St., Aug. 5.
- Duplicate of preceding despatch. p. 219  
Downing St., Aug. 5.
- Hay to Maitland. No. 13. Conveying authority for grant of land to Capt. A. Gordon of Aberdeenshire Militia, whose letter is enclosed. p. 221  
Downing St., Aug. 11.
- Enclosure:—  
A. Gordon to [Goderich]. (Copy.) Applying for a grant of land in the Niagara district. p. 222  
Aberdeen, Aug. 3.
- Duplicates of preceding despatch and enclosure. p. 227  
Downing St., Aug. 11.
- W. Huskisson to Maitland. (Circular.) Announcing his accession to Colonial Secretaryship. p. 232  
Downing St., Sept. 3.
- Duplicate of preceding despatch. p. 234  
Downing St., Sept. 3.
- Huskisson to Maitland. (Separate.) Stating, in connection with announcement of same day, that, in addition to the official despatches which may be laid before Parliament or sent to other departments when necessary, he would be glad to receive any information which it would be inconvenient to be made public, in the form of despatches marked "Private and confidential." p. 236  
Downing St., Sept. 3.
- Huskisson to Maitland. (Duplicate. Circular.) An exposition of an Order in Council, copy enclosed, regulating commercial relations between British possessions abroad and foreign countries. p. 242  
Downing St., Sept. 3.
- Enclosure:—  
The Order in Council. (Printed copy.) p. 462  
July 16.

Huskisson to Maitland. No. 1. Transmitting, for report, letter from Baron Seguier respecting some property of late Louis Lombard Ducharreau. 1827  
Downing St.,  
Sept. 29.  
p. 277

## Enclosure:—

Baron Seguier to Horton. (Copy.) Requesting assistance in obtaining copies of Louis Lombard Ducharreau's death certificate, marriage certificate and deed. (In French.) London,  
Aug. 13.  
p. 279

Duplicates of preceding despatch and enclosure. p. 282  
Downing St.,  
Sept. 29.

Horton to Maitland. Transmitting copy of letter from Treasury sanctioning appropriation of funds to be received from Canada Company, also authorizing allowance of premium which would have been obtained for sum of £7,542-10 which was paid in England, together with letters addressed to Treasury on subject. Downing St.,  
Sept. 29.  
p. 286

## Enclosures:—

(1) Hill to Horton. (Copy.) p. 288  
Treasury  
Chambers,  
Aug. 4.

(2) Horton to Herries. (Copy.) For text of this letter see p. 213. (G. 62, p. 371.) 1826  
Downing St.,  
Nov. 20.

(3) Horton to Herries. (Copy.) Respecting arrangements for payment by Canada Company. 1827  
Downing St.,  
May 31.  
p. 307

Duplicates of preceding despatch and enclosure (1). p. 310  
Downing St.,  
Sept. 29.

Horton to Maitland. Transmitting letters from Admiralty respecting mail service between Great Britain and North America. Downing St.,  
Oct. 5.  
p. 319

## Enclosures:—

(1) John Barrow to Horton. (Copy.) Stating that mail packets would proceed direct to Halifax instead of *via* Bermuda. Beginning with October sailing, packet will go to Halifax, from which place a vessel will be sent to Boston to convey mails to and from the United States. The packet, after landing mails for Nova Scotia, Canada, etc., will go on to Bermuda, returning without delay to Halifax to receive return mails for England, waiting at Halifax only for mails from Boston. Admiralty  
Office,  
Sept. 12.  
p. 321

(2) Barrow to Horton. (Copy.) Stating that packet from Halifax for Bermuda will remain at latter place for 48 hours to take on mails from Mexico. Admiralty  
Office,  
Sept. 24.  
p. 325

(3) Barrow to Horton. (Copy.) Stating that packet, on return from Halifax to England, is to depart from Halifax not later than 21 days from period of first arrival at Halifax from England, unless Washington mail shall not have arrived at Halifax, in which case packet will wait for it, but not for mail from Quebec. Admiralty  
Office,  
Oct. 2.  
p. 327

Duplicates of preceding despatch and enclosures. p. 329  
Downing St.,  
Oct. 5.

T. Frankland Lewis to the Governor of Upper Canada. (Duplicate.) Transmitting copy of letter from W. D. Adams respecting repayment of sums advanced for salaries of officers of Civil Government. Treasury  
Chambers,  
Oct. 15.  
p. 339

## Enclosures:—

(1) Adams to Hill. (Copy.) p. 340  
Whitehall,  
Sept. 10.

(2) List of bills drawn by certain officers of Civil Government, presented to W. D. Adams, Sept. 10, 1827. p. 342

- 1827**  
Downing St.,  
Oct. 29. Huskisson to Maitland. No. 2. Stating, with reference to memorial from British Wesleyan Methodists in Canada, that it is not considered expedient to grant pecuniary aid to missions of that body in Upper Canada. Grant has been made to limited number of clergymen of Church of Scotland and to Bishop and clergy of Roman Catholic Church, which is established in Lower Canada. But no allowance has been made to British Wesleyan Methodists in any part of Empire, and inconvenient precedent might be created for claims of other Dissenters. Opportunity should be taken of impressing on heads of British Wesleyan Society in London advisability of employing British instead of United States preachers in Upper Canada. p. 343
- Downing St.,  
Oct. 29. Duplicate of preceding despatch. p. 347
- Downing St.,  
Oct. 30. Huskisson to Maitland. No. 3. (Duplicate.) Transmitting letter from Treasury, respecting payment of salaries of Civil Government officers in Upper Canada. p. 351
- Treasury  
Chambers,  
Oct. 9. Enclosure:—  
T. Frankland Lewis to Horton. (Copy.) Stating authorization of payment of £1,161-19-8 to Mr. Adams. p. 353
- War Office,  
Oct. 31. Palmerston to Maitland. Acknowledging despatch of August 6, and enclosing letter from Huskisson to effect that claim of Lieut. McGregor is not well founded. p. 355
- Downing St.,  
Oct. 26. Enclosure:—  
E. G. Stanley to Sullivan. Colonial Secretary does not consider that Lieut. McGregor is entitled to place his claims on the footing of an officer of Incorporated Militia, and therefore cannot grant his application. p. 356
- Downing St.,  
Oct. 31. Huskisson to Maitland. No. 4. Acknowledging despatch of June 15, and approving of grant of 800 acres of land to John Crystler. p. 357
- Downing St.,  
Oct. 31. Duplicate of preceding despatch. p. 358
- Downing St.,  
Nov. 5. E. G. Stanley to Maitland. Stating W. D. Powell's leave of absence had been renewed for twelve months as member of Executive and Legislative Councils, but he would not be entitled to pay as Executive Councillor. p. 360
- Downing St.,  
Nov. 5. Duplicate of preceding despatch. p. 361
- Downing St.,  
Nov. 5. Stanley to Maitland. Stating that, on representations of Bishop Macdonell that there were a considerable number of French Canadians settled on the Thames to whom he desired to send Mr. Dejean, a French priest, authority is given to comply with Bishop's wishes. p. 362
- Downing St.,  
Nov. 5. Duplicate of preceding despatch. p. 364
- Downing St.,  
Nov. 7. Stanley to Maitland. (Private. Duplicate.) Transmitting correspondence between Colonial Office and Canada Company on Lieut. Governor's representation as to improper tone adopted by Galt in letters to him. The letters from Directors of Company show that they condemn Galt's manner of addressing Lieut. Governor and

appreciate courtesies of latter to Company. They also disavow Galt's proceedings respecting emigrants from La Guayra, Columbia. In order to rescue these unhappy people from impending misery of winter Lieut. Governor is authorized to render such assistance as may be indispensable, until he receives further instructions as to disposal of them. p. 366

1827

## Enclosures:—

(1) Galt to Horton. (Copy.) Relative to the La Guayra emigrants. p. 371

Burlington  
Beach,  
July 30.

(2) Simon McGillivray to Huskisson. (Copy.) Enclosing copies of a resolution passed by the Court of Directors of Canada Company and of a letter addressed to Mr. Galt; also of letter addressed to the Directors by Galt. p. 376

St. Helen's  
Place,  
Nov. 5.

(3) Resolution stating that the Court disapproves of the tone as well as the substance of Galt's letters to Major Hilliers and to Sir Peregrine Maitland, they being unauthorized by any proceeding of the Court. (Copy.) p. 382

(4) John Hullett to Galt. (Copy.) Expressing disapprobation of the Court of Directors of the tone of his letters to Major Hilliers and the Lieut. Governor and to several remarks contained in them. p. 386

St. Helen's  
Place,  
Nov. 5.

(5) Extract from Mr. Galt's letter of June 14, 1827, to the Court of Directors. Expressing his appreciation of an act of courtesy from the Provincial Government towards the Company in connection with the opening of a village at Burlington Bay. p. 398

(6) McGillivray to Stanley. (Copy.) Respecting the emigrants from Columbia. Stating that Mr. Galt has been ordered to pay to the Receiver General the sum of one thousand pounds retained by him from the sum due the Government. Calls attention to the distress of these emigrants turned adrift in the midst of a Canadian winter. p. 400

St. Helen's  
Place,  
Nov. 5.

Huskisson to Maitland. No. 6. Conveying H.M.'s permission for him to return to England on private business, at period of least public inconvenience. p. 405

Downing St.,  
Nov. 25.

Huskisson to Maitland. No. 7. Acknowledging despatch of Sept. 5, and, with expressions of appreciation for Roman Catholic Bishop's praiseworthy exertions and services, regretting inability to increase his salary which had so recently been raised from £100 to £500. p. 406

Downing St.,  
Nov. 26.

Huskisson to Maitland. No. 8. Transmitting opinion of Law Officers on right of sheriffs to levy a distress for arrears of rent due on Crown Reserves, and on right of voting at elections on lands held under certificate. (No enclosure.) p. 408

Downing St.,  
Nov. 25.

Duplicate of preceding despatch. p. 409

Downing St.,  
Nov. 25.

Huskisson to Maitland. No. 9. (Duplicate.) On the need for a Court of Chancery in Upper Canada. (*Printed in Appendix to Report of the Public Archives for 1934, Constitutional Documents, 1819-1828, pp. 370-1.*) p. 411

Downing St.,  
Nov. 25.

Strachan to Bathurst. (Copy.) For text of this letter see p. 217. (G. 63-I, p. 54.) p. 419

1826  
19 Bury St.,  
Nov. 10.

- 1827**  
Downing St.,  
Nov. 26. Huskisson to Maitland. No. 10. (Duplicate.) Acknowledging despatch of July 23, and stating that, as Executive Council recommend compliance with request, he has no objection to granting to Dr. Strachan 2,000 acres of land from amongst those described in list attached to petition. p. 431
- War Office,  
Nov. 30. Palmerston to Maitland. Respecting application from Dennis FitzGerald for additional half-pay as adjutant of Battalion of Incorporated Militia, which was not granted. Subject brought to attention of War Office by Lieut. Governor's letter of Aug. 28. p. 433
- Downing St.,  
Dec. 6. Huskisson to Maitland. No. 11. Acknowledging despatch of Oct. 2, and stating that as all possible pains and precautions have been taken to relieve local Government from any responsibility respecting changes in Alien Bill, it is hoped that subject will be concluded by the passing of a bill in Upper Canada Legislature in conformity with instructions of Lord Goderich. p. 435
- Downing St.,  
Dec. 6. Duplicate of preceding despatch. p. 437
- Treasury  
Chambers,  
Dec. 18. Hill to Maitland. (Duplicate.) Respecting claims of George Simpson and two others, arising out of supply of materials and services performed for Royal Engineers Department in 1815-1816. p. 439
- Enclosures:—
- Office of  
Ordnance,  
Oct. 19. (1) G. Butler to Hill (Copy.) Transmitting correspondence relative to claims made by several individuals for services performed for Royal Engineers Department during late war. p. 441
- Fort  
George,  
June 12. (2) Col. E. W. Durnford to Melhuish. (Copy.) Enclosing documents relative to claims of George Simpson and others. Inquiring whether payment was ever taken into consideration. p. 443
- 1818**  
Quebec,  
Dec. 23. (3) Durnford to Bowles. (Copy.) Enclosing account of George Simpson, Wm. Merritt and Alex<sup>r</sup> Mackie. p. 446
- Quebec,  
Dec. 23. (4) Estimate of claims. (Copy.) p. 448
- 1819**  
Quebec,  
Jan. 5. (5) Bowles to Durnford. (Copy.) Stating that claims of George Simpson and others against Government will be taken into consideration. p. 448
- Quebec,  
Jan. 20. (6) Durnford to Vavasour. (Copy.) Enclosing correspondence relative to claim of George Simpson. p. 445
- 1827**  
Dumfries,  
June 4. (7) Sworn statement of Geo. Simpson that his claim has not been paid. (Copy.) p. 450
- Quebec,  
Aug. 15. (8) Darling to Durnford. (Copy.) Commander of the Forces declines to entertain claims referred to in letter of June 12, leaving the question to the respective officers of Ordnance. p. 451
- Downing St.,  
Dec. 25. Huskisson to Maitland. No. 12. With reference to Lieut. Governor's despatch of March 12, expressing desire of Welland Canal Company to borrow from H.M.'s Government £50,000 for completion of canal, states that Treasury, whose letter is enclosed, are of opinion that Parliament would not sanction loan on Company's security, but that if Upper Canada Legislature would guarantee loan, or make provision for payment of interest thereon at five per cent with addition as sinking fund, the advance might be made. p. 453
- Treasury  
Chambers,  
Dec. 10. Enclosure:—  
Hill to Stanley. (Copy.) p. 456
- Downing St.,  
Jan. (sic) 25. Duplicate of preceding despatch (No. 12). p. 459

## G. 64 (1828)

- Palmerston to Maitland. Stating, with reference to despatch of **1828**  
 Oct. 1, 1827, that Treasury cannot entertain request of Lieut. Ball War Office,  
 for half-pay. p. 205 April 23.
- Huskisson to Maitland. No. 25. (Copy.) Transmitting copy of Downling St.,  
 letter from Col. Talbot requesting that tract of land coloured red on May 7.  
 map enclosed by him, may be excepted from new regulations for the  
 sale of lands and continued under his direction. Desires Lieut.  
 Governor's opinion. In meantime lands in the tract in question not  
 to be offered for sale. p. 206
- Enclosure:—
- Talbot to Hay. (No map enclosed.) The endorsement indicates Mount St.,  
 action of Executive Council and Lieut. Governor. p. 207 April 23.
- Hay to Maitland. Respecting the pension of Mrs. (Col.) Camp- Downling St.,  
 bell. p. 1 May 24.
- Sir G. Murray to Maitland. Announcing his succession to office Downling St.,  
 of Colonial Secretary. p. 3 May 31.
- Hay to Maitland. Stating that a copy in three volumes of the Downling St.,  
 second edition of Hertslet's Treaties and Conventions had been sent June 4.  
 to him for deposit among U.C. Government records. p. 5
- Murray to Maitland. (Separate.) Requesting that information Downling St.,  
 contained in Financial Return be brought up to date, and supplied June 5.  
 by any other information Lieut. Governor may possess, for  
 use of House of Commons Committee. p. 6
- Hay to Maitland. Stating opinion of Colonial Secretary that Downling St.,  
 salaries of Grammar School masters should no longer be a charge June 5.  
 on Jesuits' Estates funds, and that he has directed that they be paid  
 from amounts received from Canada Company. p. 12
- Murray to Maitland. (Circular.) Respecting preparation and Downling St.,  
 transmission to England of Blue Book. p. 14 June 6.
- Murray to Maitland. No. 1. Acknowledging despatch of March Downling St.,  
 17, and directing that, if request of Assembly for copy of Instructions June 20.  
 respecting grants of land to Militia for services during war be renewed,  
 it should be complied with. p. 20
- Murray to Maitland. No. 2. Acknowledging despatch of Downling St.,  
 April 12, and expressing regret at inability to comply with recom- June 25.  
 mendation that Mr. Macaulay be appointed a Councillor with salary  
 of £100 per annum. The giving of salaries to Councillors appears  
 objectionable, and should be discontinued as opportunity occurs.  
 p. 21
- Murray to Maitland. No. 4. With reference to Mr. Justice Downling St.,  
 Willis. (Printed in Appendix to Report of the Public Archives for July 18.  
 1934, Constitutional Documents, 1819-1828, pp. 449-51.) p. 23
- Duplicate of preceding despatch. p. 33 Downling St.,  
 July 18.
- Hay to Maitland. (Private.) With reference to Mr. Justice Downling St.,  
 Willis. (Printed in Appendix to Report of the Public Archives for July 21.  
 1934, Constitutional Documents, 1819-1828, pp. 451-2.) p. 43

1828  
Downing St.,  
July 25.

Hay to Maitland. Stating that, as regulations respecting sale of lands in B.N.A. provinces were understood to exclude half-pay officers of Army and Navy from receiving grants proportioned to their rank, under instructions of 1815, Colonial Secretary directs that it was not intended that new system should apply to officers, and they are, therefore, entitled to usual grants, conditioned upon residence and cultivation. p. 48

Downing St.,  
July 30.

Hay to Maitland. Transmitting copy of letter addressed to Marquess of Anglesey by R. B. Muchall of Port Hope; and recommending Mr. Muchall to Lieut. Governor's good offices. p. 50.

Enclosures:—

Port Hope,  
U.C., May 16.

(1) R. B. Muchall to Marquess of Anglesey. (Copy.) Asking for letter of recommendation to the Lieut. Governor. p. 51

Burton,  
July 3.

(2) C. J. Hodson to Marquess of Anglesey. (Copy.) Respecting Mr. Muchall. p. 56

Downing St.,  
Aug. 1.

Murray to Maitland. No. 5. Acknowledging despatch of Feb. 6, and stating that he does not feel at liberty to comply with request of Roman Catholic Bishop that a Royal charter issue appointing and incorporating him and others a body corporate by the name of The Trustees of the Upper Canada Catholic Church Fund to hold property for erecting and maintaining schoolhouses and seminaries. p. 59

Treasury  
Chambers,  
Aug. 25.

Stewart to Governor of Upper Canada. Transmitting copy of agreement entered into with Mr. Merritt as attorney for Welland Canal Company for repayment of loan of £50,000 to be secured on canal. Law Officers in Upper Canada are to be instructed to complete mortgage and to obtain act of Legislature confirming same, and stating that if canal be not completed within five years, Company will lose privileges conferred by act. Lieut. Governor directed to nominate fit persons resident in Canada to be trustees for mortgage. p. 61

Enclosure:—

Certified copy of agreement. p. 63

1829  
York, U. C.,  
July 10.

J. B. Robinson, Attorney General, to Secretary of Lieut. Governor. Stating that act had been passed at last session of Legislature authorizing Welland Canal Company to give securities required for repayment of loan of £50,000, and that mortgage had been executed. The trustees are those nominated by Lieut. Governor, viz:—Hon. James Baby, Inspector General, Hon. George H. Markland, of Legislative Council, and Grant Powell, Clerk of Legislative Council. A bond was taken from Company for repayment of loan, which he transmits. p. 79

1828  
Downing St.,  
Aug. 30.

Murray to Sir John Colborne. No. 1. Instructing him on arrival at York to have militia returns transmitted to Colonial Secretary, giving particular attention to arms and accoutrements; and to report whether, in the event of H.M.'s Government furnishing arms and accoutrements in first instance, an arrangement could be made with Legislature for their repair and safekeeping. p. 80

Treasury  
Chambers,  
Sept. 6.

Stewart to Maitland. Respecting remuneration claimed by James Gordon, formerly District Paymaster of Militia of Upper Canada. p. 82

Murray to Colborne. No. 2. General instructions on mode of administering Civil Government of Upper Canada. (Printed in Appendix to Report of the Public Archives for 1934, Constitutional Documents, 1819-1828, pp. 483-7.) **1828**  
Downing St.,  
Sept. 29.  
p. 83

## Enclosures:—

(1) Murray to Kempt. No. 1 (Copy.) Instructions on mode of administering Government of Lower Canada. (Printed in Report of the Public Archives for 1930, pp. 140-6.)  
Downing St.,  
Sept. 29.  
p. 101

(2) Draft of speech to Legislature. (*Ibid.*, pp. 146-7.) p. 139

Duplicates of preceding despatch to Colborne, (No. 2), and draft of speech to Legislature.  
Downing St.,  
Sept. 29.  
p. 150

Murray to Colborne. No. 3. Stating that Treasury, having before them Maitland's despatch of May 19, with Provincial Act "to borrow a sum of money from H.M.'s Government and to make provision for the payment of the same" came to conclusion noted in their letter herewith; and directing that no measures be taken for giving effect to provisions of Act.  
Downing St.,  
Sept. 30.  
p. 185

## Enclosure:—

Stewart to Hay. (Copy.) Stating, with reference to Provincial Act mentioned, that Bathurst's despatch of Oct. 8, 1824, pledged the Home Government to loan for purpose of executing two lines of water communication, viz:—from Rideau River to Lake Ontario, and from Lake Ontario to Lake Erie. Since date of that letter, H.M.'s Government determined to take upon themselves entire expense of completing Rideau Canal, and have advanced £50,000 for completion of Welland Canal. Under these circumstances, Treasury do not feel that, in declining to make new loan proposed, they can be charged with indifference to improvement of province.  
Treasury  
Chambers,  
Sept. 13.  
p. 187

Murray to Colborne. No. 4. (Duplicate.) Acknowledging despatch of March 29, and intimating his dissatisfaction with course pursued, first, in not requiring attendance of Colonel Coffin and Colonel Givins on summons of Committee of Assembly to investigate charges made by Mr. Forsyth of forcible dispossession of his property, and, second, in employing a military force for this purpose, instead of relying upon civil power, which is said to have been available. p. 192  
Downing St.,  
Oct. 20.

Murray to Colborne. No. 5. (Duplicate.) Notifying him that as Chief Justice Campbell's health is not sufficiently re-established to enable him to resume his duties, his leave of absence is extended to June 1 next. p. 195  
Downing St.,  
Oct. 23.

Murray to Colborne. (Circular.) On mode of preparing despatches and accompanying documents for transmission to Colonial Office. p. 196  
Downing St.,  
Nov. 25.

Murray to Colborne. No. 6. Acknowledging despatch of August 26, and stating that he cannot change previous decision on claim of James Crooks for half-pay as major of Incorporated Militia during late war. p. 199  
Downing St.,  
Nov. 25.

Duplicate of preceding despatch. p. 200  
Downing St.,  
Nov. 25.

Murray to Colborne. No. 7. (Duplicate.) Transmitting copy of his despatch of Dec., 1828 to Sir James Kempt stating that, thereafter, Indian Department, so far as it relates to Upper Canada,  
Downing St.,  
Dec. 4.

- 1828** should be under control of Lieut. Governor of that province; and requesting report on necessary arrangements, having regard to strict economy. (No enclosure.) p. 201
- Downing St.,  
Dec. 5. Murray to Colborne. No. 8. With reference to despatch of July 5, respecting conduct of Mr. Justice Willis, transmits copy of Willis's memorial with various papers to which it refers, which show that case is under consideration of Privy Council. (No enclosures.) p. 203
- Downing St.,  
Dec. 5. Duplicate of preceding despatch. p. 204

## G. 65 (1829)

- 1829** Murray to Colborne. No. 9. Acknowledging Maitland's despatch No. 40, and stating that it is not in his power to comply with application of Mr. Small, Clerk of Executive Council, for arrears of fees during long period when they had been discontinued. p. 1
- Downing St.,  
Jan. 5.
- Downing St.,  
Jan. 10. Murray to Colborne. No. 10. Acknowledging despatch of Sept. 11, and expressing regret at inability to comply with Maitland's recommendation that pension allowed by him to family of late Samuel Smith be made permanent. Observes that they have strong claim on Provincial Legislature. p. 3
- Downing St.,  
Jan. 10. Duplicate of preceding despatch. p. 5
- Downing St.,  
Jan. 11. Murray to Colborne. No. 11. Acknowledging despatch of Oct. 14, and expressing regret at inability to authorize exemption from payment of usual fees on their grants of land for Rev. Dr. Phillips and Rev. James Magrath. p. 7
- Downing St.,  
Jan. 11. Duplicate of preceding despatch. p. 8
- Downing St.,  
Jan. 12. Murray to Colborne. No. 12. Stating that Postmaster General, having before him despatch of November 25 on necessity of improved mail service to Upper Canada, says that facilities described are available, if public choose to take advantage of them. p. 9
- Enclosure:—
- General  
Post Office,  
Jan. 10. Sir Francis Freeling to Hay. (Copy.) Stating that, if all letters for Upper Canada now irregularly sent, were forwarded through the Post Office, arrangements might possibly be made for conveyance of sealed bag across the United States, but as local Legislature has seen fit to sanction the sending of letters by any means the public choose, the number sent by the Post Office is exceedingly small. Ship letter bags are sent by all vessels that ply periodically between Liverpool and the United States, and are available if the public choose to make use of them. The question of a Deputy Postmaster General for Upper Canada is one for Government rather than for Postmaster General. As regards the extension and improvement of postal service, the Deputy Postmaster General will investigate and report. p. 10
- Downing St.,  
Jan. 12. Duplicates of preceding despatch and enclosure. p. 17
- Downing St.,  
March 3. Hay to Colborne. Respecting the propriety of acceding to Col. Talbot's request for a tract of land to be given to him on Lake Erie; also for a grant for two clerks as assistants in settling it, and £200 per annum for his own expenses. (Enclosure—Talbot to Hay, March 1, in U.C. Supplemental vol., G. series.) p. 404

- Murray to Colborne. (Duplicate.) Stating, with reference to application of Mr. Buchanan, British Consul at New York, for grant of land to his son, that, if no grant has been made, the son may be given 1,200 acres on condition of residence and cultivation. p. 23 **1829**  
Downing St.,  
March 4.
- Murray to Colborne. No. 13. Stating, with reference to despatch of Feb. 7, 1828, that Treasury do not feel warranted in complying with request of trustees of Presbyterian Church at Kingston for assistance in completing their church. p. 25  
Downing St.,  
March 20.
- Duplicate of preceding despatch. p. 26  
Downing St.,  
March 20.
- Murray to Colborne. No. 14. Acknowledging despatch of Oct. 28, and conveying authority for allowing Rev. Dr. Phillips, master of Royal Grammar School in Upper Canada, £45 per annum for house rent, to continue until house is erected for his residence. p. 28  
Downing St.,  
March 21.
- Duplicate of preceding despatch. p. 29  
Downing St.,  
March 21.
- Murray to Colborne. Requiring statement half-yearly on members of Executive and Legislative Councils, specifying date of appointment and whether they hold any other office. p. 31  
Downing St.,  
April 1.
- Duplicate of preceding despatch. p. 32  
Downing St.,  
April 1.
- Murray to Colborne, No. 15. Announcing following appointments: John Beverly Robinson to be Chief Justice in succession to C. J. Campbell; James Buchanan Macaulay to be a Judge replacing J. W. Willis; Henry Boulton to be Attorney General; Alexander Christopher Hagerman to be Solicitor General. p. 33  
Downing St.,  
April 2.
- Duplicate of preceding despatch. p. 35  
Downing St.,  
April 2.
- Murray to Colborne. No. 16. Acknowledging despatch No. 3 of Dec. 10, and stating that it is not intended that non-commissioned officers and privates should be excepted from indulgence extended to half-pay officers of Army and Navy. p. 37  
Downing St.,  
April 3.
- Murray to Colborne. No. 17. Transmitting correspondence between Colonial Office and Duke of Hamilton respecting emigration of a number of Duke's tenants from Isle of Arran. Expectation of Duke that enterprise might be assisted could not be realized, but he is sending out thirty-two families. Lieut. Governor directed to give them every help possible. They are to receive 100 acres a family on banks of Ottawa River. Portion of contiguous territory to be reserved for a time in case others may come out. (No enclosures.) p. 408  
Downing St.,  
April 9.
- Duplicate of preceding despatch. p. 38  
Downing St.,  
April 9.
- Enclosures:—
- (1) Duke of Hamilton to Murray. (Copy.) Stating that a considerable number of his tenants on the Island of Arran are desirous of emigrating to Canada, and requesting consideration. p. 42  
Hamilton  
Palace,  
Nov. 29.
- (2) Murray to Hamilton. (Copy.) Considers the class of emigrant highly desirable, and will meet undertaking favourably, provided it can be arranged to occasion only a limited demand upon public purse. p. 50  
London,  
Dec. 3.
- (3) Hamilton to Murray. (Copy.) Asking just what assistance from Government settlers may expect. Some have expressed partiality to be settled at Dalhousie, New Perth or New Lanark, reasonably close to a navigable river. p. 53  
Hamilton  
Palace,  
Dec. 9.

- 1829**  
Hamilton  
Palace,  
March 6.  
Westminster,  
April 8.
- (4) Memorandum on the Arran Emigrants. (Copy.) p. 58
- (5) J. Richardson to Colonial Secretary. (Copy.) On the subject of the emigration from Arran. Sends list of emigrants and requests copy of instructions to Lieut. Governor. p. 63
- (6) List of persons intending to emigrate, 217 souls. p. 67
- Downing St.,  
April 9.
- Second duplicates of preceding despatch (No. 17) and enclosures. pp. 72-92
- Downing St.,  
April 10.
- Murray to Colborne. No. 18. Stating, with reference to Maitland's despatch No. 43, that it is not considered necessary at present to make any addition to Judicial Establishment. p. 93
- Downing St.,  
April 10.
- Duplicate of preceding despatch. p. 94
- Downing St.,  
April 25.
- Murray to Colborne. No. 19. Stating that Treasury has authorized pension of £1,200 a year to Chief Justice Campbell on his retirement. p. 95
- Downing St.,  
April 25.
- Duplicate of preceding despatch. p. 97
- Downing St.,  
May 1.
- Murray and Colborne. (Private and confidential.) Stating that there is reason to believe that Canada Company will be unable to make its payments and will consequently be dissolved. The question arises how the salaries of the Civil Establishment for half year due June 30 will be met. Peter Robinson has furnished no return of lands sold, consequently Colonial Secretary has no idea what amount is available for these salaries. All that can be obtained from that source should be used for that purpose. Report required from Lieut. Governor as to whether any improvement in method of conducting sales of land is possible. This would seem to be only fund from which Civil Establishment can be paid. p. 99
- Downing St.,  
May 1.
- Duplicate of preceding despatch. p. 102
- Downing St.,  
May 2.
- Murray to Colborne. No. 20. Stating that a view of the revenue and expenditure of province shows a very large amount for Contingencies—£4,500. This amount should be greatly reduced. Details of these expenses in Surveyor General's and Private Secretary's and other offices required. p. 105
- Downing St.,  
May 3.
- Hay to Colborne. Conveying authority to make grant of 800 acres of land to Rev. T. Clarke, who is proceeding to Upper Canada. p. 109
- Downing St.,  
May 3.
- Murray (*sic*) to Colborne. Duplicate of preceding despatch. p. 110
- 1830**  
March 22.
- John Beikie to Edward MacMahon. Requesting him to present an enclosure to Mr. Mudge who is to signify to Mr. Clarke that he should present a petition in the usual way, and take the oath of allegiance. (No enclosure.) p. 111
- 1829**  
Downing St.,  
May 4.
- Murray to Colborne. Transmitting copy of Act recently passed in Parliament for relieving Roman Catholic subjects from all civil and military disabilities, with certain specified exceptions; and, in view of doubt as to whether Act extended to colonies, directing that Legislature be invited to pass a declaratory act to remove the doubt. (No enclosure.) p. 112

Hay to Colborne. (Duplicate.) Introducing Mr. Mossington, who is proceeding to Upper Canada with family for purpose of settling, and requesting, on behalf of Colonial Secretary, Lieut. Governor's good offices. 1829  
Downing St.,  
May 4.  
p. 114

Hay to Colborne. Transmitting memorial from Col. Covert, who will deliver this letter, on question of raising hemp in province. Colonial Secretary not prepared to sanction any outlay on plans, but desires Lieut. Governor to give attention to them, particularly to that part of memorial recommending establishment for reception of hemp at Cobourg. (No enclosure.) Downing St.,  
May 5.  
p. 115

Hay to Colborne. Transmitting copy of memorial from certain Scottish families in Parish of Comrie, who intend to settle in Upper Canada, and requesting that they may receive Lieut. Governor's assistance and protection. Downing St.,  
May 12.  
p. 124

Enclosure:—

Petition of the families of Comrie. (Copy.) p. 126  
Comrie,  
March 24.

Duplicates of preceding despatch and enclosure. p. 117  
Downing St.,  
May 12.

Murray to Colborne. No. 21. (Duplicate.) Stating, with reference to Maitland's despatch of Sept. 13, with memorial from Rev. R. Scott, a Baptist minister sent out by New England Society to work among Indian tribes, that for benefit of the Indians a grant of 1,200 acres of land on north side of Rice Lake is authorized. Downing St.,  
May 20.  
p. 129

Murray to Colborne. No. 22. Acknowledging despatch of April 4, and stating that he has laid before His Majesty address of Assembly relative to state of Law Courts, the exempting of Chief Justice from duties of Executive Council, independence of judges, Judge Willis's case, and necessity of appointing judges from English bar until province becomes more advanced. Downing St.,  
May 20.  
p. 131

Duplicate of preceding despatch. p. 133  
Downing St.,  
May 20.

Murray to Colborne. No. 23. Acknowledging despatch of April 7, and expressing regret that Government cannot see its way to comply with terms of address of both Houses respecting war losses. The policy announced by Bathurst in despatch of Feb. 15, 1823, will remain unchanged. Downing St.,  
May 22.  
p. 135

Duplicate of preceding despatch. p. 138  
Downing St.,  
May 22.

[Hay] to Colborne. (Duplicate.) Transmitting copy of memorial from John Fitzwilliam Berford of Perth, setting forth grounds of claim to grant of land. Authority to make grant is given. Downing St.,  
May 23.  
p. 141

Enclosure:—

Memorial of John Fitzwilliam Berford. (Copy.) p. 143

Hay to Colborne. Transmitting petition from certain settlers in Township of Lanark, representing that they had not been permitted to enjoy advantages accorded to other settlers. Report thereon requested. (No enclosure.) Downing St.,  
May 24.  
p. 150

Hay to Colborne. (Circular.) Transmitting printed paper containing questions put by Royal College of Physicians, and requesting that information be sent. (No enclosure.) Downing St.,  
May 31.  
p. 154

- 1829**  
Downing St.,  
June 1. Murray to Colborne. No. 24. Transmitting copy of letter from Canada Company stating inability to make payments stipulated for, and proposing to confine their operations to Huron Tract, on which about £50,000 remains due to Government, or to give the Company as much land as had been paid for, being about 300,000 acres, and then enable Company by act of Parliament to dispose of the land and wind up the affairs for the benefit of the proprietors. Full report desired from Lieut. Governor. (No enclosure.) p. 156
- Downing St.,  
June 1. Duplicate of preceding despatch. p. 159
- Downing St.,  
June 6. Murray to Colborne. Transmitting copy of letter from Commander in Chief, suggesting, with view to check desertion, that grants of land be given to deserving soldiers of infantry regiments stationed in North America upon their discharge. Sir James Kempt has been instructed to give effect to suggestion, and Lieut. Governor is requested to lend his aid. p. 161
- Horse Guards,  
May 8. Enclosure:—  
Somerset to Hay. (Copy.) Submitting for consideration of Colonial Secretary, as the result of the adoption of a proposal of Lieut. Col. By, idea of granting land to soldiers of infantry regiments on their discharge. p. 164
- Downing St.,  
June 30. Murray to Colborne. No. 26. Transmitting copy of letter from Sir James Kempt pointing out great expense of establishment at Lanark, and suggesting its discontinuance. Agreement expressed with this view. All that seems necessary is appointment of some person to collect debts due by settlers, to whom reasonable percentage should be allowed upon sums which settlers might be induced to repay. Probably no considerable amount can be expected without resort to legal measures, but effort should be made. Question of legal measures matter for later consideration. (No enclosure.) p. 169
- Downing St.,  
June 30. Duplicate of preceding despatch. p. 172
- Downing St.,  
July 1. Murray to Colborne. No. 25. Acknowledging despatch No. 7 of April 3 transmitting address of Assembly respecting case of Francis Collins convicted of libel. Papers have been submitted to Law Officers, who give their opinion that there is no legal ground of objection to his conviction, and that both verdict of jury and directions of judge were correct and well justified by evidence. They are of opinion that, on analogy of similar cases in Great Britain, the sentence was excessive, and His Majesty should be advised to mitigate it by reducing it by one-half. Colonial Secretary approves of Lieut. Governor's having declined to interfere in case, and of having given judges and Attorney General opportunity to comment upon it. If other circumstances have not arisen of which Colonial Secretary is unaware, opinion of Law Officers might be acted upon. p. 176
- Downing St.,  
July 27. Murray to Colborne. No. 27. (Duplicate.) Transmitting copy of General Order holding out encouragement to officers to settle in North American colonies. p. 181
- Horse Guards,  
July 18. Enclosure:—  
General Order No. 478. (Printed.) p. 183

Murray to Colborne. No. 28. Transmitting Order in Council confirming Act passed in March 1828, entitled "An Act for the relief of Daniel Erb and other persons whose Names are therein mentioned". (No enclosure.) p. 184

1829  
Downing St.,  
Aug. 1.

Duplicate of preceding despatch. p. 187

Downing St.,  
Aug. 1.

Murray to Colborne. No. 29. (Duplicate. Original in U.C. Supplemental vol., G. series.) Transmitting Order in Council, confirming Provincial Acts Nos. 556 to 580 and 586 to 604. (No enclosure.) p. 190

Downing St.,  
Aug. 2.

Murray to Colborne. No. 30.

"With reference to the correspondence between Lord Goderich and M<sup>r</sup> Huskisson with Sir Perigrine Maitland on the subject of Naturalization in Upper Canada, and especially with reference to M<sup>r</sup> Huskisson's Despatch of the 10<sup>th</sup> of May 1828. I have now the honor herewith to transmit two Orders of His Majesty in Council dated the 22 of June last disallowing the two Acts passed by the Lt Governor Council and Assembly of Upper Canada in the month of Feb<sup>r</sup> 1827 for the naturalization of Aliens, and for confirming the titles to Estates derived thro' Aliens. The whole of this subject has been set at rest by the Act passed by the Governor Council and Assembly of the Province in the Month of March 1828 and confirmed by His Majesty in Council of the 7 May 1828.

Downing St.,  
Aug. 3.

In pursuance of the Statute 31 Geo. 3 c. 31. I enclose a Certificate of the time at which these Acts were received at this Department." (No. enclosure.) p. 193

Duplicate of preceding despatch. p. 198

Downing St.,  
Aug. 3.

Murray to Colborne. No. 31. Transmitting Order in Council confirming three Provincial Acts of 1827, Nos. 583, 584 and 585. (No enclosure. Confirmation of No. 583 in U.C. Supplemental vol., G. series.) p. 203

Downing St.,  
Aug. 4.

Duplicate of preceding despatch. p. 205

Downing St.,  
Aug. 4.

Murray to Colborne. No. 32. Transmitting Order in Council disallowing "An Act [No. 605] for enabling William Warren Baldwin Esquire to carry into effect the will of the late Laurent Quetton St. George, and for other purposes relating to the real and personal Estates which were of the said Laurent Quetton St. George". (No enclosure. Is found in U.C. Supplemental vol., G. series.) p. 208

Downing St.,  
Aug. 5.

Duplicate of preceding despatch. p. 227

Downing St.,  
Aug. 5.

Murray to Colborne. No. 33. Transmitting, in connection with his despatch of June 30, copy of letter from Treasury with statement showing amounts paid out of the Military Chest for service of Lanark settlement. p. 247

Downing St.,  
Aug. 23.

Enclosures:—

(1) Stewart to Hay. (Copy.) Transmitting letter from Mr. Adams, Deputy Commissioner of Accounts. p. 248

Treasury  
Chambers,  
June 19.

(2) J. H. Adams to Stewart. Enclosing copies of statements showing sums paid out of the Military Chest for service of Lanark settlement. (No enclosure.) p. 250

Quebec,  
Feb. 13.

Duplicate of preceding despatch (No. 33). p. 251

Downing St.,  
Aug. 23.

1829  
Downing St.,  
Aug. 26.

Murray to Colborne. No. 34. Stating that despatch of May 21 was referred to Board of Ordnance, who have directed local officers to report on question of granting leases of occupation of such lands set apart for military purposes as will not be immediately required.  
p. 254

Enclosure:—

Office of  
Ordnance,  
July 29.

Byham to Hay. (Copy.) Board have called upon officers at Kingston for a report. Requests information as to manner in which it is intended to apply revenue from these lands, if leased as proposed.  
p. 256

Downing St.,  
Aug. 26.

Duplicates of preceding despatch and enclosure. p. 260

Downing St.,  
Aug. 27.

Murray to Colborne. No. 35. Stating that Treasury, having before them despatch of May 19, cannot admit that Mrs. Ridout has any claim to a pension. p. 267

Downing St.,  
Aug. 27.

Duplicate of preceding despatch. p. 268

Downing St.,  
Aug. 28.

Murray to Colborne. No. 36. The Treasury Board, having before them despatch of May 21, state that as they have never departed from regulation by which accommodation for Scottish troops is provided at public expense only at such places of worship as belong to Established Church of England, they cannot therefore comply with petition of trustees of Presbyterian Church in Kingston for assistance in discharging debt incurred in erection of building, notwithstanding that a certain number of pews were set apart for accommodation of troops. p. 270

Downing St.,  
Aug. 28.

Duplicate of preceding despatch. p. 273

Downing St.,  
Aug. 31.

Murray to Colborne. (Confidential.) Inviting attention to section 28 in Act for Relief of H.M.'s Roman Catholic subjects, sent out on April 22, which contains certain provisions having reference to such members of religious orders or communities as were within United Kingdom at commencement of Act. Though these provisions were limited to United Kingdom, it seems desirable that Government should possess an accurate knowledge of number of persons bound by monastic or religious vows within the colonies. Such information is desired as regards Upper Canada. Lieut. Governor is requested to consider practicability of system of registration for persons of that description, having regard to susceptibilities of Roman Catholics. p. 278

Downing St.,  
Aug. 31.

Hay to Colborne. Stating that Colonial Secretary desires explanation from Peter Robinson of certain irregularities in his accounts as Commissioner of Crown Lands and Surveyor General of Woods. p. 282

Downing St.,  
Aug. 31.

Duplicate of preceding despatch. Murray (*sic*) to Colborne. p. 285

Downing St.,  
Aug.

Murray to Colborne. (Circular.) Stating that Customs House officers in the colonies cannot legally be required to serve parochial and other local offices from which they are exempt by 9 Geo. IV, cap. 76, sec. 2. p. 293

Murray to Colborne. No. 37.

1829

"With reference to Your despatch of the 10<sup>th</sup> April last, on the Subject of the modification of the Charter of King's College in Upper Canada and the establishment of a minor College or School for the purpose of preparing the Youth of the Province to take advantage of the University endowed by His Majesty's Bounty, I think it necessary to correct an error into which you have fallen in supposing that considerable assistance may be afforded from unappropriated Monies of the Canada Company— You do not appear to be aware that the expences of the Commissioners who proceeded to Canada absorbed the whole of the balance which You suppose to exist on the first Years payments, and the savings which have subsequently accrued are not of any considerable Amount— Although therefore I am very much disposed to concur in your opinion that a superior Grammar School would at present be of greater advantage to the Province than the establishment of the proposed University, yet I cannot but regret that you should have proceeded to engage Masters and incur expences without having received my previous sanction, as the most serious inconvenience has resulted in other Colonies from embarking in schemes too expensive for the means of the Province—

It will be impossible to make any Grant from the Territorial Revenue unless there is a surplus after having provided for the Civil Establishment of the Province, and I am therefore to desire that you will abstain from incurring any further expence until I am informed in what manner it will be possible to provide for the unavoidable expences of the Province in the ensuing Year—

I regret also that you should have taken upon Yourself to erect Log-Houses and to issue Provisions to Emigrants in the Township of Ops without having previously submitted the subject for my consideration and decision—

I trust however that your expectation that the outlay will be repaid, if not directly from the Settlers by the increased value of the other Land in the Township may not be disappointed—"

p. 299

Duplicate of preceding despatch.

p. 303  
Downing St.,  
Sept. 1.

Murray to Colborne. No. 38. Notifying him of appointment of Samuel Proudfoot Hurd as Surveyor General, in place of Mr. Ridout, deceased.

p. 411

Duplicate of preceding despatch.

p. 314  
Downing St.,  
Sept. 2.

Murray to Colborne. No. 39. (Duplicate.) Acknowledging despatch of May 25 respecting recommendation of Colonel By that a timber channel be constructed at Chaudière Falls. If the proposal involves assistance by Government it cannot be encouraged, but as an undertaking by a private individual or company it would seem to be of much utility. The terms of arrangement should be settled by local Government. There will be no objection that undertaker be remunerated in whole or part by grant of land. Provision should be reserved for free passage of troops and stores, and rate of tolls previously fixed. Colonel By's offer to superintend construction while he is in neighbourhood appears to be advantageous.

p. 316

Murray to Colborne. No. 40. Transmitting letter from Board of Ordnance on Lieut. Governor's despatch of May 21, in which it is suggested that rents derived from leasing of lands reserved for military

Downing St.,  
Sept. 2.

- 1829 purposes be applied in first instance to repayment of sums spent for lands purchased by Ordnance for works of defence and other objects. Report desired as to probable amount of revenue expected, and whether lands have ever been transferred or considered as belonging to Ordnance. p. 325
- Enclosure:—  
Office of Ordnance, Aug. 24. G. Butler to Hay. (Copy.) p. 327  
Downing St., Sept. 27. Duplicate of preceding despatch. p. 334  
Downing St., Nov. 1. Murray to Colborne. No. 41. Acknowledging despatch of Sept. 4, with recommendations for appointments to Legislative Council. Considers it inexpedient to grant Lieut. Governor authority to withhold warrant of any gentleman whose name has been submitted to H. M. for appointment. Action will be deferred on recommendations, except in case of Chief Justice, until Lieut. Governor has again communicated with Colonial Secretary on subject. Application for mandamuses must be made at Colonial Office, as it would be inconvenient to have fees paid to Receiver General in manner proposed. p. 338
- Downing St., Nov. 1. Duplicate of preceding despatch. p. 341  
Downing St., Nov. 1. Murray to Colborne. No. 42. Transmitting mandamus for appointment of John Beverly Robinson to be member of Legislative Council. p. 345
- Downing St., Nov. 1. Duplicate of preceding despatch. p. 346  
Downing St., Nov. 20. Hay to Colborne. Conveying directions as to paging correspondence with Colonial Office. p. 347
- Downing St., Nov. 25. Murray to Colborne. No. 43. (Duplicate.) Acknowledging despatch of Sept. 19, and stating, with reference to application of Colonel Givins to retire from position of Superintendent of Indian Affairs on full pay, that this cannot be assented to, as retirement of Givins would be inconvenient at this time; nor can authority be given to Lieut. Governor to make such alterations as he may consider necessary in that Department. It is hoped that at early period a new establishment for Department will be sent out. p. 348
- Downing St., Nov. 26. Murray to Colborne. No. 44. Acknowledging despatch of Sept. 23, and expressing assent to application of Justice Macaulay to retire from Executive Council and to appointment of Lieut. Colonel Wells as successor. p. 352
- Downing St., Nov. 26. Duplicate of preceding despatch. p. 353  
Downing St., Nov. 27. Murray to Colborne. No. 45. (Duplicate.) Acknowledging despatch of Sept. 24, and authorizing moderate grant of land to John O'Grady for services in conducting 500 emigrants from Rio de Janeiro to B. N. America. p. 355
- Downing St., Nov. 30. Murray to Colborne. No. 46. Acknowledging despatch of Sept. 12; stating that, in his opinion, contingent expenses of Departments of Government are excessive; and directing minute examination of these expenses with view to reduction. Office of Private Secretary, not considered necessary in other colonies, to be discontinued in Upper Canada at end of year. Provincial Secretary's duty is to

attend to all public business. He might be allowed one additional clerk. Five clerks in Private Secretary's Office is excessive. In future Private Secretary must be paid by Lieut. Governor himself. Two of the three clerks in Office of Clerk of Executive Council and one office servant to be let go. In Office of Secretary and Registrar a clerk ought not to be employed if Secretary charges public with expense of copying and registering papers. An extra clerk cannot be sanctioned in Receiver General's Office. Two permanent clerks should be ample. The staff of Surveyor General's Office—three clerks in addition to Surveyor General—should be sufficient. Services of junior and extra clerks should, if practicable, be dispensed with.

1829

p. 358

Duplicate of preceding despatch.

p. 363 Downing St.,  
Nov. 30.

Murray to Colborne. No. 47. Transmitting copy of despatch addressed to Kempt respecting financial affairs of Lower Canada, which will explain measures to be submitted to Parliament in ensuing session respecting appropriation to proceeds from 14 Geo. III, cap. 88. In any discussions with Assembly Lieut. Governor is to be governed by instructions to Kempt. No instructions for alterations in appropriation of revenues will be sent until Parliament has passed on measure to be submitted, and until information can be given as to future arrangements regarding Canada Company.

Downing St.,  
Nov. 30.

p. 374

Duplicate of preceding despatch.

p. 377 Downing St.,  
Nov. 30.

Murray to Colborne. No. 49. Transmitting copies of correspondence with Canada Company respecting modification of agreement. (No enclosures.)

Downing St.,  
Dec. 4.

p. 382

Duplicate of preceding despatch.

p. 383 Downing St.,  
Dec. 4.

Murray to Colborne. No. 50. (Duplicate.) Stating that Canada Company has represented that clauses have been inserted in grant of 89,631 acres of land, reserving gold and silver mines, all white pine trees, and any parcels of land within grant reserved by Surveyor General of Woods; and instructing that it is not deemed expedient to retain clauses relative to white pine trees or land reserved by Surveyor General of Woods.

Downing St.,  
Dec. 12.

p. 385

Murray to Colborne. No. 51. Acknowledging despatch of Nov. 11, and stating that public service did not admit of Mr. Chewett's promotion to position of Surveyor General.

Downing St.,  
Dec. 15.

p. 387

Duplicate of preceding despatch.

p. 389 Downing St.,  
Dec. 15.

Murray to Colborne. No. 52. Transmitting copy of letter from Board of Ordnance requesting that no part of military reserves be disposed of without its consent. States that, as it would appear that reserves in question (Niagara) had not been transferred to Ordnance, it is advisable to know by whom and at what period the reserves called "Military Reserves" were made. Desires report from Lieut. Governor on which portions of land ought to be reserved for military purposes.

Downing St.,  
Dec. 20.

p. 391

Enclosure:—

Byham to Hay. (Copy.)

p. 393 Office of  
Ordnance,  
Dec. 2.

Duplicates of preceding despatch and enclosure.

p. 398 Downing St.,  
Dec. 20.

G. 66 (1830)

- 1830**  
Downing St.,  
Jan. 25. Murray to Colborne. Stating that he had been informed that the Bishop of Quebec desired to spend some time every year in York, and that he would do so if suitable accommodation could be provided. A residence should not cost more than £180 a year. Lieut. Governor requested to ascertain whether such residence could be obtained within limits of amount mentioned. p. 1
- Downing St.,  
Jan. 25. Duplicate of preceding despatch. p. 3
- Downing St.,  
Jan. 26. Murray to Colborne. No. 54. Acknowledging despatch of Sept. 30, and giving directions that Benjamin Ward, convicted of murder, be removed to the *Antelope* convict hulk at Bermuda, as the sentence of death had been commuted. p. 8
- Downing St.,  
Jan. 26. Duplicate of preceding despatch. p. 10
- Downing St.,  
Jan. 27. Hay to Colborne. Acknowledging despatch of Oct. 24, and stating that Colonial Secretary agrees with conclusions of Executive Council respecting complaint of certain Lanark settlers and desires that they should be so informed. p. 12
- Downing St.,  
Jan. 27. Duplicate of preceding despatch. p. 14
- Downing St.,  
Feb. 3. Murray to Colborne. No. 56. Transmitting copy of letter from Canada Company expressing intention to carry into full effect object of Company. To provide against possible failure of resources therefrom directs that as many salaries now charged against fund of Canada Company be transferred to fund of 14 Geo. III as this last will bear. Has observed in accounts transmitted a surplus from 14 Geo. III which, strictly, could be appropriated only by Parliament. p. 17
- Enclosures:—
- St. Helen's  
Place,  
Jan. 21. (1) N. S. Price to Hay. (Copy.) Transmitting copy of a resolution passed at the adjourned General Court of Proprietors. p. 20
- (2) Resolution to continue to carry into effect objects of the Company. p. 21
- Downing St.,  
Feb. 3. Duplicate of preceding despatch (No. 56). p. 23
- Downing St.,  
Feb. 4. Murray to Colborne. No. 57. Acknowledging despatch of Dec. 3 respecting Military Reserves, and noting statement that exact information about them is sometimes difficult to obtain. Has no objection to the proposed survey thereof, but since it would seem that records of Surveyor General's Office should afford the information unless its business has not been conducted on a satisfactory system, requests further inquiry. p. 27
- Downing St.,  
Feb. 4. Duplicate of preceding despatch. p. 30
- Downing St.,  
Feb. 25. Hay to Colborne. Stating that bill for £386 drawn by John Claus, as trustee for Six Nations, on Coutts & Co. had been refused in compliance with request of Lieut. Governor made on Oct. 20. p. 34
- Downing St.,  
Feb. 26. Murray to Colborne. No. 58. Acknowledging despatch of Sept. 28, and stating that Major Kirby appears to have made out case for indemnity for amount of judgment and costs recovered against him by Lucas Ousterhout. Authorizes payment of £224 currency. p. 35

- Duplicate of preceding despatch. p. 37 1830  
Downing St.,  
Feb. 26.
- Murray to Colborne. No. 59. Acknowledging despatch of Dec. 22, and stating, with reference to memorial of Samuel Jarvis representing estate of late Wm. Jarvis, that, as £2,000 had already been paid for loss sustained by Jarvis, late Secretary, in preparing land patents, he is not disposed to grant any further compensation on this account. p. 41  
Downing St.,  
March 1.
- Duplicate of preceding despatch. p. 43  
Downing St.,  
March 1.
- Murray to Colborne. (Circular.) Stating that it appears expedient that governors of Colonial Possessions should fall under same restrictions respecting duration of service as prevail in Indian Governments, and, therefore, at expiration of six years a governor should as matter of course retire from office, unless special circumstances should make it desirable to extend his term. p. 46  
Downing St.,  
March 3.
- Duplicate of preceding despatch. p. 48  
Downing St.,  
March 3.
- Murray to Colborne. No. 60. Transmitting copy of despatch to Kempt on subject of Indian tribes, and directing Lieut. Governor to adhere to principles expressed therein. (No enclosure.) p. 51  
Downing St.,  
March 15.
- Murray to Colborne. No. 61. Directing, at instance of Admiralty, that land at head of Penetanguishene Bay be reserved until land required by Naval Department be decided upon. This includes mill site. p. 53  
Downing St.,  
March 16.
- Duplicate of preceding despatch. p. 54  
Downing St.,  
March 16.
- Hay to Colborne. Introducing Archibald McDonell, who is settled in Upper Canada. p. 55  
Downing St.,  
March 16.
- Murray to Colborne. No. 62. Transmitting letter from Treasury respecting second payment of same account to J. K. Hartwell, agent, to defray expenses of repairs to Tolman and Perth roads, and requesting explanation. p. 56  
Downing St.,  
March 17.
- Enclosures:—
- (1) Stewart to Hay. (Copy.) Transmitting extract from the Auditor's statement of account of the Receiver General for 1827 relative to sum of £100 paid twice to J. K. Hartwell. p. 58  
Treasury  
Chambers,  
March 11.
- (2) Extract from Auditor's statement. (Copy.) p. 60
- Duplicates of preceding despatch and enclosures. p. 63  
Downing St.,  
March 17.
- Murray to Colborne. No. 63.  
"I have the Honor to acknowledge the receipt of Your despatch of the 3<sup>d</sup> December last transmitting a Prospectus of the Upper Canada College established at York. I perfectly concur in the opinion which you have expressed that great advantages will result from establishing in a central situation a School where a liberal education can be received on moderate terms and that Religion and Morality should be interwoven with the system of education established in the Seminary, while at the same time the seeds of discord are avoided by abstaining from granting any exclusive preferences on Religious grounds. I regret that you did not retain the title of the Royal Grammar School of York, which I consider to be more appropriate than that of the College of Upper Canada, but if you have taken
- Downing St.,  
March 18.

- 1830** care to adhere in the Establishment which you have formed to what is actually required, by providing such means of education as is necessary to meet the existing demands of the Population in that respect, I am not disposed to withhold my sanction to the measures which you have adopted. With this view the expence of the Establishment should be moderate but so formed as to be capable of extension as the demands of the Province increase with its Population and Wealth, and that all unnecessary expence in Buildings should be particularly avoided as no difficulty can exist in adding additional Halls of Study, and increasing the number of Professors, when the circumstances of the Province may require such an addition to be made to the Establishment." p. 71
- Downing St.,  
March 18. Duplicate of preceding despatch. p. 75
- Downing St.,  
March 20. Murray to Colborne. No. 64. Acknowledging despatch of Feb. 4, and stating, with reference to representation of inconvenience attending reduction of staff ordered, that as Legislature would in future years be called upon to provide for Civil Establishment, except for officers whose salaries might be charged on 14 Geo. III or Territorial Revenue, there is no desire to press for those reductions. p. 78
- Downing St.,  
March 20. Duplicate of preceding despatch. p. 80
- Downing St.,  
April 3. Murray to Colborne. No. 65. Transmitting copy of letter addressed to Peter Robinson, Commissioner of Crown Lands, requesting refund of amount overpaid to him as salary. p. 82
- Enclosure:—
- Downing St.,  
April 2. Hay to Robinson. (Copy.) Respecting salary of latter. p. 84
- Downing St.,  
April 3. Duplicates of preceding despatch and enclosure. p. 86
- Downing St.,  
April 4. Murray to Colborne. No. 66. Transmitting copy of letter from Treasury on accounts of Peter Robinson as Superintendent of Emigration from South of Ireland to Upper Canada, and directing that Robinson be informed of Colonial Secretary's extreme dissatisfaction at long delay in furnishing explanations required as to his accounts. If explanations unsatisfactory Lieut. Governor authorized to suspend Robinson. p. 89
- Enclosures:—
- Treasury  
Chambers,  
March 31. (1) Stewart to Hay. (Copy.) Transmitting copies of reports from Commissioners of Audit relative to accounts of Peter Robinson. Explanation required from Robinson. p. 92
- 1829**  
Audit Office,  
July 9. (2) Report on Robinson's accounts. (Copy.) p. 94
- 1830**  
Audit Office,  
March 11. (3) Report on Robinson's accounts. (Copy.) p. 97
- Downing St.,  
April 4. Duplicates of preceding despatch and enclosures. p. 99
- Downing St.,  
April 5. Murray to Colborne. Transmitting extract from letter from Treasury, with copy of letter addressed to all officers in command on foreign stations prohibiting them from increasing salaries or allowances or authorizing any public expenditure without previous sanction, and stating intention to give effect to provisions of Act 1 & 2

Geo. IV., cap. 121, sec. 20, by holding such officers personally responsible for all unauthorized expenditures. **1830**  
p. 109

## Enclosures:—

(1) Stewart to Hay. (Extract.) Enclosing copy of circular letter. **1829**  
p. 111 Treasury Chambers, April 3.

(2) Stewart to Officers in Command at Foreign Stations. **1830**  
p. 113 Treasury Chambers, July 23.

Duplicates of preceding despatch and enclosures. **1830**  
p. 115 Downing St., April 5.

Murray to Colborne. No. 67. Stating that Mr. Richards is being sent to British North America for the purpose of conducting a thorough inquiry into system of land granting and into disposal of land generally, with view to economy and uniformity, and requesting Lieut. Governor to assist him. **1829**  
p. 122 Downing St., April 7.

Duplicate of preceding despatch. **1829**  
p. 124 Downing St., April 7.

Murray to Colborne. (Circular.) Stating that under terms of 6 Geo. IV, cap. 114, and 7 & 8 Geo. IV, cap. 56 Order in Council has been issued declaring it lawful for Austrian ships to convey goods from Austrian dominions to any British colony and to convey goods from such colonies to any foreign country whatever. **1829**  
p. 127 Downing St., April 10.

Duplicate of preceding despatch. **1829**  
p. 129 Downing St., April 10.

## Murray to Kempt. (Extract.)

"I conceive that it will be a measure of great importance that an Establishment should be formed at Montreal, to afford the means of providing for the youth of the two Provinces an Academical education in the higher branches of Learning; and I should not hesitate to advise His Majesty to endow an Institution of this description with any funds at the disposal of the Crown, which could be appropriated to so desirable an object. The Revenue arising from the Jesuit Estates as also that accruing from the S<sup>t</sup> Sulpician Estates (should these last ultimately be found to belong to His Majesty) would be well applied in the maintenance of such an Establishment.

It is essential, however, in order to ensure the success of this Institution, and to render it generally useful, that it should be viewed without jealousy by Persons of different Religious Persuasions, and it is therefore desirable that it should be established on such principles as that no Religious Tests should be imposed which might operate as an exclusion, either to Students, or to the Professors, if in all other respects well qualified for the situations they were called upon to fill—

I am, therefore, to desire that you will take preparatory Steps for carrying into effect this most desirable object; and you cannot perhaps, in the first instance, do better, or promote the measures more effectually than by consulting as you have proposed to do, with the most influential persons of both persuasions (Roman Catholic and Protestant) and by giving to both, equally, every assurance of the sincere desire of His Majesty's Government to establish an University without exclusion or preference on account of the Religious opinions which its Members may possess—

1830

But in recommending the course of proceeding to you, with an anxious desire that you may be able to promote an object of so much importance without encountering any insurmountable obstacles arising from Religious Feelings especially where mutual Jealousies may have existed for any considerable length of time. This circumstance induces me to anticipate the possibility in adopting a plan for the formation of an establishment for education at Montreal, such as is contemplated in this despatch, to advert to its being necessary to endow two separate Colleges. I think it right, therefore, to make you aware of this, and to apprise you that I should not consider such a proposal as objectionable. And in the event of two Colleges being founded accordingly, the one Protestant, the other Roman Catholic, I should deem it perfectly proper that a due share of the Superintendence of the latter should be allotted to the Clergy of the Roman Catholic Church within the two Canadian Provinces." p. 130

Downing St.,  
May 1.

Murray to Colborne. No. 68. Acknowledging despatch No. 1 of Jan. 11 containing documents explanatory of grounds upon which Legislature passed private act enabling W. W. Baldwin to settle affairs of late Mr. St. George, and stating that if these papers had been before Privy Council the act would probably not have been disallowed. If Legislature should pass another act of same tenor, with amendments indicated, assent will be given. p. 135

Downing St.,  
May 1.

Duplicate of preceding despatch. p. 139

Downing St.,  
May 5.

Hay to Colborne. Introducing John Laurie, who proposes to settle in Upper Canada. p. 146

Downing St.,  
May 5.

Hay to Colborne. Transmitting for inquiry letter requesting information respecting property left by Charles Kregg, who died Jan. 31, 1828. p. 147

Enclosure:—

Chandos  
House,  
April 9.

Neumann to Hay. (Copy.) Requesting information about property of late Charles Kregg. p. 148

Downing St.,  
May 5.

Duplicates of preceding despatch and enclosure. p. 149

Downing St.,  
May 7.

Hay to Officer Administering the Government. Stating that Lieut. John Grant of 3rd Foot Guards has been permitted to sell his half-pay and to settle in British North America. p. 153

Downing St.,  
May 25.

Murray to Colborne. No. 69. Transmitting from Admiralty request that officers be appointed to accompany Commodore Barrie in delimiting the disputed boundaries of several Naval properties. p. 154

Enclosure:—

Admiralty  
Office,  
May 15.

Barrow to Hay. (Copy.) Respecting fixing of boundaries of Naval Establishments and means for extending certain of them. p. 157

Downing St.,  
May 25.

Duplicates of preceding despatch and enclosure. p. 159

Downing St.,  
May 28.

Murray to Colborne. No. 70. (Duplicate.) Acknowledging despatch of March 22, and authorizing grant of land to Major Secord of Lincoln Militia. p. 163

- Hay to Colborne. Transmitting for report memorial from George Crookshank, Asst. Commissary General, praying for grant of land occupied by him for twenty-seven years but which was included in Military Reserves. (No enclosure.) 1830  
Downing St.,  
June 1.  
p. 164
- Duplicate of preceding despatch. Downing St.,  
June 1.  
p. 166
- Murray to Colborne. No. 71. Acknowledging despatch No. 24 of April 22, and stating that he does not feel at liberty to authorize the expenditure of £2,500 for erection of building for custody of public records. Downing St.,  
June 2.  
p. 168
- Duplicate of preceding despatch. Downing St.,  
June 2.  
p. 170
- Hay to Thomas Clark, Glasgow. Stating that in event of party of settlers proceeding to Upper Canada in the following spring they will have same indulgence as was promised them in December last. Downing St.,  
June 8.  
p. 172
- Murray to Colborne. No. 72. Acknowledging despatch of April 12, and expressing regret that in present circumstances he does not feel at liberty to accede to request of Mr. Ironside, Indian Superintendent at Amherstburg, to be allowed to retire on pension. Downing St.,  
June 10.  
p. 173
- Draft of reply to the preceding despatch. Downing St.,  
June 11.  
p. 175
- Murray to Colborne. No. 73. Acknowledging despatch of April 15, and stating he has no objection to retirement of Mr. Chewett, Acting Surveyor General, on pension equal to full salary of £400 a year, if amount can be charged upon annuity paid by Canada Company or other fund at disposal of Crown. Downing St.,  
June 11.  
p. 179
- Duplicate of preceding despatch. Downing St.,  
June 11.  
p. 181
- Murray to Colborne. No. 74. Transmitting extract from address of House of Commons requesting return of all grants of land made to trustees or other officers appointed by charter for establishment and maintenance of any college or seminary in Upper Canada, with estimated value. Downing St.,  
June 14.  
p. 183
- Enclosure:—
- Extract from address of House of Commons. p. 186 June 4.
- Duplicates of preceding despatch and enclosure. p. 184 Downing St.,  
June 14.
- Murray to Colborne. No. 75.
- "I have the honor to acknowledge the receipt of your despatch of the 18:March last, transmitting an Address from the Legislative Council of Upper Canada, conveying their opinion of the Seminary lately opened at York. Downing St.,  
June 23.
- It has at all times appeared to me to be very desirable that a Central situation could be fixed upon where a University should be established which might be resorted to by the Youth of both the Canadian Provinces for their instruction in the higher branches of Learning. You will perceive by the enclosed Extract of a despatch addressed by me to Sir James Kempt that I consider Montreal as the most fit situation which can be selected for the above purpose. I can entertain very little doubt of this view of the Subject meeting with your concurrence and I trust that neither to yourself nor to any other person connected with Upper Canada will it appear that in making

1830 choice of Montreal for the site of a Central University I have been in any degree neglectful of the Interests of that important Province

I have always been of opinion however that the formation at York of such a Seminary as that mentioned in your dispatch of the 18. March last and which is spoken of so advantageously in the Address from the Legislative Council enclosed in that dispatch was indispensable and also that it was a measure the most suitable to the present circumstances of the Upper Province. The decided approval of the plan of that Seminary expressed by the Council has fully confirmed me in that opinion

With reference to that Seminary, you have submitted to my consideration the following proposals.

1<sup>st</sup> That the Territorial Revenue shall bear part of the current expences of the Institution.

2<sup>d</sup> That you may be authorized to endow it with one of the five Townships set apart for the maintenance of Schools.

3. That it shall be endowed with Eight Exhibitions of £40 each, to be held by Students for four years while they are at the University to be chargeable on the Revenue of King's College.

4. That a Scholarship of £25 shall be granted to each of the District Schools to be held for four years by Pupils elected from to (*sic*) the Minor College and made chargeable on its Revenue.

5: That the Lt: Governor and Council shall be empowered to endow District and Common Schools with such Lots of Land as they may find it expedient to select for their support from the School Townships.

With regard to the assistance to be afforded to the Seminary as alluded to in your 1<sup>st</sup> proposal, I have no objection to the appropriation of £500 per an: for seven years from the funds of the Canada Company instead of making an allotment from that fund for building King's College as originally intended.—

I have to approve also of the 2<sup>nd</sup> proposal which you have submitted to me, namely, to endow the Seminary with one of the five Townships set apart for the maintenance of Schools.—

With regard to you[r] 5: proposition that the District Schools generally should also be endowed with some portions of the Land set apart for the maintenance of Schools, I can have no objection to give my sanction to such an arrangement. I consider that it would be premature, however, to establish the Exhibitions and Scholarships to which you have alluded in your 3<sup>d</sup> and 4<sup>th</sup> propositions, but I shall not be indisposed to take into consideration the expediency of making some provision of this kind at a more advanced stage of these arrangements should such a mode of promoting emulation amongst the Youth of the Province and of giving encouragement to Learning be deemed likely to have a beneficial influence commensurate with the charge which it will occasion to the Public.”

p. 188

Duplicate of preceding despatch.

p. 198

Downing St.,  
June 25.

Murray to Colborne. Announcing death of King George IV on morning of June 26 and proclamation of William IV on June 28, and enclosing documents relating thereto. (No enclosures.)

p. 208

Downing St.,  
June 29.

Duplicate of preceding despatch.

p. 211

Downing St.,  
June 29.

Murray to Colborne. (Private. Duplicate.) Transmitting **1830**  
Order in Council with proclamation requiring all persons being in  
office of authority or government at the decease of the late King to  
proceed in the execution of their respective offices. Downing St.,  
June 30.  
p. 214

Hay to Colborne. Requesting a copy of Journals of Assembly for  
the Speaker of House of Commons. Downing St.,  
July 28.  
p. 217

Duplicate of preceding despatch. p. 218 Downing St.,  
July 28.

Murray to Colborne. No. 76. Transmitting pardon for Benjamin  
Ward, convicted of murder, on condition of his banishing himself from  
the province for life. Downing St.,  
July 31.  
p. 219

Enclosure:—

Warrant for pardon of Benjamin Ward. p. 220 St. James's,  
July 20.

Duplicate of preceding despatch. p. 222 Downing St.,  
July 31.

Murray to Colborne. No. 77.

"I have the honor to acknowledge the receipt of your despatch  
of the 25<sup>th</sup> Jan<sup>r</sup> last, enclosing the Copy of the Memorial from the  
Presbyterian Ministers of Upper Canada, not in direct Communion  
with the Church of Scotland, praying that they may be considered  
entitled to share the Allowance granted to the Minister of the Church  
of Scotland, from the Funds of the Canada Company by Lord  
Bathurst's Despatch of the 6<sup>th</sup> Oct<sup>r</sup> 1826. Downing St.,  
Aug. 1.

It appears to me very desirable, if such a Measure could be  
accomplished, that the whole of the Presbyterian Clergy of the  
Province should form a Presbytery or Synod; and that each Presby-  
terian Minister who is to receive the Allowance from Government  
should be recommended by that Body, in like manner as, the Roman  
Catholic Priests, who receive Assistance from Government, are recom-  
mended by the Roman Catholic Bishop. By this Arrangement the  
whole of the Presbyterian Clergy of Upper Canada would be placed  
upon the same footing, as well with respect of their immediate Con-  
nection with the Government of the Province, as with respect to the  
Assistance afforded by Government towards their support; whereas  
under the present plan, the Government has an indirect connection  
with a part only of the Presbyterian Body in Upper Canada, to the  
exclusion of the remainder.

You will, therefore, consider yourself authorized to consult with  
the leading Members of the Presbyterian Body in Upper Canada, as  
to their disposition to adopt a Union of the nature which I have  
suggested in this despatch, and report to me on the Subject." p. 223

Duplicate of preceding despatch. p. 226 Downing St.,  
Aug. 1.

Hay to Colborne. Transmitting copy of letter from Coutts & Co.,  
bankers, respecting bill drawn on them for £772, presumably on  
account of dividends due to the Six Nations Indians. Bill was  
accepted, but information respecting it should have accompanied  
draft. p. 230 Downing St.,  
Aug. 27.

Enclosure:—

Coutts & Co. to Murray. (Copy.) p. 231 Strand,  
Aug. 26.

Duplicates of preceding despatch and enclosure. p. 232 Downing St.,  
Aug. 27.

- 1830**  
Downing St.,  
Sept. 1. Hay to Colborne. Requesting information respecting Mr. Hooper, a missionary who died at Niagara Falls about end of preceding year. p. 235
- Downing St.,  
Sept. 1. Duplicate of preceding despatch. p. 237
- Downing St.,  
Sept. 10. Murray to Colborne. No. 78. Transmitting for report copy of memorial from John Small, Clerk of Executive Council, asking that he be allowed to resign in favour of his son, James Edward Small, or that his son may hold office in conjunction with him. p. 239
- Enclosures:—
- York, U.C.,  
Aug. 24. (1) Small to Murray. (Copy.) Transmitting his memorial and copy of a letter of Marquis of Buckingham. p. 240
- (2) Buckingham to Lieut. Governor Simcoe. Recommending John Small, newly appointed [1791] Clerk of Executive Council. p. 242
- (3) Memorial of John Small. (Copy.) p. 244
- Downing St.,  
Sept. 15. Murray to Colborne. No. 79. (Duplicate.) Acknowledging despatch No. 28 of May 10, and stating with reference to memorial from parishioners of St. James, York, for assistance in erecting new church because of accommodation it would afford to military, that he does not approve of a church exclusively for military, but, on his recommendation, Treasury has sanctioned grant of £1,000 on condition of accommodation being provided for troops. p. 246
- Enclosure:—
- Treasury  
Chambers,  
Sept. 14. Stewart to Hay. (Copy.) Concurring in Colonial Secretary's recommendation that a donation of £1,000 be granted to parishioners of St. James, York, to assist in erecting church. p. 249
- Downing St.,  
Sept. 30. Murray to Colborne. No. 80. Acknowledging despatch No. 33 of July 1, and stating that Messrs. Coutts & Co. will be notified of appointment of Messrs. Baby, Dunn and Markland as trustees for Six Nations Indians, to replace John Claus. p. 250
- Downing St.,  
Oct. 23. Murray to Colborne. No. 81. Acknowledging despatch with address from Assembly requesting that duty on spirits imported from the United States might be reduced from one shilling to three pence per gallon, and stating that it is contrary to policy that duties on spirits of foreign manufacture should be lower than those from Great Britain. p. 251
- Downing St.,  
N.v. 28. Duplicate of preceding despatch. p. 253
- Downing St.,  
Oct. 29. Murray to Colborne. No. 82. Acknowledging despatch of June 7, and sanctioning annual expenditure of £180 instead of £150 for a residence in Upper Canada for Bishop of Quebec. p. 256
- Downing St.,  
Oct. 29. Duplicate of preceding despatch. p. 257
- Downing St.,  
Oct. 30. Hay to Colborne. Inquiring whether the £1,000 allocated towards building for King's College, which was not proceeded with, is still in hands of Receiver General. p. 258
- Downing St.,  
Oct. 30. Duplicate of preceding despatch. p. 259

Murray to Colborne. (Private.) Acknowledging despatch of Sept. 17 respecting representation of Chief Justice Robinson as to prejudicial consequence of intimation that he had been excluded from Executive Council, and explaining the circumstances which would show that there was no intention of reflecting on the character of the Chief Justice. 1830  
Downing St.  
Nov. 1.

p. 261

Duplicate of preceding despatch.

p. 265 Downing St.  
Nov. 1.

Murray to Colborne. No. 83. Acknowledging despatch of Aug. 28, and stating that it is not in his power to accede to claim of representative of estate of late Count de Puisaye to 4,150 acres of land, which would complete grant of 5,000 acres under authority of despatch of July 5, 1798. It would be inconsistent with terms of original authority.

p. 270

Duplicate of preceding despatch.

p. 272 Downing St.  
Nov. 2.

Hay to Colborne. (Private.) Stating that Colonial Secretary has submitted to H.M. a list of gentlemen recommended in despatch of Sept. 17 for seats in Legislative Council. Downing St.  
Nov. 3.

p. 274

Duplicate of preceding despatch.

p. 275 Downing St.  
Nov. 3.

Murray to Colborne. (Circular.)

"I have the honor herewith to transmit to you An Order made by His Majesty in Council dated the 5: Inst. revoking the Orders in Council of the 21: of July 1823 & the 27. of July 1826, & so much of the Order in Council of the 16: of July 1827 as relates to the United States of America, or to the Vessels of those States; and authorizing the admission into all His Majesty's Possessions abroad of American Ships arriving from the United States with Goods the growth produce or manufacture of that Country. Downing St.  
Nov. 10.

The enclosed Order has been drawn up in a compendious form in order to avoid the obscurity which seemed inseparable from a recital at length of the various Acts of Parliament and Orders in Council to which it refers. It will, therefore, be convenient to state, for your information, that the authority under which this Order is issued is derived from the Statutes 4. Geo. 4. Cap. 77. Sec. 4; 5. Geo. 4. Cap. 1. Sec. 6; 6. Geo. 4. Cap. 118. Sec. 4; and 7. & 8. Geo. 4. Cap. 56. Secs. 41. 42. 43; but especially from the first of those Enactments.

As the Ports of His Majesty's North American Provinces have never been closed to the Vessels of the United States, the enclosed Order in Council will not be productive of any change in that particular course of Trade. But the Tonnage duty of four shillings and three Pence per Ton, and the duty of ten per Cent ad valorem on the Cargoes of American Ships imposed by the Orders in Council of the 21<sup>st</sup> of July 1823, & the 27: of July 1826 will henceforth cease throughout the British Possessions on the Continent of North America.

It has seemed right that the decision of His Majesty's Government respecting the Commercial relations between the British Colonies & the United States of America should be communicated to the parties immediately concerned with the least possible delay. I, therefore, avail myself of the present opportunity of transmitting the recent Orders in Council to you, together with a letter from the Lords of the Committee of Privy Council for Trade, stating the reasons which have induced His Majesty's Government to accept the proposals which

- 1830 have been made by the Legislature and Government of the United States.
- His Majesty's Government have not adopted the present measure without the most anxious and deliberate attention to the interests of the British North American Provinces. They have been deeply impressed with the magnitude & importance of those interests, & of the claims which His Majesty's North American Subjects have to every degree of protection which can be afforded to them consistently with the general welfare of the Empire at large.
- It will be my duty fully to explain to you in my next despatches what is the precise nature of those measures of protection to which the Lords of the Committee of Privy Council for Trade refer in the enclosed letter." p. 276
- Downing St.,  
Nov. 13. Duplicate of preceding despatch. p. 280
- Downing St.,  
Nov. 20. Hay to Colborne. Transmitting, in connection with earlier correspondence on subject of Military Reserves, copy of a letter addressed to Ordnance informing them that they have no property rights in these lands, and that Lieut. Governor is being instructed to make them available in interest of revenues of Crown, but subject to limitation as to their resumption should they be required for barracks, fortifications or other public works. p. 286
- Downing St.,  
Nov. 16. Enclosure:—  
Hay to Byham. (Copy.) Respecting Military Reserves. p. 288
- Downing St.,  
Nov. 20. Duplicates of preceding despatch and enclosures. p. 291
- Downing St.,  
Nov. 22. Lord Goderich to Colborne. Announcing his succession to office of Colonial Secretary. p. 297
- Downing St.,  
Dec. 8. Hay to Colborne. Transmitting renewed commissions for himself as Lieut. Governor and for judges and Law Officers; also warrants for appointments of John Elmsley to Executive Council, and of Bishop of Quebec and fifteen other members to Legislative Council. Fees (£189-16) should be paid to Adam Gordon. p. 298
- Enclosure:—  
Specification of fees charged upon warrants. p. 300
- Downing St.,  
Dec. 8. Goderich to Colborne. (Circular.) Stating, in connection with earlier despatch respecting renewal of commercial intercourse with United States, that he is unable to transmit by this mail schedule of protecting duties which might be established as result of correspondence with United States minister. A resolution moved in House of Commons by late Government has been suspended. p. 301
- Goderich to Colborne. No. 1.
- Downing St.,  
Dec. 20. "Having had under my consideration the Establishments for Education in the Province of Upper Canada I feel it to be my duty to lose no time in communicating to you my Sentiments on this important Subject.
- The University or King's College, which has been proposed for the Upper Province has claimed my first attention, both from the importance of the object in view as well as from the extent of the Pecuniary and other Grants which have been allotted for its future support. After an attentive perusal of Your dispatch of the 30. Sept<sup>r</sup> 1830 I cannot but perceive that there are difficulties created by the

exclusive character of the Charter granted to The King's College which must operate most materially to the prejudice of that foundation; and which cannot fail to frustrate the advantages which the Youth of the Province were expected to derive from the proposed Establishment. The Revocation, or even alteration, of a Charter, thus formally given by the Crown, is a matter which demands much serious consideration; and I am not, therefore, prepared at present to give any instructions in regard to The King's College; except to direct you not to take any steps whatever for the further advancement of the original scheme for the Establishment of the proposed University, until you receive precise instructions on the subject from this Department. It is not my intention to pursue further the idea which has been suggested of making Montreal the Seat of such an Establishment; as I consider the arguments which have been urged against such a measure as conclusive; but I entertain the greatest doubt of the propriety of accelerating the foundation of an University in any part of the Province until the way shall have been prepared for such an Establishment by placing upon a secure and respectable footing such preparatory Schools as may have been already founded in Upper Canada.

Among the chief in importance must of course be ranked the "Royal Grammar School of Upper Canada" (for by this Name I desire that it may henceforth be designated) and I am fully disposed to give every support to that Establishment. I must observe, however, that it appears to have risen to its present state without much consultation with the Government at Home; and that the number of Professors employed is greater than is requisite. The Salaries also of some of the Officers, such as the Principal and the Vice Principal, (the latter it is conceived being an unnecessary office) appear higher than the occasion demands.

With these observations, I am inclined to allow the Establishment to remain on its present footing, and have sanctioned an allowance of £500 per Annum from the Crown Revenues of the Province to assist in its maintenance.

It must be understood, however, that you are not at liberty to increase, in the smallest degree, the expence of the Establishment, without a reference to me; and it will be your duty to send home, without loss of time, an accurate Report of the present state of the Royal Grammar School, of its finances, and its Scholars; and I have also to request that you will transmit to me a similar Report Half-Yearly.—"

p. 303

Duplicate of preceding despatch.

p. 309 Downing St.,  
Dec. 20.

Goderich to Colborne. No. 2.

"You will perceive by the inclosed Copies of dispatches which I have addressed to Lord Aylmer that instructions have been conveyed to his Lordship with the hope of bringing to an Amicable Settlement the differences which have so long existed between the two branches of the Legislature of Lower Canada, in consequence of the right claimed by the Assembly to appropriate the Revenue raised under the British Act of 14<sup>th</sup> Geo. 3<sup>d</sup>, which has hitherto been applied to the support of the Civil Government, under the Warrants of the Lords Commissioners of the Treasury.

Downing St.,  
Dec. 24.

His Majesty's Government is of opinion that this important object will be best accomplished by placing the Revenue in question at the complete disposal of the Provincial Legislature; and by calling

1830 upon the Assembly in return to provide for such a moderate Civil List as may be indispensably necessary, in which the Lieut Governor, the Judges, and other principal officers of the Government, whose Salaries ought not to depend on the Annual Votes of the Legislature, may be included.

This course having been deemed expedient in the Lower Province, every consideration of prudence and policy combine to render its application to Upper Canada almost a matter of course.

You will accordingly, taking the instructions which I have conveyed to Lord Aylmer as your Guide, proceed to the arrangement of this important point, and in making the proposition which it will be your duty to bring forward, you will not fail to assure the Assembly of the sincere and anxious desire of His Majesty to meet the wishes of His Loyal and Affectionate Subjects in Upper Canada, and his confident expectation that this feeling will be reciprocal on the part of their Representatives.

I transmit to you N<sup>o</sup> 1 an Estimate of the Funds now at the disposal of the Crown, which it is proposed to give up to the Appropriation of the Assembly: and N<sup>o</sup> 2. The Civil List which you will invite them to grant in lieu of these Revenues; Viz<sup>t</sup>

(N<sup>o</sup> 1)

Customs Duties levied under the 14 <sup>th</sup> Geo. 3 <sup>d</sup> & In-keepers Licences at a moderate computation . . . . .	10,000
Fee Fund . . . . .	1,500
	<u>£11,500</u>

(N<sup>o</sup> 2)

The Civil List, as explained in my dispatch to Lord Aylmer may consist of three Classes, as follows, viz<sup>t</sup>

<b>1<sup>st</sup> Class.</b>	
Lt. Governor . . . . .	£3,000
Provincial Secretary . . . . .	300
Contingencies . . . . .	300
	<u>£3,600</u>
<b>2<sup>d</sup> Class.</b>	
Chief Justice . . . . .	1500 - -
Two Puisne Judges . . . . .	1800 - -
Attorney General . . . . .	300 - -
Solicitor General . . . . .	100 - -
Contingencies . . . . .	300 - -
	<u>£4000</u>
<b>3<sup>d</sup> Class.</b>	
Pensions . . . . .	3,000 - -
(to be reduced as vacancies occur to £1,000).	
Miscellaneous . . . . .	200 - -
	<u>3,200</u>
Total of the three Classes . . . . .	10,800 - -

It will not, however, be necessary to call upon the Legislature to grant the whole of the Sum of £10,800, inasmuch as by the Provincial Act of 53<sup>d</sup> Geo. 3<sup>d</sup> the Sum of £2,500 Currency, (equal to £2131 Sterling,) is granted towards the maintenance of the Civil Government; the moderate Sum of £8669, is, therefore, all that is required for the completion of the proposed arrangement—

The manner in which it is intended to relieve the Lords of the Treasury from the Appropriation of the Duties raised under the 14<sup>th</sup> Geo. 3<sup>d</sup> being fully detailed in my dispatch to Lord Aylmer, it is un-

necessary for me to enter into any further explanation on that part of the Subject. The duration of the Civil List must, as in the Lower Province, be fixed, in Upper Canada, either for the life of His Majesty, or for a term of not less than Seven Years.—

1830

I have only in addition to express my earnest hope, that no exertion on your part will be omitted, to induce the Legislature to accede to the proposal which you are instructed to make to them; since besides having the merit of Settling a point of great importance, if not difficulty, it will place at the disposal of the Assembly a Sum larger in Amount than the Civil List for which they are called upon to provide.—”

p. 315

Goderich to Colborne. (Separate.)

“In the instructions which I have conveyed to you in my dispatch of this date for the arrangement of the Civil List with the Legislature of Upper Canada, you will not have failed to observe, that the Casual and Territorial Revenue is, for the reasons explained in my dispatch to Lord Aylmer, reserved at the disposal of the Crown.

Downing St.,  
Dec. 24.

According to an Estimate which has been prepared in this Office, this Revenue may be calculated at £18,500 Net, for the Year 1831;

viz<sup>t</sup>

Canada Company . . . . .	16,000	--
Land and Timber . . . . .	3,500	--
Incidental . . . . .	1,000	--
	<u>20,500</u>	--
deduct charge of Collection . . . . .	2,000	--
	<u>£18,500</u>	

The objects to which I propose to apply this Fund are detailed in the following list; by which you will perceive that His Majesty's Government has decided to make a very liberal appropriation for the important object of providing Religious Instruction, and in maintaining suitable Establishments for the Education of the Youth of the Province, as well as to assist, as far as their means will allow, such Emigrants from the United Kingdom as may reach the Upper Province; viz<sup>t</sup>

Royal Grammar School . . . . .	500	--
University . . . . .	1000	--
Protestant Clergy (in lieu of Parliamentary Grant) . . . . .	3,000	--
Presbyterian Clergy . . . . .	1000	--
Roman Catholic Bishop . . . . .	500	--
Roman Catholic Clergy . . . . .	1000	--
Emigration . . . . .	5,000	--
	<u>12,000</u>	--
 Floating charges		
Compensation in lieu of Fees . . . . .	2,566	--
Colonel Talbot's Pension . . . . .	400	--
Miss Shaw's do . . . . .	100	--
Various other Pensions . . . . .	940	--
	<u>£16,006</u>	--

There will then remain a Sum of about £2,500, upon which I do not think that it would be prudent to place at present any fixed charge; as it is very desirable to retain in hand a Surplus to meet any unforeseen Contingencies.

I trust that you will not receive any application from the Assembly, claiming the right of appropriating the Revenue derived from the

- 1830** Canada Company; but if such an Address should be presented to you, you will inform the Assembly, that you have received instructions from His Majesty's Government to apply the Territorial Revenue to objects which cannot but be considered as of the first importance to the interests of the Province; but that you are not at liberty to accede to any arrangement for transferring to the Legislature the Hereditary Revenue of the Crown; and that it is, therefore, only in your power to refer their application for His Majesty's consideration." p. 322
- Downing St.,  
Dec. 26. Goderich to Colborne. No. 3. Acknowledging despatch of Oct. 13, and conveying authority to carry out arrangement proposed for Mr. Ironside and his son in relation to position of Superintendent in Indian Department, and appointment of William Jones as assistant. p. 327
- Downing St.,  
Dec. 26. Duplicate of preceding despatch. p. 329
- Downing St.,  
Dec. 27. Goderich to Colborne. No. 4. Acknowledging despatch of Oct. 14, and conveying entire approbation of measures taken for improving condition of Indians, particularly in the matter of cultivation of their lands, and of the arrangement by which the expense will not exceed the saving on Indian presents. p. 331
- Downing St.,  
Dec. 28. Goderich to Colborne. No. 5. Transmitting copy of letter from Ordnance expressing fear that alienation of Military Reserves will defeat their purposes in arranging for defence; and directing that no such lands be alienated without authority from Colonial Secretary, and that no temporary leases be effected without stipulation for resumption of lands if required. p. 333
- Enclosure:—  
Byham to Hay. (Copy.) p. 336
- Office of  
Ordnance,  
Dec. 6. Duplicates of preceding despatch and enclosure. p. 339
- Downing St.,  
Dec. 28.  
Downing St.,  
Dec. 29. Goderich to Colborne. No. 6. Inquiring, with reference to reports of sales of Clergy Reserves, whether provisions of Act 7 & 8 Geo. IV have been complied with as regards placing in public funds of Great Britain the monies arising from such sales. Reports of sales to be transmitted as soon as possible after Jan. 1 and July 1 of each year. p. 345
- Downing St.,  
Dec. 29. Duplicate of preceding despatch. p. 347
- Downing St.,  
Dec. 30. Hay to Colborne. Acknowledging despatch of Oct. 12, and stating Colonial Secretary regrets inability to comply with request of James Roch for increase of allowance as ensign on half-pay. p. 349
- Downing St.,  
Dec. 30. Duplicate of preceding despatch. p. 350
- Downing St.,  
Dec. 30. Goderich to Colborne. (Circular.) Transmitting copy of Act passed in present session entitled, "An Act to render valid Acts done by the Governor of any of His Majesty's Plantations after the expiration of his Commission by the Demise of His Majesty, and to extend the period within which the Patents of Governors of Colonies shall on any future Demise of the Crown become vacant, and to provide for the longer duration of the Patents of Governors after the demise of the Crown". (No enclosure.) p. 351

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- Hay to Colborne. Conveying instructions as to the form to be followed in making up annual Financial Accounts. p. 1 **1831** Downing St., Jan. 1.
- Duplicate of preceding despatch. p. 3 Downing St., Jan. 1.
- Goderich to Colborne. No. 7. Transmitting Order in Council confirming various acts of Provincial Legislature passed in March 1829. (No enclosure.) p. 5 Downing St., Jan. 6.
- Duplicate of preceding despatch. p. 7 Downing St., Jan. 6.
- Goderich to Colborne. No. 8. Transmitting two Orders in Council confirming two bills (titles not mentioned) passed by Provincial Legislature in March 1829, and reserved for His Majesty's consideration. (No enclosures.) p. 9 Downing St., Jan. 6.
- Duplicate of preceding despatch. p. 11 Downing St., Jan. 6.
- Goderich to Colborne. No. 9. Transmitting two Orders in Council disallowing two bills (titles not mentioned) passed by Provincial Legislature in March 1829, and reserved for His Majesty's consideration. (No enclosures.) p. 13 Downing St., Jan. 6.
- Duplicate of preceding despatch. p. 15 Downing St., Jan. 6.
- Certificate by Goderich of receipt on July 17, 1829, of bill passed by the Legislature in March 1829 entitled, "An Act for the relief of Mary Lawrence". p. 17 **1830** Downing St., Dec. 31.
- Certificate by Goderich of receipt on July 17, 1829, of bill passed by the Legislature in March 1829 entitled, "An Act to encourage emigration from foreign Parts into this province". p. 18 Downing St., Jan. 1.
- Certificate by Goderich of receipt on July 17, 1829, of bill passed by the Legislature in March 1829, and reserved for H.M.'s pleasure, entitled, "An Act for the relief of Mary Lawrence". p. 19 Downing St., Jan. 1.
- Goderich to Colborne. No. 10. Requesting, at instance of Treasury, report on the measures taken for collecting the sums due from the Lanark settlers of 1820 and 1821 under authority of despatch of June 30, 1829, with a statement from the collector. p. 20 Downing St., Jan. 20.
- Enclosures:—
- (1) Stewart to Hay. (Copy). Transmitting copy of a report from Commissioners of Audit and requesting that information be furnished to this Board as to when repayment of sums mentioned may be expected. p. 22 Treasury Chambers, Jan. 7.
- (2) Commissioners of Audit to Treasury. (Copy.) Calling attention to fact that nearly £20,000 Stg. advanced by Government to Lanark settlers in 1820 and 1821 was to be repaid in ten years. Desire to be informed if any repayments were made and, if so, the amounts and the name of person who collected. p. 23 Audit Office, Jan. 20.
- Duplicates of preceding despatch and enclosures. p. 26 **1831** Downing St., Jan. 20.
- Goderich to Colborne. No. 11. Transmitting copies of letters from Navy Commissioners and Commodore Barrie announcing purchase of lease of Kingston Mills Reserve, and requesting that Reserve be conveyed to Principal Officers of Navy in fee simple. p. 32 Downing St., Jan. 21.

## Enclosures:—

- 1831**  
Navy Office,  
Jan. 5. (1) Dundas and Seppings to Howick. (Copy.) Transmitting copy of letter from Commodore Barrie. p. 34
- 1830**  
Kingston,  
Nov. 8. (2) Barrie to Navy Office. (Copy.) Respecting purchase of Kingston Mills Reserve, and requesting that it be conveyed in fee simple to the Principal Officers of the Navy. p. 36
- 1831**  
Downing St.,  
Jan. 21. Duplicates of preceding despatch and enclosures. p. 39
- Downing St.,  
Jan. 25. Goderich to Colborne. No. 12. Notice that Thomas Clark had been given leave of absence from Legislative Council until Jan. 1, 1832. p. 45
- Downing St.,  
Jan. 25. Duplicate of preceding despatch. p. 46
- Downing St.,  
Jan. 26. Goderich to Colborne. No. 13. Requesting, at instance of Treasury, detailed report on the several banks in Upper Canada, including information as to principles upon which paper issues are regulated; also, what benefits superior to those given to private depositors Government might expect in consideration of larger amount of funds that might be entrusted to banks. p. 47
- Enclosure:—
- Treasury  
Chambers,  
Jan. 13. Elliee to Howick. (Copy.) Requesting information as to banking establishments in the colonies with a view to the transfer to their custody of funds usually deposited in the Military Chest. p. 49
- Downing St.,  
Jan. 26. Duplicates of preceding despatch and enclosure. p. 53
- Downing St.,  
Jan. 30. Goderich to Colborne. (Confidential.) Requesting information as to state of the Militia in the province, and giving points upon which answers are required. p. 59
- Downing St.,  
Jan. 30. Duplicate of preceding despatch. p. 62
- Downing St.,  
Feb. 5. Goderich to Colborne. No. 14. Transmitting extract from letter of Mr. Richards stating that upwards of 5,000 deeds remained to be taken out by settlers under superintendence of Col. Talbot, and suggesting that time limit should be fixed for taking out deeds and that Talbot should be required to render account of affairs under his charge. Concurs in suggestion, and requests that after communication with Talbot a report be made as to measures that should be taken. p. 64
- Enclosure:—
- Downing St.,  
Feb. 5. Extract from a letter of Mr. Richards marked "Private and Confidential". p. 66
- Downing St.,  
Feb. 7. Duplicate of preceding despatch. p. 68
- Downing St.,  
Feb. 7. Goderich to Colborne. No. 15. Transmitting copy of report of Mr. Richards, and requesting observations on that part which has reference to formation of new settlements. Also desires information as to means at immediate command of Government for locating and employing emigrants, and on what preparatory steps should be taken if any systematic plan of sending out emigrants were acted upon immediately, directing that preparations be made for reception of such persons as may be sent out in course of summer. p. 70

Goderich to Colborne. No. 16.

1831

"In the dispatch dated the 24 Dec<sup>r</sup> last N<sup>o</sup> 2 which I had the honor to address to you on the subject of the Financial arrangements to be proposed to the Legislative Council and Assembly of the Province of Upper Canada, I signified to you His Majesty's Pleasure that you should propose to the Provincial Assembly to grant such a Civil List as might be necessary for securing at all events the independence of the Governor and of the Judges. The various sums proposed in that dispatch for the maintenance of the Judges amount together to the annual Sum of £3,300. The other expences of the proposed Judicial Establishment being required for the Attorney and Solicitor General and Contingencies amounting together to £700.

Downing St.,  
Feb. 8.

In making this demand upon the liberality of His faithful Commons in Upper House, His Majesty was desirous to secure to His Subjects in that part of His Dominions the full enjoyment of those advantages which have been so largely derived in this Kingdom from the Independence of the Judicial Office. A Question of very grave importance, connected with that Subject, was not noticed in the dispatch to which I refer, because the Ministers of the Crown were unwilling to submit to The King any opinion upon so important a topic, until they should have found an opportunity for more mature deliberation than had been practicable at the date of that dispatch. I now proceed to convey to you the Commands which it is His Majesty's Pleasure to issue, upon a full review of the great Question of Judicial independence in His Canadian Provinces—

The connection which happily subsists between the Canadas and this Kingdom suggests the propriety of transferring to those Provinces every Institution which the more ample experience of Great Britain recommends as calculated to promote at once the stability of Government and the Welfare of Society at large. There is no Branch of Our Civil Polity which has been more fully proved to be conducive to these Great Ends, than the Establishment of Judges independent at once on the Royal Authority and on the pleasure of the popular Branch of the Legislature. There was not I apprehend any legal or Constitutional reason which would have prevented The King from granting the Offices of the Judges of England during their good behaviour, but to render that principle immutable, it was necessary that Parliament should prescribe the form of Commission to be used on such occasions. Accordingly the Statutes passed in the 13 Year of the Reign of William the third and in the first year of George the third, have deprived the Crown of all discretion on the subject.

In conformity with these precedents and in pursuance of the great general principle on which they were founded, The King is graciously pleased to command, that you do avail yourself of the earliest opportunity for proposing to the Legislative Council and Assembly of Upper Canada, the enactment of a Bill declaring that the Commissions of all the Judges of the Supreme Courts shall be granted to endure during their good behaviour and not during the Royal Pleasure, and you will in the name and on the behalf of His Majesty assent to a Bill for carrying that object into effect.

It is of course an essential condition of this arrangement that an adequate and permanent provision should be made for the Judges and I am happy to find that the repeated assurances of the House of Assembly preclude the possibility of any objection being made by that Body to this part of the proposal.—

1831

In further pursuance of the general design of imparting to the Canadas the benefit of this important principle of the British Constitution, I am to signify to you His Majesty's Commands to communicate to the Legislative Council and Assembly His Majesty's settled purpose to nominate on no future occasion any Judge as a Member either of the Executive or of the Legislative Council of the Province. Whatever reliance might be placed on the personal Integrity of the Judges it is desirable that they should be exempted from all temptation to interfere in Political Controversies, and even from a suspicion of any such interference—

The single exception to this general rule, will be that of (*sic*) the Chief Justice of Upper Canada will be a Member of the Legislative Council, in order that they may have the benefit of his assistance in framing Laws of a general and permanent character. But His Majesty will not fail to recommend even to that high Officer a cautious abstinence from all proceedings by which he might be involved in any political contentions of a party nature.

You will perceive that these Rules are framed with reference to the corresponding practice in this Kingdom, where altho it has not been unusual to elevate the Chief Justice of the King's Bench and other Chief Judges to the Peerage, the Puisne Judges cannot vote in either House of Parliament.

I am persuaded that the Council and Assembly of Upper Canada will perceive in the measures which I have thus had the honor of explaining, an additional proof of the desire by which The King is at all times actuated to promote the best interests of that important part of the British Empire." p. 268

Enclosures:—

1830  
Downing St.,  
Dec. 24.

Goderich to Aylmer, with enclosures. (Private and confidential.) (Copy.) (*Printed in Report of the Public Archives for 1931, pp. 193-8.*) p. 276

1831  
Downing St.,  
Feb. 9.

Goderich to Colborne. Transmitting copy of draft of bill to amend Act of 1826 for opening trade between West Indies and United States, prepared by Lords of Trade and to be immediately submitted to Parliament. Attention is drawn to temporary increase of protection of such descriptions of lumber as are likely to form the principal exports from British North American provinces, although it is desired to repeal all duties and restrictions upon free importation into those colonies of supplies and provisions for consumption or transit. p. 73

Downing St.,  
Feb. 20.

Hay to Colborne. Acknowledging despatch of Dec. 27, and stating that the Colonial Secretary cannot sanction arrangements for office of Secretary of Executive Council desired by Mr. Small. p. 298

Downing St.,  
Feb. 20.

Duplicate of preceding despatch.

p. 76

Downing St.,  
Feb. 25.

Hay to Colborne. (Duplicate.) Transmitting copy of memorial from W. Kerr, late Captain in Indian Department, praying for an order to locate the grant of land to which he is entitled in one of old townships, and requesting that such directions be given on subject as may be consistent with usual practice. p. 78

1830  
Wellington  
Square,  
Dec. 24.

Enclosure:—

Memorial of William J. Kerr. (Copy.)

p. 80

Goderich to Colborne. (Circular. Duplicate.) Transmitting order of House of Commons for account of number of emigrants that arrived in British North American colonies for certain specified years. 1831  
Downing St.,  
March 5.  
p. 83

Enclosure:—

Copy of the order. The years are 1790-92; 1800-02; 1810 to date.  
p. 84

Goderich to Colborne. (Circular.) Transmitting copy of General Order from Commander in Chief regulating sale of land in Australian colonies to military settlers, and stating intention to introduce a similar regulation in B.N.A. colonies. (No enclosure.) Downing St.,  
March 6.  
p. 85

Goderich to Colborne. (Private. Duplicate.)

"I am sorry to say that it is not in my power to forward to you by the present occasion the new scale of duties proposed for Timber and deals, but they are not yet finally arranged, and have not been laid before the House of Commons. I shall postpone, therefore, for the present any *Official* Communication upon the Subject. In the meantime I can assure you, and beg that you will assure those, whom it may concern, that the object of the proposed modification is purely financial, and that nothing can be further from the truth than the notion, that in proposing any change, at the present time, His Majesty's Government are actuated by any feeling of indifference towards the North American Provinces, or any readiness to sacrifice their just interests to the advantage of Foreign States. We are two (*sic*) well convinced of the importance of those Colonies to the general strength and power of England, not to feel that such a policy, would be in the highest degree mischievous, and we deem the progressive developement of their general resources one of the most interesting objects to which our attention can be directed. But we are obliged at the same time to look to the general interests of the Empire at large, and if it should not be found possible at all times to make the local Interests of particular portions in the scale, we cannot but trust, that our motives will not be misunderstood, or our intentions misrepresented by those, whom we are most desirous to conciliate; and who have (it cannot be doubted) a just claim upon our vigilant care."  
Downing St.,  
March 7.  
p. 86

Goderich to Colborne. (Circular.) Transmitting new regulations for granting land to settlers, and directing that they be put in force if no serious objections appear to exist. (No enclosure.) There is, however, a pencil note to the effect that the enclosure to this despatch is the same as that in Goderich's circular despatch of March 7, 1831 to Aylmer, and that it was taken out to send to the Legislature in 1852. (The despatch to Aylmer with the regulations is found in G. 22, pp. 257-68.) Downing St.,  
March 7.  
p. 89

Hay to Colborne. Introducing the Rev. Mr. Rintoul who has been appointed to the Presbyterian Church in York. Downing St.,  
March 9.  
p. 92

Goderich to Colborne. No. 17. (Duplicate.) Transmitting copy of letter from Treasury respecting accounts of Peter Robinson as Superintendent of Emigration from South of Ireland, and desiring that Robinson's accounts be investigated. Downing St.,  
March 20.  
p. 93

## 1831

Treasury  
Chambers,  
March 8.  
Audit Office,  
Feb. 21.

## Enclosures:—

(1) Stewart to Hay. (Copy.) Transmitting report of Commissioners of Audit relative to accounts of Peter Robinson. p. 95

(2) Commissioners of Audit to Treasury. (Copy.) Report on accounts of Peter Robinson. p. 96

(3) Specifications of sums for which Peter Robinson is accountable as Superintendent of Emigration from the South of Ireland. (Copy.) p. 99

Downing St.,  
March 21.

Goderich to Colborne. No. 18. Transmitting copy of letter from Treasury respecting accounts of paymasters of U.C. Militia during late war, and desiring that directions be given for immediate delivery and settlement of these accounts. p. 299

## Enclosures:—

Treasury  
Chambers,  
March 11.

(1) Stewart to Hay. (Copy.) Transmitting copies of report from Commissioners of Audit, and letter from Lieut. Governor of Upper Canada forwarding report from Inspector General relative to accounts of paymasters of Militia to whom advances were made during late war. p. 300

Audit Office,  
Feb. 4.

(2) Commissioners of Audit to Treasury. (Copy.) p. 302

1830  
Treasury  
Chambers,  
March 10.

(3) Stewart to Colborne. (Copy.) Transmitting report of Commissioners of Audit with respect to the accounts of certain Militia paymasters. p. 311

York, U.C.,  
Oct. 23.

(4) Colborne to Stewart. (Copy.) Forwarding copy of letter from Mr. Baby, Inspector General of Civil Accounts of Upper Canada. p. 313

Inspector  
General's  
Office,  
Oct. 21.

(5) James Baby to Mudge. (Copy.) Reporting in detail on state of accounts of certain paymasters of Militia. p. 314

1831  
Downing St.,  
March 21.

Duplicates of preceding despatch (No. 18) and enclosures (1) and (2). p. 101

Downing St.,  
March 22.

Goderich to Colborne. No. 19. Transmitting copy of letter from Treasury respecting sums due from Lanark settlers. p. 111

## Enclosures:—

Treasury  
Chambers,  
March 14.

(1) Stewart to Hay. (Copy.) Transmitting, with reference to letter of Jan. 14, a copy of report from Commissioners of Audit, and requesting the desired information immediately. p. 112

Audit Office,  
Feb. 14.

(2) Commissioners of Audit to Treasury. (Copy.) Requesting name of person appointed to collect debts due from Lanark settlers to Crown, instructions he is under, and statement of all sums recovered, showing to whom such sums were paid. p. 113

Downing St.,  
March 22.  
Downing St.,  
March 22.

Duplicates of preceding despatch and enclosures. p. 116

Hay to Colborne. Notice that leave of absence to Sheriff Powell of Bathurst District had been extended for six months. p. 121

Downing St.,  
March 22.

Duplicate of preceding despatch. p. 122

Downing St.,  
April 1.

Goderich to Colborne. (Circular.) Stating, with reference to Timber Duties, that as the House of Commons did not accept the Government proposals no immediate alteration will be made. The bill

submitted did not increase duties on North American timber, but reduced those on Baltic timber. Is convinced that, in spite of this reduction, the same increasing demand for North American timber for purposes for which it is peculiarly adapted would have remained. It can scarcely be maintained as a principle that the people of the United Kingdom are to be permanently compelled to pay a very heavy tax on the more durable Baltic timber for the purpose of inducing them to use an article which is inferior for certain important purposes. Is not expressing opinion as to future conduct of Government, but trusts endeavours will be made to remove any impression that intended change arose from any feeling of indifference towards interests of B.N.A. colonies.

1831

p. 123

Duplicate of preceding despatch.

p. 128

Downing St.,  
April 1.

Goderich to Colborne. No. 20. Directing that the practice pursued in Lower Canada of paying the proceeds from sales of Clergy Reserve lands to the Commissary General for transmission to Treasury be adopted in Upper Canada.

p. 132

Downing St.,  
April 2.

Enclosure:—

Stewart to Hay. (Copy.) Stating approval of measure adopted in Lower Canada for remitting to Treasury the proceeds of sale of Clergy Reserves.

p. 135

Treasury  
Chambers,  
March 26.

Duplicate of preceding despatch and enclosure.

p. 137

Downing St.,  
April 2.

Goderich to Colborne. (Circular.) Transmitting copy of "An Act to amend an Act of the Sixth year of His late Majesty to regulate the Trade of the British Possessions abroad". (No enclosure.)

p. 142

Downing St.,  
April 23.

Goderich to Colborne. No. 21. Acknowledging despatch of Jan. 21, and stating, with reference to petitions for aid towards erecting a church at London, that he is not aware of any funds that could be appropriated to that object, but even if there were such he could do no more than promise consideration of this with other similar petitions.

p. 143

Downing St.,  
April 23.

Duplicate of preceding despatch.

p. 145

Downing St.,  
April 25.

Goderich to Colborne. No. 22. Transmitting letter from Lords of Trade on subject of Lieut. Governor's despatch of Feb. 5 respecting conveyance of American produce through Welland Canal, in which they express concurrence in opinion that foreign produce cannot be landed in order to pass through canal without payment of duty unless it be destined for a warehousing port. As a recent act admits all principal articles of American produce free of duty there is no necessity for making Port Dalhousie or the port at southern entrance of the canal warehousing ports for purpose of such transit.

p. 146

Downing St.,  
April 26.

Enclosure:—

Thos. Lusk to Hay. (Copy.)

p. 148

Whitehall,  
April 15.

Duplicate of preceding despatch and enclosure.

p. 150

Downing St.,  
April 26.

Goderich to Colborne. No. 23. Transmitting for report petition from Donald Cameron complaining of various proceedings as regards a settlement under his management, which are attributed to the Chief Justice and Peter Robinson.

p. 154

Downing St.,  
April 27.

- 1831**
- 14 High Holborne, March 26. Downing St., May 2.
- Enclosure:—  
Donald Cameron to Goderich. (Copy.) p. 320
- Goderich to Colborne. (Circular.) Pointing out inconvenience of memorials being sent to Colonial Office through any channel except Governor, and directing that public notice be given that except in very special cases communications received otherwise than through Governor will be disregarded. If copies are previously communicated to Governor this regulation will not apply. p. 155
- Downing St., May 20.
- Goderich to Colborne. No. 24. Directing appointment of an Agent for Emigrants in Upper Canada. His duties will include the imparting of information that would be helpful to emigrants in the process of settling. A salary of £300 a year is to be defrayed from sum of £5,000 appropriated for purposes of emigration. p. 159
- Downing St., May 20.
- Duplicate of preceding despatch. p. 162
- Downing St., May 21.
- Hay to Colborne. Transmitting copy of memorial from the Rev. John McLaurin, Presbyterian Minister at Lochiel, for arrears of salary, and stating that claim cannot be recognized. Authorizes gratuity of £100 Stg. if his conduct had been such as to merit Lieut. Governor's entire approbation. p. 164
- Enclosures:—
- Lochiel, U.C., Feb. 4. Downing St., May 26.
- (1) Memorial of Rev. John McLaurin. (Copy.) p. 166
- (2) Hay to McLaurin. (Copy.) Stating that his claim cannot be admitted as he had proceeded to Canada without Lord Bathurst's sanction, but that the Colonial Secretary has given authority to Lieut. Governor to pay him £100. p. 179
- Downing St., May 21.
- Duplicates of preceding despatch and enclosures. p. 181
- Downing St., May 22.
- Goderich to Colborne. No. 25. Acknowledging despatch of March 17 with copy of his speech at closing of Legislature. p. 199
- Downing St., May 22.
- Duplicate of preceding despatch. p. 200
- Downing St., May 23.
- Goderich to Colborne. No. 26.
- "I have received and laid before The King your despatch of the 21 March last, N<sup>o</sup> 8, announcing that you had assented to a Bill for settling the Civil List of the Province of Upper Canada; and I have the satisfaction of assuring you that His Majesty entirely approves of your conduct upon that occasion.—
- It is certainly to be regretted that the Assembly did not think proper to grant a Civil List to the full extent which you had been instructed to ask; but as the provision which they have made, limited as it is, is nevertheless permanent instead of temporary, and as the arrangement has been made without bringing into inconvenient discussion the question of the Casual Revenue, I cannot but flatter myself that the result will prove advantageous to the Province, and tend to maintain due harmony and good understanding between the different branches of the Legislature.—
- The Bill which had been introduced into Parliament at the commencement of the late Session had not been passed into a law before the dissolution took place. His Majesty's formal assent to the Provincial Act cannot, therefore be immediately given: but as soon as the new Parliament meets the Bill will be reintroduced.—

I think you acted with sound discretion in so far departing from your instructions as not to include the Fee Fund amongst the Revenues to be given up to the Legislature. It is very doubtful whether that additional concession would have induced the Assembly to make a larger grant, and you would in that case not have had at your command adequate means for meeting those charges which the Assembly declined to include in the Civil List, and which they probably would not be disposed to provide for by annual votes. I trust, however, that the addition of the Fee Fund to the other resources at your disposal will relieve you from all difficulty on that score.

But as that addition will not be equal to the additional charges to be provided, it will be necessary to make a distribution of the Casual Revenue different in some degree from that contained in my dispatch of the 24<sup>th</sup> Dec<sup>r</sup> last N<sup>o</sup> 2.—

The Casual Revenue may now be estimated as follows,

Canada Company.....	16,000
Lands & Timber.....	5,000
Incidental.....	1,000
Fee Fund.....	1,500
	<u>£23,500</u>
Deduct charge of collection.....	2,000
	<u>Total £21,500</u>

It may safely bear the following charges

Lieut. Governor to complete his salary to £3,000.....	1000
Retired Judges.....	2,700
Compensation in lieu of fees.....	2,566
Royal Grammar School.....	500
University.....	1000
Protestant Clergy (in lieu of Parliamentary Grant)....	3,000
Presbyterian Clergy.....	1,000
Roman Catholic Bishop.....	500
Do — Do — Clergy.....	1000
Pensions (supposed to be about).....	1,700
Surveyor General.....	300
Emigration.....	5000
	<u>Total £20,266</u>

Leaving a reserved balance of rather more than £1,200, which would be liable to increase as proportionate as the floating charges, such as Pensions, Retired Allowances, & compensations for fees may fall in—

This distribution may however be liable to change before the Civil List Act comes into operation, and if you have any suggestion to offer as to the proposed application of the Casual Revenue, I shall be glad to receive them, at as early a period as may be convenient.—”

p. 201

Goderich to Colborne. No. 27. Acknowledging despatch of March 23 with address of condolence from the Legislature to the King, and stating that H.M. received it very graciously. p. 206

Duplicate of preceding despatch. p. 208

Goderich to Colborne. No. 28. Acknowledging despatch No. 10 of March 24, and stating, with reference to address from Legislature relative to B.N.A. timber trade, that policy of Government had been announced in despatch of April 1. p. 210

Duplicate of preceding despatch. p. 212

1831

Downing St.,  
May 24.Downing St.,  
May 24.Downing St.,  
May 25.Downing St.,  
May 25.

- 1831**  
Downing St.,  
May 28. Hay to Colborne. Stating that a considerable number of military pensioners have received permission to commute their pensions and settle in Canada, and requesting that such as go to Upper Canada be given every attention. p. 214
- Downing St.,  
May 28. Duplicate of preceding despatch. p. 216
- Downing St.,  
June 25. Goderich to Colborne. No. 29. Asking information respecting lands set aside for purposes of Education, distinguishing those for the benefit of a university and those for grammar schools, the receipts therefrom and appropriations thereof, the expense incurred in erection of buildings and the establishments which are wholly or in part supported from these funds. p. 218
- Downing St.,  
June 25. Duplicate of preceding despatch. p. 221
- Downing St.,  
July 1. Goderich to Colborne. No. 30. Acknowledging despatch of April 6, and expressing regret at inability to comply with address from Assembly requesting that duty on licenses to cut timber on Crown Lands may be rescinded. This could not be allowed except as a general measure applicable to all provinces, which is impracticable under present conditions. p. 225
- Downing St.,  
July 1. Duplicate of preceding despatch. p. 227
- Downing St.,  
July 2. Goderich to Colborne. No. 31. Transmitting letter from Treasury stating, with reference to Lieut. Governor's despatch of March 31, that they will not object to full value of presents issued for 1830 being credited to Indian Department, but cannot consent to any alteration which would increase expenses beyond £20,000. p. 229
- Treasury  
Chambers,  
June 30. Enclosure:—  
Stewart to Hay. (Copy.) p. 231
- Downing St.,  
July 2. Duplicates of preceding despatch and enclosure. p. 234
- Downing St.,  
July 5. Hay to Colborne. Respecting the pay of Captain Hurd, Surveyor General. p. 239
- Downing St.,  
July 5. Duplicate of preceding despatch. p. 242
- Downing St.,  
July 7. Goderich to Colborne. No. 32. Acknowledging despatch of May 16, and approving of instructions given to Mr. Buchanan, Emigration Agent at Quebec, respecting settlers, but expressing dissent from Lieut. Governor's proposal of advance of three pounds to each head of family for every acre cleared during first year. Assistance schemes have not generally worked well, and a large amount is owing to Government by settlers. Price proposed, from five shillings to seven shillings and six pence per acre, is too high for settlers to pay. Because of advanced season Government will not send any settlers this year. Commissioners of Emigration have report in preparation. Requests list of townships which have been regularly surveyed, with information as to those which can be recommended for settlers. p. 245
- Downing St.,  
July 20. Hay to Colborne. Transmitting extract from memorial of Wm. Fraser, of township of Cornwall, claiming compensation for losses sustained during War of 1812, and requesting report. p. 249
- 1822**  
Cornwall,  
Sept. 24. Enclosure:—  
Extract from petition of Wm. Fraser. p. 251

Goderich to Colborne. No. 33. Stating that Treasury approves of suggestion in despatch of April 26 that no more tobacco be included among Indian presents, as Canadian tobacco is quite satisfactory. The saving in expense may be applied to general purpose of ameliorating conditions among the Indians. 1831  
Downing St.,  
July 25.

p. 255

Hay to Colborne. Transmitting for report request for information respecting Richard Manley. Downing St.,  
July 27.

p. 257

Enclosure:—

Statement and queries regarding Richard Manley. (Copy.)

p. 258

Goderich to Colborne. (Circular.) Transmitting copy of letter from Treasury enclosing Minute of Commissioners, founded on report of Select Committee of House of Commons, proposing certain resolutions for giving Parliament more effective control over expenditure for public works, and desiring that regulations proposed be strictly adhered to. Downing St.,  
July 31.

p. 260

Enclosures:—

(1) Stewart to Hay. (Copy). Transmitting copy of the Minute and requesting expression of opinion on regulations proposed. Treasury  
Chambers,  
June 11.

p. 262

(2) Copy of Treasury Minute.

p. 264 June 10.

## G. 68 (1831)

Goderich to Colborne. Stating that Commission consisting of Duke of Richmond, Viscount Howick, R. W. Hay, Thomas Baring and Henry Ellice had been appointed for the purpose of collecting and diffusing general information on subject of emigration to British possessions; enclosing three papers on subject, and requesting information regarding demand for and value of labour in Upper Canada. (Two enclosures lacking.) Downing St.,  
Aug. 1.

p. 1

Enclosure:—

Printed circular No. 2 from Commissioners of Emigration respecting their powers and measures to be adopted. Colonial  
Office,  
July 8.

p. 363

Goderich to Colborne. No. 35. Transmitting copy of letter from Treasury with enclosure from Receiver General of Upper Canada respecting expenditure of £553-17-4½ for repairs on Government House; and requesting explanation of departure from practice of requiring Legislature to provide for such an expense. Downing St.,  
Aug. 1.

p. 6

Enclosures:—

(1) Stewart to Hay. (Copy.) Transmitting copy of letter from the Receiver General of Upper Canada. Treasury  
Chambers,  
July 29.

p. 8

(2) John Dunn to Stewart. (Copy.) Transmitting copy of letter of Sir John Colborne respecting warrant issued in 1829 for repairs on Government House. York, U.C.,  
May 23.

p. 9

Hay to Colborne. Transmitting copy of letter from P. Jones, Indian Chief and missionary, then in England, with reply. Downing St.,  
Aug. 4.

p. 11

1831

77 Hatton  
Gardens,  
Wesleyan  
Mission  
House],  
July 26.

Enclosures:—

(1) Peter Jones to Goderich. (Copy.)

“ I send a short account of the Indian People of Upper Canada, to whom I belong

We were very numerous and owned all Upper Canada and lived by hunting and fishing. But the White Men who came to trade with us taught Our Fathers to drink the fire Waters, which has made our People poor and sick and has killed many Tribes till we have become very small—

It was about 8 years ago when the Gospel was preached to us by Methodist Ministers— Before that it was thought that we were too ignorant and poor to understand the Great Word, and to wicked and drunken to turn to the true God and be saved. But when Our people found that Our Lord Jesus Christ would save Indians as well as White men, and that he had died for Our sins, we were sorry in Our hearts for our crooked ways, and prayed to the Great Spirit, and he took away Our sins, and changed our hearts and gave us his good spirit, and we have thrown away all our wicked ways.

The first Tribe that became Christians was the Missisauagas at the River Credit, of about 250 Souls, who on embracing the Christian Religion formed themselves into a Village at the above place, and Our Father Sir Peregrine Maitland built for us with our Money 20 houses. The Methodist Missionary Society helped us to build a Chapel, a school house and a Work Shop. And We ourselves have built about 15 houses, and a Saw Mill making in all about 40 houses. The Society supplies us with a Missionary, a Schoolmaster and a School Mistress. We spend only a part of Our time in hunting, but cultivate the ground and work in the Shop and the Saw Mill. Our Women have been taught to sew and do other useful things and have become cleanly and industrious and happy. some of our young people have been taught so much in the schools that they are now teachers to other Indians.

The Belville Tribe of 2 or 300 was next converted, and the Missionary Society helped them to build a Village on Grape Island in the Bay Quinty, where they have schools, and improve very much

The next Tribes that became Christians were the Rice Lake and Mud Lake Indians who number about 175 Souls— They agreed to let the New England Company build houses for them, but the Methodist Missionary Society built a School House and a Chapel, and supplies them with a Missionary and Schoolmaster.

The Lake Simcoe and Machedash Tribes of about 350 were the next who turned their hearts to the Service of the Great Spirit. Our Father Sir John Colborne is building two Villages for them, one at Lake Simcoe, and the other at Machedash, which when finished will be a great blessing to them. The Society supplies them with Missionaries and School Masters.

The Indians at Muncey town on the River Thames number about 250, part of whom have become Christians. Our Father Sir John Colborne is also building a village for them at this place that they may settle and become farmers. A school is established among them by the Methodist M. Society.

In addition to the above, there are other small tribes who have embraced Christianity and are anxious to settle on land that they may become planters and enjoy the blessings of civilized life All the Christian Indians have put away the firewaters, and love to have

Schools and wish to live in houses and learn to work and they improve very fast. Some of my Indian Brethren have gone this Summer to preach to the Pagan Indians beyond Lake Huron, and I expect many will become religious and will come over to settle with the Christians at the River Sahgeeng [Saugeen?] or at Machedash Bay, on the Waters of Lake Huron.

I wish to speak a few words about the Indian Schools in U. Canada, I hope you will help all the schools which good White People have established for the Indians, and that you will make no difference between us who are Methodists and others. The Methodist Ministers found us when we were poor, and blind and had no one to help us, and they have done us much good and have made us a happy people. We have great regard for our Teachers— They first taught us to pray for Our Great Father The King. We hope our Father the Governor at York will speak words of peace to our Teachers and encourage them to do us good—This is the language of all People—

As our People are growing wiser they are much pleased, that our Great Father is taking a new way with Us, and giving us useful things as Presents and that the Fire waters are no more given us.

I wish also to say something about Our Lands—My Indian Brethren feel much in their hearts on this subject. We see that the Country is getting full of the White People, and that the hunting will soon be destroyed. We wish Our great Father to save a sufficient quantity of Land for ourselves and our Children to live upon and to cultivate—It is our desire that whatever Lands may be marked out for us to keep the right and title ourselves and not be permitted to sell them nor to let any White Man live on them, unless he is recommended by our Council and gets a Licence from Our Father the Governor. But we wish to feel that we stand in our own Lands that our Father left us. I speak these words because I have heard since I have been in this Country that the Lands on which the Rice Lake Indians are settled have been decided to the New England Company to keep for them. I fear this will make them feel uneasy. I know that the Indians would feel better to keep their Lands themselves, or that their Great Father should keep it for them than to trust it with Strangers that they know nothing about. Every Man always feels best when he is in his own house and stands on his own ground—

Chief John Asance and his People of Machedash Bay desired me to say to our Great Father that they would be glad to have a part of their Annual payments for Lands surrendered to the Crown, giving to them in Money instead of Goods. John Asance says that when he goes to see his Father the Governor at York, and to visit his brethren at the River Credit, he wishes to have something always in his Pockets and never be empty, so that when he gets hungry he may put his hands into his Pockets and find something jingling to buy bread with—

I am happy to inform your Lordship that Our Father Sir J. Colborne is doing every thing that lays in his power to promote the happiness and Welfare of the Indian Tribes in U. Canada, and we hope that his hands may be made strong to do us good.

I was also directed by my Native Brethren in U. Canada, to express to Our Great Father The King their love and attachment to him and His Government and his Officers. They desire that the chain of Friendship may always be kept bright and strong, and that they may walk together in one straight smooth path. They wished me to see The King and Queen of this Great Country and to shake hands with them in their behalf.

This is all I have to say—”

p. 12

- 1831  
Downing St.,  
Aug. 4. (2) Hay to Jones. (Copy.) Acknowledging his letter and stating copy will be sent to Lieut. Governor who is "most anxious to do everything in his power to promote the civilization and happiness of the Indian Nations". p. 22
- Downing St.,  
Aug. 4. Goderich to Colborne. No. 36. Stating, with reference to his despatch of May 20, that he is informed by despatches from Lower Canada that over 28,000 emigrants had arrived in June, and that Mr. Buchanan, Emigration Agent, was greatly in need of assistance. Instructions given that agent for Upper Canada go to Quebec to render his best assistance. Approval given of allowance for travelling in event of agent going to Quebec. p. 23
- Downing St.,  
Aug. 3. Goderich to Colborne. No. 37. Stating that Treasury, having before them Lieut. Governor's despatch of April 9, has directed Master of Mint to have copper money to value of £5,000 coined for Upper Canada, and has instructed Commissary General to report what further quantities will be required. p. 26
- Enclosure:—  
Treasury  
Chambers,  
Aug. 3. Stewart to Hay. (Copy.) Respecting the amount of copper coinage necessary for U.C. p. 28
- Downing St.,  
Aug. 26. Goderich to Colborne. No. 38. Transmitting copies of correspondence with the Rev. Jas. W. Campion, a Roman Catholic missionary now in England, whose services embrace Niagara and London Districts, and who states the inadequacy of stipends and the need of chapels and schoolhouses. p. 40
- Enclosures:—  
29 Providence  
Row,  
Finsbury  
Square. (1) Campion to Goderich. (Copy.) Setting forth conditions in his districts. p. 41
- Downing St.,  
Aug. 5. (2) Hay to Campion. (Copy.) Stating that representations on behalf of Roman Catholic Church should be brought to notice of Colonial Secretary by Bishop Maconell through the Lieut. Governor. p. 47
- Downing St.,  
Aug. 27. Hay to Colborne. Transmitting correspondence respecting petition from Presbyterian congregation of townships of London and Westminster for allowance for a minister. p. 48
- Enclosures:—  
Edinburgh,  
Aug. 20. (1) Rev. Dr. John Lee to Goderich. (Copy.) Transmitting petition. p. 50
- London, U.C.,  
April. (2) (Copy.) Petition of trustees of Presbyterian Church setting forth that congregation are almost entirely emigrants from United Kingdom; that they are unable to obtain ministrations of clergy of Church of Scotland to which they are greatly attached; and that they have applied to the Glasgow Society for a minister in hope of assistance from Government. p. 52
- Downing St.,  
Aug. 24. (3) Hay to Lee. (Copy.) Stating that arrangement for support of clergymen of the Church of Scotland is still under consideration, and expressing hope of receiving more definite information as to the position of the different congregations of that Church in U.C. p. 55

Goderich to Colborne. No. 39. Acknowledging despatch No. 22 **1831**  
of June 6, and stating that further information is required before  
deciding on applications of Lieut. C. Rubridge and Lieut. O'Brien, Downing St.,  
Aug. 23.  
who were appointed Superintendents of Emigration, and wish to retain  
half-pay in addition to their salaries in their new positions. p. 57

Hay to Colborne. Transmitting a letter from John Lockhart Downing St.,  
Aug. 29.  
with reference to the death of Mr. Hooper, a missionary who was  
stated to have died at Ontario House, Falls of Niagara, in August 1828.  
Report required. p. 59

Enclosure:—

John Lockhart to Wm. Dunn. (Copy.) Giving information **1830**  
regarding death of Mr. Hooper and disposal of his property. p. 61 Niagara,  
April 22.

Hay to Colborne. Transmitting copy of despatch to Lord Aylmer **1831**  
to effect that Treasury has granted pension of £100 per annum to  
Capt. Wilson, late of Indian Department, out of Upper Canada Downing St.,  
Aug. 30.  
funds. p. 64

Enclosure:—

Goderich to Aylmer. No. 57. (Copy.) Authorizing pension to Downing St.,  
Aug. 27.  
Capt. Wilson, but stating that Treasury cannot admit claims of the  
other officers of the Indian Department. p. 66

Goderich to Colborne. No. 40. Acknowledging despatch of April Downing St.,  
Sept. 2.  
17, and transmitting copy of letter from Treasury stating that more  
information is required before deciding on application of Lanark  
settlers to be relieved of payment of £10 loaned to each of 2,000 per-  
sons. p. 68

Enclosure:—

Stewart to Hay. (Copy.) p. 70 Treasury  
Chambers,  
Sept. 5.

Goderich to Colborne. No. 41. Acknowledging despatch No. 25 Downing St.,  
Sept. 8.  
of June 25, and stating that petition respecting Clergy Reserves from  
Presbyterian ministers in communion with the Church of Scotland  
will be laid before the King. p. 74

Hay to Colborne. Transmitting copy of memorial from John Downing St.,  
Sept. 8.  
Morison of Thorah praying for grants of land for himself and two  
brothers, and conveying Colonial Secretary's directions to make a  
grant of 200 acres to each. (No enclosure.) p. 75

Hay to Colborne. Stating, with reference to Colonial Secretary's Downing St.,  
Sept. 9.  
despatch of March 7 enclosing regulations for the sale of lands in  
B.N.A., that notification is awaited that those regulations are being  
carried into effect. Great inconvenience is caused by inability of  
Colonial Office to issue satisfactory information on this subject to  
intending emigrants, and it is desirable on every account that a  
uniform system should be adopted throughout the North American  
provinces. p. 77

Hay to Colborne. Notice of transmission by the *Strathisla* of six Downing St.,  
Sept. 9.  
cases containing copies of Journals of Legislative Council of Upper  
Canada prepared on a requisition of 1816, and of Journals of Imperial  
Parliament. p. 79

Enclosures:—

(1) Bill from James Bigg, bookseller, for £88-6-8. p. 81

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(2) List: Journals of Legislative Council for 1792 and 1793; 1798; 1799 to 1801; 1802 to 1804; 1805; 1808; 1810 to 1812; (in seven vols.). (Journals for 1794 to 1797; 1806; 1807; 1809 not forwarded to Colonial Office.)

Journals of Assembly 1792 and 1793; 1798; 1800 to 1805; 1808; 1810 to 1812; (in twelve vols.). (Journals for 1794 to 1797; 1799; 1806; 1807; 1809 not forwarded to Colonial Office.) p. 82

(3) List of Journals of the Executive Council, Upper Canada, (in twelve vols.) still remaining in the Colonial Office, available if required. p. 83

Downing St.,  
Sept. 9.

Hay to Colborne. Transmitting copy of letter from Bishop of Quebec requesting that £50 per annum be paid to the Rev. D. Robertson of Matilda, £30 per annum to the Rev. V. P. Mayerhoffer of Markham, and £75 per annum to Mr. Elliot of York, out of Clergy Reserves funds in Upper Canada; and requesting return of amount of rents from Reserves with statement of charges borne upon them. p. 84

Enclosure:—

London,  
Aug. 24.

Bishop of Quebec to Goderich. (Copy.) Requesting grants to clergymen. p. 86

Downing St.,  
Sept. 10.

Goderich to Colborne. (Circular. Confidential.)

"As it is not improbable that if the influx of Emigrants from this Country to Upper Canada should continue as great as it has been during this season, some measures may be proposed by the Provincial Assembly for preventing the great inconvenience which must be felt by the Province, in consequence of the number of destitute persons who may thus annually be thrown on their shores, I am very desirous of learning your confidential opinion as to the reception of any scheme for the regulation of Emigration, which might be sent out from hence, would meet with at the hands of the Colonial Assembly of Upper Canada.

It is clear that some steps must be taken of this kind to put a stop to the evils which would be entailed upon the Colonies, by allowing the present irregular course of Emigration to be persisted in; & that the Provincial Governments might be justified in adopting some measures, having a tendency to operate materially in checking Emigration, which it would be prudent to anticipate by timely Regulations. How this had best be done, is the point upon which I am anxious to consult you, & it is important that I should receive Your reply to this reference, in time to send out Instructions to you on this subject, whilst the Assembly of Upper Canada is sitting.

Although I should be most unwilling to agree to any schemes, for the regulation of Emigration, which might be likely to operate permanently in checking its present rate, yet it may be considered expedient by the Colonial Governments to devise some mode of accomplishing this object, either by levying a tonnage duty, in the Port of the St. Laurence, on the shipping in which Emigrants are conveyed, when they are landed without the means of proceeding to their place of location, or by compelling the Emigrant to make some arrangement, either immediate or prospective, for reimbursing the outlay which may be made by the Province in sending him to his ultimate destination.

It is to be observed that those Emigrants, who may go out from this Country with the sanction of Government, will be provided

with the means of proceeding to their ultimate destination, & the object of the provision which is now suggested, is, to render the situation of the Emigrant, who goes out independent of the Government at home, not more burdensome to the Colony, than those who proceed thither under a system of Regulations which may be in force previous to their departure from this Country.

I wish you distinctly to understand that it is not intended that this question should be stirred in any way by you, unless there should appear to be a disposition on the part of the Colonial Assembly of Upper Canada to have recourse to some measures for checking the present irregular mode in which Emigration is conducted.

I request that you will not fail to let me hear from You on the whole of this subject, without loss of time." p. 90

Goderich to Colborne. No. 42. Transmitting, in connection with his despatch No. 26 of May 23, copy of Act passed in present session to amend statute 14 Geo. III, cap. 88, which places at disposal of Legislature revenues arising from that statute. Order in Council confirming Provincial statute 1 Wm. IV, cap. 14 will be sent as soon as possible. p. 98

Downing St.,  
Sept. 30.

Enclosure:—

Printed copy of the Act 1 & 2 Wm. IV, cap. 23, "An Act . . . . . for establishing a Fund towards defraying the charges of the Administration of Justice and Support of the Civil Government . . ." p. 364

Sept. 22.

Duplicates of preceding despatch and enclosure. p. 100; p. 366

Downing St.,  
Sept. 30.

Goderich to Colborne. No. 43. Transmitting correspondence with Treasury respecting disposal of sums arising from sale of Clergy Reserves in Upper and Lower Canada to the effect that directions have been given for investing these sums and arranging for application of dividends. p. 102

Downing St.,  
Oct. 1.

Enclosures:—

(1) Stewart to Hay. (Copy.) Transmitting copy of Treasury Minute respecting sums arising from sale of Clergy Reserves. p. 30

Treasury  
Chambers,  
Aug. 17.  
Aug. 9.

(2) Treasury Minute. (Copy.) Their Lordships, having before them: (1) despatch from Lord Aylmer enclosing returns of sales of Clergy Reserves in Lower Canada from July 1, 1829 to Dec. 31, 1830, proceeds of which were paid into Military Chest, and requesting instructions for investing amount in public funds; (2) a letter from Commissary General Routh, Quebec, May 7, 1831, reporting that sum of \$2,800, equal, at Army sterling of 4/4 per dollar, to £606-13-4, had been paid into Military Chest on May 4 on this account; (3) letter of May 27 from Routh reporting receipt of \$32,000 into Military Chest at York on April 25 on same account; have given directions to invest these sums separately in 3 per cent Consolidated Annuities in their Lordships' names, and to issue warrant for payment of these sums out of Army Extraordinaries to enable said investments to be made. p. 31

(3) Hay to Stewart. (Copy.) Expressing concurrence of Colonial Secretary in proposal for investment of funds, but pointing out that by Act 7 & 8 Geo. IV, cap. 62 the dividends and interest should be appropriated for purposes for which the lands were reserved, and for no other purpose. Colonial Secretary therefore suggests that the dividends should not be invested in stock, but that the amounts accruing should be held available to be drawn by the Governors of the

Downing St.,  
Aug. 23.

- 1831** provinces of Upper and Lower Canada, for which separate accounts should be kept. The Colonial Secretary should be informed of the purchases of stock. p. 35
- Treasury Chambers, Sept. 17. (4) Stewart to Hay. (Copy.) Expressing agreement of Treasury with views of Colonial Secretary, and stating that arrangements would be made to give them effect. p. 38
- Downing St., Oct. 1. Duplicates of preceding despatch (No. 43) and enclosures Nos. (1), (2) and (4). p. 112; p. 104
- Downing St., Oct. 2. Goderich to Colborne. No. 44. Stating that he has received from W. L. Mackenzie certified copies of proceedings of a large number of meetings in Upper Canada, also two letters from him stating that resolutions had been adopted at a meeting of inhabitants of York and twenty other townships thanking Government for bringing forward Reform Bill and for recommending assent to Marriage Bill of Upper Canada; and directing that Mackenzie be informed of receipt of papers. p. 114
- Downing St., Oct. 2. Duplicate of preceding despatch. p. 116
- Downing St., Oct. 3. Hay to Colborne. Transmitting copy of memorial from Thomas Bayly for free grant of land as retired surgeon of the East Kent Militia; also copy of letter from the General Commanding in Chief recommending a grant. Colonial Secretary directs extension to Bayly of indulgence held out to subalterns of seven years service under General Order of August 10. p. 118
- Enclosures:—
- York, U.C., July 11. (1) Memorial of Thomas Bayly. (Copy.) p. 120
- Horse Guards, Sept. 26. (2) Somerset to Hay. (Copy.) Although Bayly's claim to be entitled to advantages pertaining to officers of the line should not be allowed he is strongly recommended for grant of land inferior to that to which an officer of this class is entitled. p. 122
- Downing St., Oct. 4. Goderich to Colborne. No. 45. Stating that he has learned from New Brunswick that Capt. Hurd has not proceeded to Upper Canada to take up his appointment as Surveyor General; Hurd has been informed that if he is not reported as on duty by 1832 he will be suspended, and a new appointment will be made. p. 124
- Downing St., Oct. 3. Duplicate of preceding despatch. p. 126
- Downing St., Oct. 4. Goderich to Colborne. No. 46. Acknowledging despatch No. 29 of July 20, and expressing warm approval of appointment of John Beikie as successor to Mr. Small, deceased, as Clerk of Executive Council. James E. Small to be informed of Colonial Secretary's regret that there are no funds from which pension or gratuity could be granted to his mother. p. 127
- Downing St., Oct. 4. Duplicate of preceding despatch. p. 129
- Downing St., Oct. 28. Goderich to Colborne. No. 47. Transmitting copy of letter from Ordnance drawing attention to orders of magistrates of Kingston Quarter Sessions for opening a new road along northern boundary of Military Reserve at Point Henry, and for altering road leading across the Reserve from Cataragui bridge to Barriefield, and pointing out inconvenience thereof. It appears that in opinion of Solicitor General of Upper Canada these proceedings cannot be prevented, owing to

an omission from Act 50 Geo. III, cap. 1. Requests that Legislature be invited to amend the Act with a view to exempt from its operation lands set apart for military purposes. **1831**  
p. 146

## Enclosure:—

G. Butler to Hay. (Copy.) Respecting opening and altering of roads on Military Reserves. **149**  
Office of Ordnance, Oct. 17.

Goderich to Colborne. No. 48. Transmitting copy of letter from Ordnance enclosing correspondence on subject of navigation on Rideau Canal having been impeded by lack of water, occasioned by an individual named Merrick having dammed up the river to enable him to repair his mill. As application on this subject had already been made to Colborne, he has, no doubt, taken the necessary action, but measures should be adopted to prevent future proceedings of same sort. **154**  
Downing St., Oct. 29.

## Enclosure:—

G. Butler to Hay. (Copy.) Transmitting copies of correspondence which took place as a result of the navigation of the Rideau Canal having been impeded by Mr. Merrick. (No enclosure.) **156**  
Office of Ordnance, Oct. 17.

Goderich to Colborne. No. 49. Acknowledging despatch No. 34 of Aug. 25 with observations of Executive Council on petitions and addresses from some inhabitants of townships in Home District. **158**  
Downing St., Oct. 20.

Hay to Colborne. Notice that leave of absence to Sheriff Powell has been renewed for six months on the understanding that at expiration of period he will resume duties. **159**  
Downing St., Oct. 30.

Goderich to Colborne. (Circular.) Transmitting an address of House of Commons for a return of detailed information respecting colleges and schools in colonies. **160**  
Downing St., Oct. 30.

## Enclosure:—

Resolution of House of Commons. (Copy.) **162** Oct. 12.

Goderich to Colborne. No. 50. Transmitting with other papers copy of letter from Treasury enclosing letter from Receiver General Dunn relative to his claim for extra services in connection with payment of sums awarded to sufferers in War of 1812; requests report on points raised by Treasury. **163**  
Downing St., Oct. 31.

## Enclosures:—

(1) Stewart to Hay. (Copy.) Transmitting copies of letter from Mr. Dunn, of the letter therein referred to relative to his claim, and of Treasury Minute thereon. Requesting information on the subject. **164**  
Treasury Chambers, Sept. 3.

(2) John Dunn to Stewart. (Copy.) Stating that balance of money for relief of sufferers during late war has been paid into the Military Chest, and calling attention to his application, made through Sir Peregrine Maitland, for remuneration for performing extra service of paying over 2,000 claimants at two different periods. **166**  
Receiver General's Office, May 23.

(3) Treasury Minute. (Copy.) Treasury will consider compensating Mr. Dunn for losses, but is not prepared to admit his claim for extra remuneration and cannot, without further information, estimate amount of remuneration due to him, if admitted. Lieut. Governor's report on matter desired. **1829**  
May 19.  
p. 168

- 1828  
York, U.C.,  
Nov. 3.  
York, U.C.,  
Oct. 20.  
1831  
Downing St.,  
Nov. 1.
- (4) Maitland to Geo. Harrison. (Copy.) Transmitting memorial of Mr. Dunn and recommending his claim. p. 171
- (5) Memorial of Mr. Dunn. (Copy.) p. 172
- Goderich to Colborne. (Circular.) Transmitting prospectus, with map, from person assuming title of Earl of Stirling who claims hereditary lieutenantancy of large portion of North American colonies and has advertised lands for sale. Possession not to be allowed to any purchasers of His Lordship. If necessary, intruders to be dispossessed and proclamation issued warning all persons against such intrusion. p. 175
- Enclosure:—  
The prospectus, with map. (Printed.) p. 368
- Downing St.,  
Nov. 1.
- Goderich to Colborne. No. 52. Transmitting copy of letter from Treasury enclosing instructions issued by Ordnance to their officers in Quebec in consequence of Treasury decision that lands, canals and works on Rideau navigation be placed in charge of Ordnance, and requesting Lieut. Governor's support in carrying arrangement into effect. With reference to request from Ordnance that they should not be burdened with expense of Canal until revenue should cover that expense, Lieut. Governor is requested to submit to Legislature proposition to meet half of expense, other half being properly chargeable to Lower Canada. p. 177
- Enclosures:—
- (1) Spring Rice to Howick. [Copy.] Transmitting copy of letter from Ordnance. p. 184
- (2) Byham to Stewart. (Copy.) Transmitting copy of instructions sent by Ordnance to their officers at Quebec relative to the placing of the Rideau navigation under that Department. p. 187
- (3) Byham to the Respective Officers, Quebec. (Copy.) The instructions in consequence of decision that lands, canals and works on Rideau navigation be placed in charge of Ordnance Department. p. 189
- (4) Hay to Spring Rice. (Copy.) Relative to letter of September 12 from Ordnance. Instructions have been given to Governor of Lower Canada and Lieut. Governor of Upper Canada to assist Ordnance in their taking charge of the works connected with the Rideau Canal. Expense, till revenue covers it, to be met by the two provinces. p. 180
- Downing St.,  
Sept. 24.
- Goderich to Colborne. No. 53.\*
- "Amongst the subjects which your correspondence, public and private, with this Office has brought under my notice, there is none more important than the question of public education, and particularly that part of it which relates to the existing constitution of King's College at York.
- There can be no doubt that that Institution was established with the view of giving to the Province of Upper Canada, the benefit of complete Instruction in all the higher branches of Knowledge, and of connecting, in the minds of the Provincial Youth, those

\* A note on this despatch, evidently of 1845, indicates that a copy of it was laid before the Legislative Assembly of Canada in March of that year.

associations which belong to the seat of early education, with their future progress in life; and it is greatly to be regretted that any thing in the constitution of the Establishment should have tended to counteract, if not to defeat, this laudable design, and practically to deprive the Province of the advantage, which was anticipated from its adoption. It cannot however be denied that the exclusive and restrictive character given to King's College, has had this effect; and a plan which was intended to bring together, and to harmonize in the pursuit of the common object of useful knowledge, all classes of His Majesty's Subjects, has had the opposite effect of causing uneasiness, complaint, and dissent. It is obvious in this state of things (too notorious to require detailed proof) that it is the duty of His Majesty's Government to consider what course of policy is most likely to remedy the evil, and to ensure to the Province a real enjoyment of the advantages intended to be conferred on it. Had the recommendations of the Canada Committee of the House of Commons upon this subject been successfully followed up at the time they were submitted by you to the Provincial Legislature, under the Instructions given to you by my Predecessor, and had the restrictive clauses of the Charter been then removed, there is every reason to presume that such a course would at once have proved satisfactory and effective. Even now that measure appears to afford the most easy and simple means of meeting the difficulty of the case; and without entering into a discussion of the probable causes of the delay in carrying the recommendations of the Committee into effect, some additional facility for now adopting them may be found in the circumstance, that whilst no positive steps have been yet taken for giving to King's College any practical existence, the new College which you have established has been forwarded with considerable activity, and is now open for the Instruction of Youth. It may therefore be assumed that experience has demonstrated that under the peculiar circumstances of Upper Canada, a College with restrictive tests is altogether inoperative for any useful purpose, and that all that is wanted is such a system of regulations, to be established by a Law of the Province, for the management of the Institution of the Upper Canada College, as may give to it the requisite extension and development, without subjecting it to any qualifications calculated to render it unpopular in the eyes of those various classes of the community for whose benefit, as well as for that of the Church of England, it is established—

I am confirmed in this latter observation by referring to a Resolution of the House of Assembly of the 20: March 1829, in which the following opinion is pronounced upon the advantages likely to result from the Establishment of the Upper Canada College.

"Resolved, That this House trusts that no hoped for modification "of the present Charter will suspend the exertions of His Excellency "to put into operation Colborne College, and by the observance of "those liberal principles which His Excellency has already been "pleased to patronize, and recommend to open, with as little delay as "possible, opportunities of Education, no way inferior to those con- "templated by the proposed University."

Under these circumstances I am to convey, through you to the Members of the Corporation of Kings College, the earnest recommendation and advice of His Majesty's Government, that they do forthwith surrender to His Majesty the Charter of Kings College of Upper Canada, with any lands which may have been granted to

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them. I persuade myself that the counsels which are thus given to that Body, in the spirit of the most perfect respect for all the Individuals by whom it is composed, will not be disregarded, and it is on that assumption that I proceed to notice the ulterior measures which, upon such a surrender, it will be convenient to adopt—

It can scarcely be necessary to say, that no part of the endowment of the College would ever be diverted from the great object of the education of Youth. It must be regarded as a Fund sacredly and permanently appropriated to that object. I presume that the general concurrence of all classes of Society may be anticipated in favor of the erection of a new College upon a more enlarged basis.

As it is the intention of His Majesty to manifest His desire that the internal concerns of the Province should, as far as possible, be regulated by its own Legislature, I abstain from instructing you with any particularity on the subject of the general regulations which it may be expedient to apply to the Government of the new College. They will doubtless be well considered by the Legislature, and adopted in a spirit of justice, mutual harmony and good will. But there is one object to which I must direct your attention, and which you will not fail specially to recommend to the consideration of the Legislature; I mean the permanent establishment in the College, upon a secure footing, of a Divinity Professor of the Church of England. This is a matter of great importance to those of His Majesty's Subjects in Upper Canada who belong to the Church of England, and His Majesty as head of that Church cannot be insensible to the duty which belongs to him of protecting it in all parts of His dominions. It is not from any desire to give an undue preponderance to the Colonial Members of that Church, either as regards the College in particular, or the concerns of the Province generally, that His Majesty has this object at heart; but when His Majesty cheerfully recommends the surrender of a Charter which the Crown was lawfully and constitutionally entitled to grant, on account of the dissatisfaction which its exclusive character has created, He feels an entire confidence that His faithful Subjects the Members of the two Houses of the Legislature of Upper Canada will see nothing in His anxiety for the specific object to which I refer, but a proof that whilst He is most desirous of remedying all real grievances and removing all just grounds of discontent, He is not forgetful of those interests to which he is peculiarly bound to attend, and which His Majesty is sure can be attended to in this instance, without prejudice of any kind to any other class of His Subjects.

I shall await with much solicitude your report of the result of the communication which I have now made to you— I am well aware of the jealousies, not to say animosities, which have been engendered in the Province by the agitation of this question, and it is scarcely to be expected that those feelings can all at once subside with the cause which gave them birth; nor can I conceal from myself that there may be prejudices and habits of thinking which may not easily be reconciled to the adoption of the new system; but it cannot be the interest of any class of Christians, to be an object of jealousy, perhaps of dislike, to those who, differing upon certain points of doctrine and discipline, find themselves debarred by the effect of that difference from an equal share in advantages universally desired, because universally beneficial—

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It will be your especial duty to use every exertion to impress upon all classes the incalculable importance of looking at all questions of this description, with moderation and forbearance. The Members of the Church of England should recollect the peculiar situation in which they stand, in the midst of a population, of whom so large a proportion differs from them in religious opinions; how much that situation exposes them to the chance of painful collision with large masses of their fellow subjects, and how much the extension of their own Church depends upon the absence of all grounds for such collision. Those who, on the other hand, differ from them, ought not forget the causes which drew to the Church of England the marked countenance of the British Parliament upon the first establishment of a Legislative Assembly in Canada. Many ancient and laudable associations of feeling, and long attachment to the Established Church, whose rights and privileges centuries of legal and constitutional possession had consolidated, created a natural predilection in the English Parliament for the National Church, even in the more remote possessions of the Crown; and if a difference of circumstances in Upper Canada has prevented such sentiments from taking extensive root there, every religious man, be his mode of faith and his views of Church discipline what they may, must feel that the interests of Religion and its concomitant morals, cannot prosper amidst heart burnings and jealousies.

If therefore it be fitting to call upon the Church to forego the exclusive advantages which the present Charter of King's College confers upon it, it is no less incumbent upon all other classes of Christians to receive the boon now tendered to them, in that conciliatory spirit by which alone His Majesty's Subjects can be united by those common ties of mutual attachment, which constitute the strength and mature the prosperity of Nations—”

p. 195

Goderich to Colborne. No. 54.

“Having conveyed to you such instructions on the subject of the University of Upper Canada as appeared to me to be necessary to meet the objections which have been urged against that Institution, in consequence of the exclusive privileges which are conferred by the Charter of King's College on Members of the Church of England, and for establishing in lieu of it an Institution formed upon other principles, an arrangement which I trust will be generally acceptable to the Inhabitants of the Province, I am now desirous of stating what I gather to be the Amount of the Funds which may be available for carrying the proposed scheme into effect.

Downing St.,  
Nov. 3.

I understand from a private letter which you addressed to Mr. Hay that an available surplus of about £11,000 is in the hands of the Receiver General to which may be added £6,000 which must have accumulated, according to my calculation, in consequence of the Annual Grant of £1000 Per Annum, to King's College, from the Funds of the Canada Company not having been expended.

These two Sums I consider will be amply sufficient, as well to complete any additional Buildings which may be required, for the Establishment, as to meet any addition to its Annual expenditure which may be occasioned by the proposed measure, and whenever the surrender of the Charter of King's College has been finally settled it appears to me that very little increase of expence ought to be incurred, since a small addition to the Establishment which now forms the minor College is all that can be at present required.

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The Salaries of the Principal officers and Professors of the College amount to £2550, according to the following distribution—

Salary of the Principal.....	£600	—	—
Vice Principal.....	400	—	—
1st Class Master.....	300	—	—
2d do.....	300	—	—
Mathematical Master.....	300	—	—
Drawing do.....	200	—	—
French do.....	200	—	—
Writing do.....	150	—	—
Assistant do.....	100	—	—
	<u>£2550</u>		

I do not therefore anticipate that the increased expence of giving a more extended character to the College which you have established, will at present exceed £600 or £700 Per Annum, and I am particularly desirous of impressing on you the necessity of a strict adherence to economy both in the erection of the Buildings and in any alteration of the Establishment which may be required.

To defray the expence of the College I understand from your statement that the funds at present available for this object are as follows,

Dues of one Hundred Students.....	£800.	—	
District allowances.....	100.	—	
Salary to the Master of Grammar School.....	250	—	
	<u>£1150</u>		
Sale or lease of ground near the Church....}	400	P Ann	
appropriated to the Govt School....}			
Sale of Township of Seymour.....	500	do	
Grant from Territorial Revenue.....	1000	do	
	<u>£3050</u>		

Presuming the Amount abovementioned to be realized, and that a considerable addition will be made to the dues from the Students, owing to the increase of the number which may reasonably be expected, the Funds seem to be sufficient to defray all the necessary Salaries of Professors and other Officers, but admitting some increase to be necessary I do not anticipate any difficulty in providing hereafter the necessary Funds by the Sale or Lease of some of the Townships which have been set apart for the maintenance of a University.

I am however to request that you will avail yourself of an early opportunity of submitting to me an Estimate of the Salaries which you would propose to the several officers, with the Funds which you would appropriate to this important object." p. 211

Goderich to Colborne. No. 55.

Downing St.,  
Nov. 21.

"Amongst the various subjects brought under my notice by the Petition addressed to His Majesty by the Assembly of Lower Canada in their last Session, my attention has been particularly called to the existing system with respect to the management and disposal of unoccupied lands. That system being essentially the same in the Upper and in the Lower Province, similar evils having been experienced in both from the policy formerly pursued, and from some regulations still in force; and the principles on which are founded the improvements already commenced, and which I hope to carry into complete effect, not appearing to have been (in any former communication) fully explained to you, I shall in this despatch endeavour to supply

that deficiency and put you in full possession of my views upon the whole subject, altho' one particular branch of it only has been alluded to in the Petitions of the Inhabitants of Upper Canada.—

The evils complained of by the Assembly of Lower Canada are, first, the difficulties in the acquisition of Land under a secure Title encountered by the *bonâ fide* Settler. Secondly, the abuse by which large tracts of Land have come into the possession of persons unable or unwilling to improve them, and have in consequence been rendered useless to the Province, and injurious to the real Settlers, by separating them from each other, and interrupting their communications; and Thirdly, the similar inconvenience which has arisen from the Clergy Reserves.

The last only of these particular heads of complaint has been specially pressed upon my attention with respect to Upper Canada; its situation, however, does not appear to be such as to render inapplicable remarks similar to those which I have made upon the others in a dispatch I have addressed to Lord Aylmer. Difficulties are I believe at present met with by the *bonâ fide* Settler in acquiring Land under a secure Title, in consequence of the forms of conveyance now in use, which seem calculated to cause needless delay and expence. This is an inconvenience which I think ought immediately to be got rid of. I have had under my consideration the best means of doing so, and I trust if the measure I shall propose in a subsequent part of this dispatch is adopted by the Assembly, I shall be able without delay to furnish you with Instructions by which this important improvement may effectually be accomplished. My object, however, in proposing to introduce a cheap and expeditious form of conveyance is not to render the acquisition of land a matter of extreme facility; nor would it by any means be consistent with my views to abandon the practice which has of late years been introduced of selling the Crown Lands instead of parting with them gratuitously. On the contrary I conceive it to be of the utmost importance that this practice should be strictly adhered to; and that if any change is introduced, it should be with the view of still further restraining the extreme facility of acquiring land, by raising the price at which it is now sold, and which upon reference to that obtained by the Canada Company and in the neighbouring States of the Union, is, I am inclined to believe, fixed at too low a rate. I believe that this instead of being injurious to the interests of those who desire to become Settlers on the Crown Lands, would be found calculated to promote their success, no less than the welfare and prosperity of the Province at large—

It has been urged that to compel the *bonâ fide* Settler to pay for his land any thing beyond the necessary expence of surveying it, and marking out the limits, is to deprive him of a portion of his Capital, which, (if allowed to retain it,) he might employ to great advantage. Plausible as this objection is, experience has demonstrated that by yielding to it, and by making free Grants, much more inconvenience is incurred than can arise from this alleged defect in the system of Sale. If no consideration is to be given in return for Land, all persons will be desirous to obtain it, and that too, in quantities not limited by their ability to turn it to advantage. Either therefore land must be lavished in a manner which will quickly leave none unappropriated and open for the occupation of those who can really make use of it, or a power must be entrusted to the Executive Government of deciding what claims, are to be admitted

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and what rejected. To such a power being placed in any hands there are the strongest objections; it gives a species of patronage to its possessors, almost without responsibility, since its due exercise is with difficulty to be distinguished from its abuse, and the latter therefore is as easy as it may prove dangerous. The same difficulty of judging of the manner of exercising a discretion of this sort, which in bad hands facilitates its abuse, also exposes to suspicion even the most perfect impartiality and fairness; whether therefore the power of abuse it confers is considered, or the unmerited obloquy which it may occasion, it is most inconvenient that the Government should be called upon to undertake the task of the gratuitous distribution of Land. It is likewise found practically, that under the System I am now considering, no degree of caution is sufficient to prevent large tracts of Land from getting into the possession of persons whose object is not to improve it, but at a future day to dispose of it, when it shall have acquired an increased value from the Settlement and improvement of the vicinity; the effect of this being to enable the idle or fraudulent Proprietor not only to put his more industrious Neighbours to great inconvenience, but also to derive a profit from their exertions to which he has in justice not the slightest claim—

As far as I am acquainted with the history of New Settlements there is no instance in which the practice of making free Grants has been followed without leading to the abuse I have described. Various Regulations have been adopted with a view of guarding against it, but these though complicated and otherwise inconvenient, have uniformly failed to accomplish their intended object. It has been supposed that it would be a simple mode of attaining the end in view, to prevent any individual from acquiring more than a certain fixed extent of Land, imposing upon him at the same time the condition of improving it; the difficulty however of defining beforehand what this improvement is to be, immediately occurs; no general rule can be laid down applicable alike to all situations, and without such a rule it is impossible to avoid either on the one hand permitting the conditions to become a dead letter, or on the other giving rise to endless disputes and litigation. Again, the effect of the limitation upon the quantity of Land to be acquired by a single individual is liable to be defeated, as those who have Money will prevail upon their poorer Neighbours to allow them to make use of their Names in order to obtain more extensive Grants than the Regulations would permit. If to guard against this, the transfer of Land is prevented, persons able and willing to improve their Land are unable to obtain from those who are not so, what in their hands is useless; besides that improvement is greatly discouraged and the spirit of enterprise injuriously checked by preventing the conversion into Money of the increased value which the industry of a Settler has given to his Grant.

Another plan is to allow to every Settler a grant proportioned to the Amount of his Capital, and to require from him before he is permitted to alienate it, that a certain Sum should be expended in its improvement— This is the principle of the Regulations lately in force in the Australian Colonies, but notwithstanding the care with which they were drawn up, in practice they have not been found to answer.

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

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

It has been said that by a strict adherence to this system, by refusing Land to the poor Man whose labor is his only wealth, a most useful class of Settler will be discouraged— I see no ground for such an apprehension; whatever promotes the prosperity of the Colony will naturally attract Settlers both of the laboring and of all other classes; nor do I see any reason to suppose that the former will consider it any hardship to be required to pay for the Land which they acquire, whilst its price is moderate, and while wages are so high as to enable them if industrious, to earn in no long period the means of purchasing it. Has it on the other hand been sufficiently considered by those who make this objection, whether it would conduce to the real prosperity of the Province to encourage every Man who can labor to do so only on his own account, to obtain and cultivate his allotment of Land without giving or receiving assistance from others? Without some division of labour, without a class of persons willing to work for Wages, how can Society be prevented from falling into a state of almost primitive rudeness, and how are the comforts and refinements of civilized life to be preserved? Declining however to proceed any further in the discussion of this question I must observe that the price paid by the Settler for his Land is not in fact lost to him; it is applied in diminishing the burthen of taxation by defraying part of the necessary expences of the Government, and it will also it is to be hoped afford the means of opening Roads, of erecting Schools and Churches and of making other local improvements. Indeed for one of these purposes more particularly, the opening of Roads, I think there would be a considerable advantage in demanding a higher price for Land than is now usually paid— Upon the principle that a Public object is always better and more certainly effected by enlisting in its favor the individual interests of those by whose efforts it is to be accomplished, than by requiring their Services by a Mandatory Law; it would seem an obvious improvement in the mode of disposing of Waste Land, to Sell it at a higher price than heretofore, free from all conditions, allowing the Settlers to earn again a part of the price, by their labor in effecting those improvements which are now required from them in discharge of the obligation they incur by the acquisition of their Land. The effect of this would be that instead of paying beforehand in Land for work which may never be done, it would be paid for when actually performed in Money, previously received in exchange for the same Land; the industrious Settler would therefore lose nothing whilst those who chose to be idle would be prevented from injuring any but themselves.

2. What I have now stated will sufficiently explain to you the manner in which with respect to the still unalienated Estate of the Crown I think the abuse complained of, the acquisition of Land by persons unable or unwilling to improve it, may be guarded against. I am however aware that large Grants already made in some parts of the Province remain in a state in which they greatly retard and

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impede the improvement of the surrounding Country. I can only direct you by a strict enforcement of the existing Law to endeavour to correct the evil, and if any further Legislative measures should be found to be necessary for that purpose to call the attention of the Assembly to the Subject; perhaps a small Tax levied upon all unimproved Land would be the most effectual remedy; it would make it the interest of the holders either to clear it themselves or to part with it to those who would.

3. With respect to the Clergy Reserves I have no hesitation whatever in stating that I entirely concur with the Assembly in thinking that they form a great obstacle to the improvement and Settlement of the Province, without being productive of any corresponding advantage to make up for this inconvenience. During the forty Years the System of making these Reserves has existed, the total Amount of the Income they have afforded has not equalled the expence incurred in their management.

I find by the Abstract of the Income and Expenditure of the Corporation for managing the Reserves, that the receipts during the last nine Years have not averaged more than £200 a Year and that the whole of these Sums have been absorbed by the expences of the Officers of the Corporation. It is indeed stated that a considerable number of Leases have been granted, and that a Yearly Income may be expected from the Land, so let, of £3350 Currency. It appears however that this Sum is what is calculated upon as the Amount of the Rent which ought to be obtained, and not what has been actually received; and I fear that when the expences of management and Collection come to be deducted, and the necessary allowance made for bad debts, the net proceeds would be very considerably reduced. Even supposing the Nominal Rent to be Collected it would be but a small Sum when compared with the burthen inflicted upon the Colony— It seems indeed to be proved by what has been experienced not only in Canada but in the Australian Colonies that Land in Countries where so much remains unappropriated can only be profitably occupied by those who have the stimulus of personal and permanent interest— Hence the income derived from Landed property retained in the hands of the Government for any Public purpose is trifling, compared to the inconvenience it occasions;—the same Sum raised in almost any other manner would be much less burthen-some to the Colony.

Under these circumstances I cannot entertain a doubt, that an end should immediately be put to the system of reserving a seventh of the Waste Lands of Canada for the support of a Protestant Clergy; that which would be an objectionable mode of raising a Revenue for any public purpose, is still more strongly to be condemned as a provision for the Ministers of Religion, since it must have a direct tendency to render odious to the inhabitants those to whom their good will and affection are so peculiarly needful.

Such are the considerations by which His Majesty's Government have been influenced in coming to the conclusion that the retention of the Clergy Reserves in their present state is inexpedient. It is scarcely necessary to protest against this conclusion being construed into an acquiescence in the opinion expressed in a petition upon this subject signed by a considerable number of the inhabitants of the Province, "that any kind of church Establishment, circumstanced as Upper Canada is, is essentially Anti Christian, and baneful to every interest "of Humanity." I am convinced that this is a sentiment which the

great majority of those by whom the Petition was signed, could not seriously mean to adopt, and that in their eagerness to get rid of a practical grievance they have incautiously sanctioned speculative opinions, which I have no doubt that upon mature reflection they would disavow. Believing this to be the case, I decline to enter into any Argument for the purpose of refuting an assertion the justice of which, I so entirely deny; it is sufficient to repeat that His Majesty's Government have advised the abandonment of the Reserves, for the simple reason that after an experience of forty years they have been found not to answer the expectations entertained at the time the system was established, but have entailed a heavy burthen upon the Province without producing any corresponding advantage.

In a separate dispatch I have described in detail the measures it will be necessary to adopt for the purpose of causing these Reserves to revert into the general Mass of the Crown Estate; when they will be managed by the same Officers and according to the same Rules—In the preceding part of this despatch I have in a great measure anticipated what I have to say in explanation of the principles on which I conceive these Rules should be founded. I have therefore to add little beyond a recapitulation of the points to which it is of most importance to attend. In the first place, the form of the instrument by which Land is granted, should be as simple, and its expence as small as possible,—the adoption of a mode of conveyance answering this description has been hitherto prevented, chiefly by the necessity under the Act of Parliament of specifying in each Grant of Crown Land the particular Reserve made in respect of it for the support of the Clergy—The removal of this difficulty will be one of the most beneficial results I anticipate from the measure, which in the despatch already referred to I have directed you to propose to the Legislature; as soon as the legal difficulty is thus got rid of, I will transmit to you detailed Instructions (which are already in a state of preparation) as to the manner in which the desired improvement may be effected.

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

3<sup>d</sup> In order to guard the Government against even the suspicion of partiality in the distribution of land, the utmost freedom of competition should be permitted and the highest Bidder or the first applicant should be entitled as a matter of course to the Preference.

The Regulations best calculated fo[r] securing this object must be left with you to determine.

Such is the system of management which I propose to adopt with respect to the Crown Lands. It has been formed after no little consideration and enquiry into a subject of the utmost importance to the prosperity of a Country circumstanced like Upper Canada, To promote that prosperity, to adopt the measures best calculated to favor the full development of the natural resources of the Province has, I trust I need not assure the Legislature, been my only aim—

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If however upon a full consideration of the reasoning upon which my views are founded, they can recommend any modification by which this plan could be rendered more likely to forward that which is our common object, any suggestions which they may have to offer shall receive the fullest and most attentive consideration." p. 217

Downing St.,  
Nov. 21.

Duplicate of preceding despatch.

p. 251

Downing St.,  
Nov. 21.

Goderich to Colborne. No. 56.

"In my dispatch of this date N<sup>o</sup> 55. I have announced to you the intentions of His Majesty's Government on the subject of the Clergy Reserves in Upper Canada; and have apprised you that I should, in a separate dispatch, describe in detail the measures it would be necessary to adopt for the purpose of causing those Reserves to revert into the general mass of the Crown Estate—I now proceed to execute this purpose.

The Statute 31<sup>st</sup> Geo. 3<sup>d</sup> cap 31 Sec<sup>ns</sup> 36-40 provide for the appropriation of Lands for the maintenance of a Protestant Clergy, and for the erection and endowment of Rectories, the presentation of Incumbents, and the manner in which such Incumbents shall hold their Livings. The 42<sup>d</sup> Section which immediately follows those enactments is expressed in the following words

"Provided always that the several provisions hereinbefore contained respecting the allotment and appropriation of Lands for the support of a Protestant Clergy within the said Provinces, and also respecting the Constituting erecting and endowing Parsonages or Rectories within the Said Provinces and also respecting the presentation of Incumbents or Ministers to the Same; and also respecting the manner in which such Incumbents or Ministers shall hold and enjoy the same, shall be subject to be varied or repealed by any express provisions for that purpose contained in any Act or Acts which may be passed by the Legislative Council and Assembly of the Said Provinces respectively, and assented to by His Majesty His Heirs or Successors under the restrictions hereinafter provided"—

The 42<sup>d</sup> Clause then proceeds to enact that whenever any Act shall be passed by the Legislative Council and Assembly for any of the beforementioned purposes, Such Act shall "before any declaration or signification of The King's Assent thereto", be laid before both Houses of Parliament in Great Britain and that His Majesty shall not signify His Assent until thirty days after the Act shall so have been laid before the two Houses.

Subsequently to the date of this Act of Parliament; the Corporation for the management of the Clergy Reserves was established by a Charter issued under the Great Seal of the Province. That Body have granted Leases of a considerable quantity of Land, none of which as I understand are made to endure for more than 21 years from their respective dates.

The Statute of 7<sup>th</sup> & 8<sup>th</sup> of Geo. 4. cap 62 authorised the Governors of the Provinces, with the consent of the Executive Council in pursuance of any instructions which might be issued to them by His Majesty, through one of his principal Secretaries of State, to sell a part of the Clergy Reserves not exceeding one fourth of the whole, provided that in no one year more than 100,000 Acres were so sold. The Money arising from these sales was to be invested in the Public Funds of this Kingdom, and the interest of that investment was declared applicable either to the improvement of the unsold Reserves, or to the purposes for which the Reserves were originally made.

It appears that in pursuance of this statute 74,819 Acres of the Clergy Reserves had been sold up to the Month of June last for sums together amounting to £50,637-7-6 Currency and that the Sum of £—was due by the purchasers who were liable to the payment of interest. In order to accomplish effectually the designs which I have explained in the Despatch already referred to, it will be necessary that so much of the Statute 31 Geo 3 Cap 31 as relates to the allotment and appropriation of Lands for the Support of the Protestant Clergy within the Province of Upper Canada should be repealed, by an Act to be passed by the Council and Assembly, in exercise of the authority committed to them for that purpose by the 41<sup>st</sup> Section of the Act. The Bill if so passed, must be accompanied by an Address from the Legislative Council and Assembly desiring that it may be "transmitted to England without delay, for the purpose of being laid before Parliament previously to the signification of His Majesty's assent thereto" A Simple repeal of this part of the Act of 1791 would give birth to some questions of an embarrassing nature, the discussion of which it is very desirable to preclude.

The questions which I anticipate would be *first* whether the Reserves already made would vest in His Majesty absolutely, or would be held by him upon any trust for the benefit of the Protestant Clergy—*secondly* whether the leases granted by the Corporation for managing the Reserves would be still subsisting—*thirdly* whether the rent reserved on these leases would be payable to His Majesty, or to the Corporation—*fourthly* whether the money already raised by sales under the Act of 1827 would remain applicable or not, to the purposes expressly declared by that Statute.

It might be suggested, as a further doubt whether the Corporation would continue in existence and whether the powers of sale given by the Act of 1827 were to be exercised any further. The solution of those questions is however obvious. The Corporation could not survive the extinction of the object for which it was erected. The power of sale could not be exercised after the subject of sale, viz the Clergy Reserves, had ceased as such to exist.

To meet however still more effectually, the two last mentioned questions, you will, as soon as the Act shall have been introduced into the Assembly, intimate, to the Clergy Corporation, that it is the express desire of His Majesty's Government, that until the Bill shall have finally passed into a law, or shall have been finally rejected, they do abstain from granting any more leases of the Clergy Reserves. I cannot doubt their ready compliance & am most reluctant to reason, even hypothetically, on the contrary supposition. But as it will be necessary to prevent improvident Leases, which in the haste and excitement of the moment might be made, you will in the unfortunate contingency of the Corporation persisting in making them, direct the Attorney General to take such measures as may be best adapted to bring to trial the validity of the Charter itself. I apprehend that the result must be to ascertain, that it is void in point of strict Law. But it is impossible to deprecate such a controversy too earnestly, or to contemplate it at all, except as an extreme remedy in a case of extreme importance.

Whenever the Act shall have been finally passed the continued existence of the Charter would be of no practical importance, though it would be on the whole desirable that the Charter should be then surrendered.

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With regard to the continuance of the powers of Sale, under the Statute 7 & 8 Geo. 4. Cap. 62, you will immediately signify to the Officers employed under that Statute, His Majesty's Commands that they abstain from Acting any further in execution of it after the 30<sup>th</sup> June 1832, and that during the half year from Jan<sup>y</sup> 1<sup>st</sup> to that date, the Sales to be made should not exceed in number of Acres the number actually sold in the preceding half year. The difficulties which might oppose or partially frustrate the execution of the designs of His Majesty's Government being thus obviated, it remains to consider what provisions the proposed Act of Assembly should contain.

First, then it should be enacted that so much of the British Statute of 1791, as relates to the appropriation of Clergy Reserves shall be repealed. But as it is unnecessary, and would be highly inconvenient to repeal so much of that Act as relates to the erection and endowment of Parsonages, it will be fit in order to obviate the possibility of mistake, that the precise words upon which alone the repeal is to operate should be quoted in the repealing Act.

Secondly, To remove all doubts as to the effect of the repeal, it should be expressly provided, that the Reserved Lands should immediately vest in His Majesty, and be held by Him, His Heirs, and Successors in the same manner in every respect, as if the provisions to be repealed had never been enacted.

Thirdly— The Leases granted by the Clergy Corporation should be declared to be as valid as though the repealing Act had not been passed, but the Tenants should be required to *attorn* to His Majesty, and to pay their Rents to Him, or to the Receivers of His Land Revenue in the Province.

Fourthly, All Sales effected, and all Acts done under the Statute 7 & 8 Geo. 4 Cap. 62, should be declared as Valid as though the repealing Act had not been passed.

Fifthly, The only additional provision, the necessity of which I can anticipate, would be an enactment declaring that henceforward no grant of Lands whenever made shall be deemed invalid or ineffectual by reason of the absence of a specification of the Clergy Reserves appropriated in respect of such Grant. With reference to future Grants this of course would be superfluous, but it might obviate some inconvenient doubts as to the effect in future of past neglects of this part of the Act of 1791.

A Provincial Statute embracing these provisions, and neither exceeding nor falling short of them in any material respect would, I apprehend, effectually set at rest all the questions respecting the Clergy Reserves to which I have adverted in my accompanying despatch, except in the possible but I trust very improbable, event of either House of Parliament addressing His Majesty to withhold his Assent. That, however, is a Contingency against which no security can be taken, and upon which it could answer no practical purpose to speculate.

It remains to consider what Steps should be taken in order to bring this question fairly under the notice of the two Branches of the Provincial Legislature. For that purpose it will be fit that they should be invited to the consideration of the question by a message from His Majesty. Anxious as I am to relieve you to the utmost possible extent from responsibility upon an occasion of so much gravity and importance, I enclose the Copy of a Message to be transmitted in His Majesty's name to both of the Houses of the Provincial Legislature.

The same motive induces me to transmit to you the Draft of a Bill, which has been prepared under my direction, for carrying the views of His Majesty's Government into effect. Without intending to fetter the discretion of the Law Officers of Your Government, I must express my earnest wish that the Bill might be introduced in terms corresponding as closely as possible with those of the accompanying Draft.

I am not sufficiently conversant with the usages of the Canadian Assembly to venture to prescribe any thing respecting the manner in which this Bill should be brought forward. If I am not misled by the analogy of English Parliamentary proceedings, I should desire that the Act might be introduced to the notice of the Assembly by the Attorney General, or, if he has not a Seat in that House, then by any Official Member in whose ability and discretion you can place adequate confidence. Should the Law pass in any form, you will neither give, nor refuse your consent, but will reserve the Bill for the signification of His Majesty's pleasure. Indeed I consider that to be the proper course of proceeding in every case in which an Act of the Canadas is required to be laid before the two Houses of Parliament."

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Enclosures:—

(1) "Message to the Legislature of Upper Canada.

The Lieut. Governor has received His Majesty's Commands to make the following communication to the Legislative Council [the House of General Assembly] in reference to the lands, which in pursuance of the Constitutional Act of this Province have been set apart for the support and maintenance of a Protestant Clergy.

The representations which have been, at different times, made to His Majesty and his Royal Predecessors of the prejudice sustained by His faithful Subjects in this Province from the appropriation of the Clergy Reserves, have engaged His Majesty's most attentive consideration. His Majesty has, with no less anxiety, considered how far such an appropriation of Territory is conducive, either to the Temporal Welfare of the Ministers of Religion in this Province, or to their Spiritual Influence. Bound no less by his personal feelings than by the sacred obligations of that Station to which Providence has called him to watch over the interests of all the Protestant Churches within His Dominions, His Majesty could never consent to abandon those Interests with a view to any object of temporary & apparent expediency.

It has therefore been with peculiar satisfaction that in the result of his enquiries into this subject His Majesty has found that the changes sought for by so large a proportion of the Inhabitants of this Province may be carried into effect without sacrificing the just claims of the Established Churches of England and Scotland. The waste lands which have been set apart as a provision for the Clergy of those Venerable Bodies have hitherto yielded no disposable Revenue. The period at which they might reasonably be expected to become more productive is still remote. His Majesty has solid grounds for entertaining the hope that before the arrival of that period it may be found practicable to afford the Clergy of those Churches such a reasonable and moderate provision as may be necessary for enabling them properly to discharge their sacred functions.

His Majesty therefore invites the Legislative Council [the House of General Assembly] of Upper Canada to consider how the powers

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given to the Provincial Legislature by the Constitutional Act to vary or repeal this part of its provisions, can be called into exercise most advantageously for the Spiritual and Temporal interests of His Majesty's faithful Subjects in this Province" p. 293

(2) Draft of a Bill to be laid before the Legislature of Upper Canada. p. 299

Downing St.,  
Nov. 21.

Duplicates of preceding despatch (No. 56) and enclosure No. (1). p. 319

Downing St.,  
Nov. 21.

Goderich to Colborne. No. 57.

"In my despatch N<sup>o</sup> 26 of 23<sup>d</sup> May last, in the present Year, I instructed you to apply the Territorial and Casual Revenue receivable in the Year 1832, according to a Schedule comprised in the body of that despatch: Having however reconsidered the arrangement directed therein I am of opinion that it is susceptible of some modification, and above all that it is necessary to specify with more precision the mode in which it will be your duty to apply during the ensuing Year that portion of the said Revenue which in the enclosed Amended Schedule N<sup>o</sup> 1 you will find to be assigned to the Church of England.

You will perceive that the enclosed Schedule raises the Sum proposed to be so appropriated in 1832 from £3,000 to £5,000, a charge which according to the best Estimate I can form, the Territorial Revenues can easily sustain. There are however other Sums accruing in the Province, or from Provincial resources, which are also applicable to the same object: these funds according to the inclosed Paper N<sup>o</sup> 2 may be taken at £1,000, so that the total Sum available for the support of the Church of England for the Year 1832, may be calculated at £6,000.

The enclosure N<sup>o</sup> 3 contains a statement of the mode in which His Majesty's Government conceives that the said Sum of £6,000 may be most conveniently distributed.

The Grant of £1,500 to the Bishop is new, and is now for the first time placed upon the Casual and Territorial Revenue of Upper Canada; hitherto it has been paid by the Governor of Lower Canada out of the Army Extraordinaries; but as that unseemly mode of meeting such a charge can no longer be allowed, it appears to be perfectly reasonable that Upper Canada should bear, at least for the ensuing Year, a portion of the charge of his Salary, as I believe that I do not err in considering that at least half his time and labour are expended upon that Province. You will distinctly understand that the payments now directed to be made out of the Territorial Revenue refer only to the single Year 1832. Should such an Act as is suggested in my despatch N<sup>o</sup> 56 upon the Clergy Reserves and the general question of the Land Revenue, be carried into effect, it will be necessary that you should be fully instructed upon the important question of the future condition and prospects of the Church of England in Upper Canada: The particular attention of His Majesty's Government has been for some time directed to this matter; and notwithstanding the extreme pressure of Public business, unexampled in extent and duration, which still continues to occupy us, I trust that at an early period I shall be able to furnish you with a full development of the views which are entertained here of that delicate Subject. In the mean time it is to be hoped (and I entertain the hope with entire confidence) that the arrangement which I have directed to be

made upon the Subject of King's College, and the instruction conveyed to you upon this occasion in respect to the Clergy Reserves, will ensure to the ultimate views and proposals of His Majesty's Government, that conciliatory consideration which is so essential in every endeavour to reconcile conflicting interests in the adoption of great plans of general improvement." p. 342

1831

(Enclosure No. 1 missing.)

"Enclosure N<sup>o</sup> 2 in Lord Goderich's despatch to Sir John Colborne N<sup>o</sup> 57 date 21 Nov 1831.

Estimate of the probable Amount of the Casual and Territorial Revenue of Upper Canada for 1832.

Canada Company.....	£17,000	----
Timber & Land Fund.....	5000	----
Incidents.....	1000	----
Fees.....	1500	----
	£24500	----
Deduct expense of Collection.....	2000	----
	£22500	----
Deduct proposed charge as below.....	20700	----
	£ 1800	----
Reserved Surplus.....		----
Application of the above—		----
Governor's additional Salary to make up £3,000	1000	----
Retired Judges.....	2700	----
Compensation in lieu of Fees.....	2566	----
Upper Canada College.....	1000	----
Existing Pensions.....	1700	----
Surveyor General.....	500	----
Emigration.....	4,000	----
Church of England.....	5,000	----
Church of Scotland.....	1,000	----
Church of Rome.....	1,500	----
	£ 20766	----

If the Fund will afford the Appropriation of £5,000 to Emigration there will be no objection to a charge to that Amount " p. 347

"Inclosure N<sup>o</sup> 3 in Lord Goderich's despatch to Sir John Colborne N<sup>o</sup> 57 dated 21<sup>st</sup> Nov 1831.

Proposed distribution of £6,000 (£5,000 from Territorial Revenue and £1,000 from proceeds of Clergy Reserves) towards the maintenance of the Church of England in Upper Canada for 1832.

Bishop of Quebec.....	1,500	----
Archdeacon of York including allowance of £225 in addition to his Stipend as Rector of York	525	----
Archdeacon of Kingston including original al- lowance of £100 as Rector of Kingston....	400	----
To the Society for the Propagation of the Gospel in aid of the expence incurred by the Society in Upper Canada.....	3500	----
	£ 5925	----

p. 348

Goderich to Colborne. No. 58. Transmitting copy of letter from Treasury upon claim of Receiver General Dunn for £200 per annum increase of salary for receiving monies arising from sale of Crown Lands to Canada Company and paying Civil Establishments, and stating that he concurs in views expressed therein. Report requested on

Dwining St.,  
Nov. 29.

- 1831** Dunn's complaint that recent regulations of Assembly had limited his percentage to £700 per annum in addition to salary of £200 on Civil Establishment. p. 349
- Enclosures:—
- Treasury Chambers, Oct. 13. (1) Stewart to Hay. (Copy). Transmitting copy of letter of Sir John Colborne with copy of report of Commissioners of Audit, and Treasury Minute thereon. Letter of Aug. 31, 1827 conveying instructions respecting payments to be made for Canada Company gave no authority for Receiver General to appropriate to himself any allowance for agency in this matter. If Colonial Secretary considers Mr. Dunn has a claim for a higher salary the Board will be pleased to consider his suggestion. p. 131
- Audit Office, Feb. 1. (2) Commissioners of Audit to Treasury. (Copy.) Respecting claim of Mr. Dunn. p. 135
- April 5. (3) Copy of Treasury Minute. Board cannot sanction additional charge of £200 claimed by Mr. Dunn. p. 141
- Downing St., Nov. 30. Goderich to Colborne. No. 59. Acknowledging despatch of Aug. 16, and expressing concurrence in opinion of Executive Council that Mr. MacRa was not entitled to free grant of 500 acres of land. p. 352
- Downing St., Dec. 10. Goderich. (Circular.) Civil officers holding rank in Army or Navy are not entitled to any indulgence in obtaining land. General Order intended to apply only to half-pay officers who are inclined to settle in North American colonies. p. 354
- Downing St., Dec. 20. Howick to Colborne. Conveying authority for compliance with request of Mr. Chewett to be allowed his salary as Chief Clerk and Draughtsman in addition to one-half emoluments of Surveyor General during the period he has acted in that position. p. 361
- Downing St., Dec. 25. Howick to Colborne. Transmitting for inquiry and report papers respecting John Delany, a pensioner who deserted his wife and family. p. 355
- Enclosures:—
- Whitehall, Dec. 10. (1) G. Lamb to Hay. (Copy.) Transmitting copy of letter from the Lieut. Governor of Guernsey and papers respecting John Delany. p. 356
- Government House, Guernsey, Dec. 6. (2) Major General John Ross to T. Phillips. (Copy.) Requesting that inquiries be made regarding John Delany. p. 357
- (3) Petition of Mary Delany. (Copy.) p. 358
- Royal Hospital, Chelsea, Dec. 1. (4) Richard Neave to Mary Delany. (Copy.) As balance of commutation allowance of John Delany has been paid out her request for it cannot be complied with. p. 360

## G. 69 (1832)

- 1832** Goderich to Colborne. (Confidential.) With reference to private letter addressed by Lieut. Governor to Hay on Nov. 25 concurrence is expressed in views held regarding the inconvenience from growth of foreign interest in Upper Canada through immigration from United States. The remedy appears to lie in Lieut. Governor's hands. Under
- Downing St., Jan. 10.

law of England no alien can acquire property in any of H.M.'s dominions except for benefit of Crown. This point was settled during controversy on Alien Act of 1827. There seems to be no legal or technical difficulty in way of asserting right of Crown to any lands acquired by American citizens since passing of that Act, which was entirely retrospective in operation. No definite instructions can be given owing to lack of knowledge of local circumstances, but it is suggested that a proclamation be issued announcing that law does not permit acquisition of land by foreigners, and warning such that unless they acquire status of British citizens Crown will proceed to enforce its rights. It is also suggested that proceedings be entered against one or two foreigners holding lands in Upper Canada. This would give necessary publicity to Crown's intentions. Nothing should be done without consultation with best legal authorities.

p. 1

1832

Duplicate of preceding despatch.

p. 10 Downing St.,  
Jan. 10.

Goderich to Colborne. No. 60. Stating that Treasury, having before them Lieut. Governor's despatch of Nov. 15 last, sanction expenditure of £6,700 for erection of new buildings for Executive Council, the Surveyor General, and other public officers, and £300 for preparing and clearing the ground near the site.

p. 19 Downing St.,  
Jan. 25.

Duplicate of preceding despatch.

p. 21 Downing St.,  
Jan. 25.

Howick to Colborne. Transmitting copy of letter from Mr. Buchanan, Emigration Agent at Quebec, protesting against appointment of similar agent for Upper Canada with headquarters at Quebec; and also copy of reply thereto which states that there was no intention of displacing Buchanan or treating him otherwise than as head of Emigration Office, from whom any person appointed from Upper Canada would take his orders.

p. 24 Downing St.,  
Jan. 25.

Enclosures:—

(1) A. C. Buchanan to Hay. (Copy.)

p. 28 Quebec,  
Dec. 16.

(2) Howick to Buchanan. (Copy.)

p. 34 **1832**

Goderich to Colborne. No. 61.

Downing St.,  
Jan. 30.

"I have had the honor of receiving your despatch of the 24: of Nov<sup>r</sup>, enclosing the reports which had been made to you respecting "the numbers of Labourers & Mechanics who might probably find employment in the different Districts, the prices of provisions and "the rate of Wages". These papers I have caused to be laid before the Commissioners of Emigration, who will, I trust, shortly be able to publish, for general information, an abstract of the Statements upon these topics furnished by yourself, and by the Governors of the other North American Colonies. The result of the diffusion of this information will probably be, that even the very large emigration of the past year will fall short of that which will take place in the present; every preparation must, therefore be made for receiving & forwarding to the different parts of the Province, in which they may find employment, the very considerable number of persons who may be expected to arrive in the course of the Spring and the Summer.

In my despatch of 31: Oct<sup>r</sup> I stated to you my fear that the measures which you had adopted for the reception of the Emigrants of last year might lead to an expence heavier than the funds at your disposal would conveniently bear. I am happy to find that this has not been the case, & that by the well conceived & economically

Downing St.,  
Feb. 1.

1832 executed arrangements which you had made so much should have been effected at a cost comparatively so trifling. The total expence it appears has not exceeded £4,800, which is less than the sum which I had calculated upon as being likely to be required for this Service in the last year. I do not clearly understand from the Statements accompanying your despatch whether the Emigrants are only to repay the expence incurred for their provisions, or whether they are also to be charged a price for their Land, and for the Log Houses in which they have been accomodated. Upon these points I shall be glad to receive further information—at the same time I must add, that although I have much pleasure in acknowledging the success of your proceedings, which I attribute to the judgment & activity with which they were conducted, I am still of the opinion expressed in my despatch already referred to, that it is unnecessary that the Government should assist Emigrants who arrive without resources of their own, otherwise than by enabling them to procure employment, or that it should undertake the task of their location. These persons at home have, almost invariably, been accustomed to earn their subsistence as Labourers, nor is there any reason why, upon arriving in the Colony, they should at once be raised to the situation of landholders: it is a sufficient advantage to them to have the certainty of finding employment at wages infinitely higher than they have been accustomed to, & of being able to acquire Land at a cheap rate out of the savings of their industry. You have stated that some Emigrants had rather engage themselves as Labourers, till accustomed to the work of the Country, than go on their own Land— This course, as by far the best which they can pursue, they should, by all means, be encouraged to adopt; & from the demand for labour stated to exist, both by yourself, & by the Gentlemen to whom you applied for information, I should hope that with no other assistance than that which may be given to them in reaching the places of their destination, all the Emigrants who may arrive in the present year will be put in the way of acquiring at no distant period a comfortable independence.

I have already stated to you in what manner I conceive that any temporary excess in the supply of labour may be corrected, & I trust that you will find no difficulty in employing to advantage any number of persons who are likely to be at a loss without such assistance; since I cannot doubt that the increased value of the Crown Lands will amply repay the cost of the labour applied to the formation and improvement of roads passing through them; & the mode of disposing of these Lands which is now adopted will enable you to realize, in selling them, the additional value they will thus receive.—

If, contrary to all expectation the natural demand for labour in the Province should leave a greater number of persons unemployed than you can find profitable work for on the roads, you may possibly be under the necessity of employing the remainder in clearing & cultivating the Land— it would be to be regretted if such a necessity should arise; but, even in that case, I should not be inclined to depart from the general rule which I have laid down, by establishing Emigrants as proprietors on land of their own, before they are able to support themselves without assistance. I should, therefore, wish you to employ any Emigrants who cannot otherwise be disposed of in preparing Land for occupation by clearing & cultivating portions of it, & by erecting Log houses—Lots of Land in such a state of improvement would no doubt prove a great attraction to Emigrants having any means at their disposal, & might be sold for a price which would

pay a great part at least of the expence of the labour which had been so employed. As a reward for good conduct, it might, perhaps, in some instances be expedient that emigrants who had been employed as labourers should be permitted to become the purchasers upon credit. If the necessity of employing large numbers of Labourers upon account of Government should compel you to adopt this manner of settling a portion of them upon Land, the interests of the Crown might be more effectually secured by making the assignment of each Lot subject to the condition that one half should revert to the Crown if the stipulated price were not paid within a stated period. This, however, and all other matters of detail I may, with perfect confidence, leave to your own judgment. I have no doubt that you will adopt such arrangements as circumstances may require, nor do I anticipate that you will have any difficulties to contend with which may not easily be overcome: the natural demand for labour in the Province appears to be so extensive that I entertain little apprehension that more will be required on the part of the Executive Government than to take the necessary steps for forwarding the Emigrants, immediately on their arrival, to the places of their ultimate destination, & for distributing them in the various parts of the Province as their services are required.

It has been represented to me that Emigrants of the Labouring class, who have received from Parishes or Individuals the means of going to Canada, & to whom small Sums have been given to meet their wants on their first arrival, frequently loiter about the Towns where they are landed until the whole of their money is spent, & they are unable to proceed into the interior. If this, as I believe, is true there is nothing which would contribute more to the welfare of such Emigrants than an arrangement by which the money so given should be paid to them, not previous to their departure from England, or immediately upon their landing in the Colony, but upon their reaching the place of their ultimate destination. I have, therefore, to desire, that an arrangement may be made for this purpose, & that an Officer of your Government may be appointed to receive any money thus given to Emigrants, & to pay it them, (after having discharged the necessary expence of their conveyance from the Port of disembarkation) on their arrival where they intend to settle. It appears to me that this duty might most conveniently be discharged by the Agent for Emigrants; but, in that case, you will take care that proper Regulations are enforced for the security of the money so placed in his hands, either by having the business transacted by means of the Bank, in such a manner that it's misappropriation should be impossible, or by requiring the Agent to find Sureties to the necessary amount. Of course in giving these directions I mean no reflection upon the Gentlemen filling the situations of Agents; they are dictated only by the necessity of adhering to the general rule which forbids that any degree of confidence in the character of Individuals should be admitted as a reason for relaxing that vigilance which should always be exercised where the security of public money is concerned.

I have only to add that, as the chief access to Upper Canada is through the Lower Province, the emigration to both requires to be managed as one concern; & you will, therefore, not fail to communicate with Lord Aylmer most fully upon this subject, & to concert with him the orders which it will be necessary to give to the Agents, & to other persons in the public Service."

- 1832  
Downing St.,  
Feb. 28. Howick to Colborne. Transmitting, at instance of Colonial Secretary, letter from George Farley relative to claim of his mother to a small property adjoining Kingston. As she is a daughter of Sir William Johnson, Bart., Colonial Secretary desires favourable consideration of her claim. p. 48
- Henwick,  
Worcester,  
Feb. 11. Enclosure:—  
George Farley to [Colonial Secretary]. (Copy.) p. 50
- Downing St.,  
Feb. 23. Howick to Colborne. (Circular.) Conveying instructions that bags used for conveyance of public despatches must not contain anything except official correspondence. p. 54
- Downing St.,  
March 1. Howick to Colborne. Stating that Glasgow Emigration Society is sending out nine families who will settle in Upper Canada, and conveying authority to make grant of 50 acres to each head of family and 100 acres to the leader, free of all charges other than usual fees. p. 55
- Downing St.,  
March 1. Enclosure:—  
List of families. (46 persons in all.) p. 57
- Downing St.,  
March 1. Howick to Colborne. Inquiring on what date Lieut. O'Brien, who is applying to be replaced on half-pay of 29th Foot, ceased to be Superintendent of Emigration for U.C. p. 59
- Downing St.,  
March 15. Howick to Colborne. Introducing Lieut. Hicks who intends to settle in U.C. p. 60
- Downing St.,  
March 19. Hay to Colborne. Introducing Major Mercer who desires to become a landed proprietor in U.C. p. 62
- Downing St.,  
March 30. Goderich to Colborne. (Circular.) Transmitting for attention address of House of Commons for return of fees and stamp duties chargeable on appointments. p. 63
- Feb. 7. Enclosure:—  
Address of House of Commons. (Copy.) p. 66
- Executive  
Council Office,  
Sept. 19. John Beikie to Lieut. Col. Rowan. Stating that his office does not possess information desired in address of House of Commons of Feb. 7. p. 67
- Downing St.,  
April 1. Goderich to Colborne. No. 64. Acknowledging despatch No. 47 of Dec. 13, and stating that, under circumstances mentioned, he will recommend sanction of charge of £553-17-4½ for repairs at Government House, but admonishing against infraction of regulation requiring that no expense beyond £200 should be incurred without previous sanction. p. 68
- Downing St.,  
April 2. Goderich to Colborne. No. 63. Stating that address of Assembly transmitted by Lieut. Governor on Jan. 31 has been most graciously received by H.M., who continues to take the most lively interest in the welfare and prosperity of the province. p. 70
- Downing St.,  
April 2. Duplicate of preceding despatch. p. 71
- Downing St.,  
April 2. Goderich to Colborne. (Confidential.) Satisfaction felt in conveying to the King the address of the House of Assembly of Upper Canada has been abated by the circumstances which appear to have led to its presentation. Regards with anxiety the spirit of discontent

created by Mr. Mackenzie, the more so because of apprehension that the course pursued towards him may turn out to have been by no means calculated to diminish his influence. Believes that there is little reason to apprehend injurious results from his publications unless it comes to be believed that he has been treated with injustice or oppression. The action of the House in expelling Mackenzie and in declaring him incapable of sitting therein during the present Parliament seems likely to have this effect. The Assembly may have the right of expulsion but cannot create a legal incapacity to be elected. Hopes that, as Mackenzie has been a third time elected, the Assembly will permit him to sit, and suggests that Colborne endeavour by personal communication with the members to dissuade them from persisting in a quarrel in which it is scarcely possible that they can succeed. In view of prevailing feelings throughout North America in regard to religious equality, and of the hostility of Mackenzie and his adherents to the system by which he imagines it is intended to give special advantages to the Church of England, it is desirable to avoid creating jealousy or alarm on this subject. In his answer to an address by the Methodist Society, reported by the *Colonial Advocate*, Colborne has not expressed himself with the necessary prudence. Expressions used therein are calculated to give offence and should have been avoided, even had the censure they imply been deserved, which is not certain. In particular, the declaration that a seminary should not be styled "exclusive" simply because the classical masters were brought from the English Universities seems disingenuous and objectionable in view of the fact that degrees at those universities are given only to members of the Church of England.

1832

p. 72

Goderich to Colborne. No. 65. Stating that after Jan. 1, 1833, the emoluments of officers who are civil governors, whose staff pay was borne on the Army Estimates, will be paid exclusively by civil salaries. As this will diminish Colborne's emoluments has recommended the addition of £500 a year to his salary. This addition will not be given to his successor.

Downing St.,  
April 2.

p. 93

Goderich to Colborne. No. 66. Transmitting copy of letter addressed by Colonial Secretary to Treasury respecting expenses of Indian Department. (Not enclosed.) The intention is to submit estimate of whole expense to Parliament instead of, as heretofore, defraying salaries of officers from Military Chest. In order to determine how far it may be proper to charge a portion of the expense on Casual and Territorial Revenue, a report is required showing amount due to Indians on the faith of treaties for purchase of their lands, as this, it would seem, ought to be defrayed from fund produced by sale of lands. A letter from Thomas Wilson is enclosed with memorandum suggesting various improvements and financial reductions in the Department, to which Lieut. Governor is desired to give attention.

Downing St.,  
April 3.

p. 97

Enclosures:—

(1) Thomas Wilson to Hay. (Copy.)

p. 101 London,  
Jan. 5.

(2) Memorandum. (Copy.)

p. 110

Howick to Colborne. Introducing William Street who is going with his family to settle in U.C.

Downing St.,  
April 4.

p. 114

Goderich to Colborne. (Confidential. Copy.)

"In my Dispatch N<sup>o</sup> 57 of the 21 Nov<sup>r</sup> 1831 I authorized you to apply in the year 1832 towards the maintenance of the Bishop & other

Downing St.,  
April 5.

1832

Ministers of the Church of England in Upper Canada £5000 out of the Casual & Territorial Revenue of that Province & I estimated that the resources available to the same object from Provincial funds by Law applicable to it would amount to about £1000 making in the whole a sum of £6000. I directed you at the same time to divide this sum into three parts whereof one amounting to £1500 was to be paid to the Bishop another amounting nearly to £1000 to the two Archdeacons of York & Kingston, and the 3<sup>d</sup> of £3500 in aid of those payments which the society for the Propagation of the Gospel in Foreign Parts is in the habit of making to the Ministers of the Church of England who are denominated Missionaries. You have since been informed by me in my Disp: N<sup>o</sup> 62 of the 30<sup>th</sup> March last that H.M. Gov<sup>t</sup> have determined to call on Parliament to vote during the life of the Bishop the whole of His income. The charge therefore for the Maintenance of the Clergy for the Year 1832 will be reduced from £6000 to £4,500. I have Since learned from your private letter of Feb: 16<sup>th</sup> that the resources derivable from the funds set apart for this object will considerably exceed the amount at which judging from the information in my possession I had ventured to rate them. It now appears that the interest on Instalments to be paid in 1832 on Reserves antecedently purchased will amount to £1200, & that the Net produce of the Rents of Clergy Lands leased will not be less than £2,300. To these two sums will be to be added the interest on the purchase money of these Reserves vested in our Funds which will amount to about £300. The total of these Items will be £3,800 instead of £1000 at which I had estimated them, & if to this total there be added from the casual & territorial Revenue £1000 making in the whole £4,800, there will be abundant means of meeting all the demands for Salaries including the two Archdeacons for which I had intended to provide. A question therefore naturally arises as to the most advantageous mode of disposing of the £4000 to be taken out of the Casual & Territorial Revenue which had been destined to this particular service and which will no longer be required for that purpose. I have considered with great attention the observations contained in your private letter of Feb: 16 & the propositions which result from them, and I am happy to find that your practical views founded on personal knowledge & experience are so coincident with those which on a more Speculative view I had been led to entertain. I quite concur with you in thinking that the greatest benefit to the Church of England would be derived from applying a portion at least of the funds under the Control of the Executive Government in the building of Rectories & Churches, & I would add in preparing as far as may be for profitable occupation that moderate portion of Land which you propose to assign in each Township or Parish for increasing the future Comfort if not the complete maintenance of the Rectors. With this view it appears to me that it would be most desirable to Make a beginning in this Salutary work by assigning to it a portion at least of the £4000 to which I have before alluded as being no longer required during the present year at all events for the payment of Clerical Salaries. I say a portion of this Sum because I am led to think that it would be expedient with a view to prevent jealousy and attempts at interference with this Territorial fund to permit some part of it to be disposed of for religious objects generally without reference to the particular modes of belief which certain classes of the community may entertain. Some of it might for instance be applied to Churches for the Presbyterians, some for Roman Catholic Chapels and some for the Methodists, particularly

that portion of them who may be in communion with the Wesleyan Methodists of this Country. It is obviously impossible to think of aiding every subdivision of Religionists whose varieties are too indefinite to enumerate; & I feel that even with respect to those classes to which I have alluded I cannot well undertake to prescribe to you from hence the exact proportion of assistance which it might be fit to grant to each—£4000 on the whole will be disposable & I willingly leave it to your discretion to decide as to the proportionate distribution of that Sum. I am well aware that in the execution of this duty you will have to steer a difficult course and that it will require no small tact to determine by what practical means these important objects can best be attained. The diffusion of religious feelings & motives of conduct is the great point to be aimed at, & H.M. Gov<sup>t</sup> must naturally feel anxious that these should be as extensively as possible in unison with the Established Church of this Country; But it cannot be forgotten that the condition of society in such a Country as Upper Canada presents difficulties in the pursuit of this object which are very Serious; and that a state of religious peace is above all things essential in establishing in the minds of the people the efficacy of religious principles. Whilst therefore I admit without reserve my own extreme anxiety for the widest extension of the Church of England in Upper Canada I feel it to be scarcely less important earnestly to urge the inexpediency of seeking to promote that great object by aiming at the exclusion or repression of other Churches.

I communicate to you these sentiments on the Part of the King's Government with an entire reliance on your judgment & coincidence of views; & the present temper of the Majority of the House of Assembly together with the encreasing prosperity and general tranquillity of the Province, encourage me to entertain a sanguine Hope that the present opportunity if wisely and judiciously used may lead to the most important & beneficial results.

On a point so important as the distribution of the £4000 referred to in this Dispatch I should wish no actual step to be taken until I shall have had an opportunity of considering any Suggestions which you may have to offer on the subject which I trust I may receive at as early a period as may be convenient for you to favor me with them."

p. 526

Goderich to Colborne. No. 67. Stating that Government views conditions in Upper Canada with much anxiety, and the need to keep a close acquaintance with events is not satisfied by the regular monthly mail by Halifax. Suggests that weekly despatches be sent by New York, duplicates being sent *via* Halifax. If the American Post Office is not considered safe all communications which it would be inconvenient to have divulged should continue to go by Halifax. Newspapers giving the best intelligence and representing the views of the different provincial parties should be sent by New York. p. 115

Downing St.,  
April 6.

Howick to Colborne. Introducing Captain Drewe, R.N., who is a settler. p. 121

Downing St.,  
April 25.

Goderich to Colborne. No. 68. Acknowledging despatch of Dec. 17, and stating, with reference to petition of Hiram Spafford that a certain act of Legislature be disallowed as injurious to interests of petitioner, that subject had already been brought to his attention by Spafford's agent who was informed that petition could not be complied with. p. 122

Downing St.,  
April 28.

- 1832**  
Downing St.,  
April 27. Goderich to Colborne. No. 69. Acknowledging despatch of Feb. 14 with address from Assembly respecting disposal of Crown Lands, and stating that it had been graciously received by H.M. The object of late regulations was to make purchase of land as easy and simple as possible. If improvements can be suggested Colonial Secretary will be glad to consider them. If purchase of lands from Indians near Amherstburg can be effected without injustice to them it appears to be desirable. p. 124
- Downing St.,  
May 12. Goderich to Colborne. No. 70. Transmitting letter from Ordnance respecting grant of certain lots situated in front of No. 5 Blockhouse on right of Kingston. It is stated that lots are not required for military purposes, but that if built upon they would become prejudicial to defence of town. Under the circumstances they are not to be alienated from Crown. If parties applying for them have equitable claim they are to be satisfied by grants in other situations. p. 127
- Office of  
Ordnance,  
April 6,  
Downing St.,  
May 20. Enclosure:—  
Byham to Hay. (Copy.) p. 130
- Howick to Colborne. With reference to Lieut. Governor's despatch of Feb. 20, copy of letter from War Office is enclosed stating that Lieut. O'Brien's application for half-pay during short period of his employment as Superintendent of Emigration cannot be complied with. p. 133
- War Office,  
May 17. Enclosure:—  
L. Sullivan to Howick. (Copy.) p. 134
- Downing St.,  
May 25. Howick to Colborne. Transmitting copy of letter from French Consul requesting information respecting man named Benoit Darrou, supposed to be living near Kingston. p. 136
- 4 Tokenhouse  
Yard,  
May 24. Enclosure:—  
The French Consul General to Howick. (Copy.) Enclosing letter to be delivered to Benoit Darrou if still living. In the event of his being dead information as to the disposal of his property requested. p. 138
- Perth, U. C.,  
Aug. 15. Receipt, signed by "Benoit Darou", for letter sent from the Post Master at Kingston to the Post Master at Perth. p. 139a
- Downing St.,  
May 30. Goderich to Colborne. No. 71. Transmitting, with reference to Lieut. Governor's despatch of Feb. 22, copy of letter from Treasury respecting application of Welland Canal Company that the hydraulic works on canal, which have been sold, might be relieved from mortgage to British Government, which, they conceive, was intended to extend only to the tolls and income arising from the canal. The Treasury desires Lieut. Governor to satisfy himself that remainder of system is fully equal to burden of whole mortgage and that there is reasonable probability of an increase of tolls, and to inquire whether part of the £25,000 payment for the hydraulic works might not be obtained to expedite liquidation of debt to Government. p. 140
- Treasury  
Chambers,  
May 29. Enclosure:—  
Stewart to Howick. (Copy.) p. 143

Goderich to Colborne. No. 72. Acknowledging despatch No. 21 of April 7, and expressing satisfaction at arrangements made for reception of emigrants, and sanctioning expenditure of £5,000 for present season. Approval given of disposing, at five shillings an acre, of tract northward of Horton, on the Ottawa, and of township of Sunndale to emigrants having means to cultivate lands. Emigrant Agent might, as suggested, be employed at Montreal, but he should be under directions of Mr. Buchanan at Quebec. p. 147

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Downing St.,  
May 31.

Goderich to Colborne. No. 73. Acknowledging despatch of Feb. 11, and stating that as address of Assembly respecting sale of Clergy Reserves was adopted before they had knowledge of Colonial Secretary's despatch of Nov. 21 [No. 56] it might serve as answer to the address. p. 150

Downing St.,  
June 1.

Howick to Colborne. Introducing William Hamilton, who proposes to settle in Upper Canada. p. 152

Downing St.,  
June 14.

Goderich to Colborne. No. 74. Transmitting copy of Order in Council of Feb. 6 confirming "An Act to impose an additional duty on Shop Licences, and to revive and continue with modifications for a limited time the Law which has recently expired for imposing a duty on Licences to sell by wholesale Wine, Brandy and other Spirituous Liquors", passed in March 1830. (No enclosure.) p. 153

Downing St.,  
June 20.

Goderich to Colborne. No. 75. Transmitting two Orders in Council dated Feb. 6 confirming various acts, not specified, passed in 1830 and 1831. (No enclosures.) p. 155

Downing St.,  
June 25.

Goderich to Colborne. No. 76. Acknowledging despatches of March 24 and April 10, and conveying H.M.'s satisfaction on receipt of loyal addresses from York and Kingston, and from the Newcastle, Gore, Midland, Johnston, and Bathurst Districts. p. 157

Downing St.,  
June 26.

Howick to Colborne. Transmitting petition of Thomas Appleton, schoolmaster, who complains of being deprived of allowance made by Legislature; gives instructions to return his petition and inform Appleton that it should be forwarded through Lieut. Governor. p. 159

Downing St.,  
June 27.

Enclosure:—

Petition of Thomas Appleton.

p. 160 York, U. C.,  
April 3.

Goderich to Colborne. No. 77. Transmitting letter from Treasury expressing dissatisfaction with remissness of Peter Robinson in failing to furnish accounts and vouchers of his expenditure as Superintendent of Emigration from South of Ireland in 1823 and 1825, and ordering suspension of Robinson's salary as Commissioner of Crown Lands and Surveyor General of Woods until he has made satisfactory returns. p. 162

Downing St.,  
June 28.

Enclosures:—

(1) Stewart to Goderich. (Copy.) Transmitting copy of report from the Commissioners of Audit respecting accounts of Peter Robinson. p. 165

Treasury  
Chambers,  
June 15.

(2) H. J. Luttrell to Treasury. (Copy.)

p. 169 Audit Office,  
May 16.

Goderich to Colborne. No. 78. Acknowledging despatch of May 17, and directing that Neil MacKinnon be informed that application for free grant of land founded on expectation held out to him by

Downing St.,  
July 2.

- 1832** Wilmot Horton in 1825 cannot be complied with, as he neglected to take advantage of offer until long after sale system had been established. p. 175
- Downing St.,  
July 3. Goderich to Colborne. No. 79. Acknowledging despatch No. 29 of May 19, and expressing regret that he cannot comply with petition from inhabitants of Amherstburg that an act of Lower Canada Legislature reducing duty on foreign tobacco be disallowed. p. 177
- Downing St.,  
July 4. Goderich to Colborne. No. 80. Having referred to Treasury despatch of Feb. 17 last with enclosure of Mr. Sheriff making representation as to desirability of having timber slides constructed at Chats and Chaudiere Falls, transmits their letter stating that with every disposition to undertake the works the information is too inadequate to be acted upon. Detailed estimates and specifications are therefore required. p. 179
- Enclosure:—  
Stewart to Howick. (Copy.) p. 181
- Treasury  
Chambers,  
July 2.  
Downing St.,  
July 4. Goderich to Colborne. No. 81. Acknowledging despatch of Feb. 24, and stating that petition of settlers at Perth that their sons should receive free grants of land on strength of promise of Deputy Quarter Master General made at Quebec in 1818 cannot be complied with, as indulgence was never held out by Colonial Secretary or sanctioned by His Majesty. p. 185
- Downing St.,  
July 4. Goderich to Colborne. No. 82. Acknowledging despatch of Feb. 15, and stating that H.M. was much gratified by the loyal addresses transmitted. Sends copies of correspondence between Mr. Mackenzie and Colonial Office. p. 187
- Enclosures:—  
(1) Mackenzie to Goderich. (Copy.)  
"During the last 12 months I have had the honor to address a number of letters & other documents to your Lordship at the request of a Committee of Inhabitants of Upper Canada of which I am a Member; I have also written thrice with petitions or other papers relating to the affairs of Individuals residing in the Home District of that Colony—*Only in one instance* within my recollection were the documents thus sent acknowledged by your department, & then thro' a brief memorandum by a Clerk of the Lt Governor.  
I have now to trouble your Lordship to state that I have been deputed by many thousands of the people of Upper Canada to bring over to England Addresses to His Majesty & Petitions to the House of Commons; to support the prayer of the same by evidence when required; & to use every possible lawful effort to bring the condition of the Province, it's wants & wishes under the early consid<sup>r</sup> of the British Nation & Government.  
I am also authorized to act as an Agent on behalf of the Central Committee to which about 8,000 of the people of Upper Canada entrusted their Petitions to the House of Commons in 1827; & on behalf of the General Committee of Friends of Civil and Religious Freedom to which was entrusted the petitions to the H. of Commons of upwards of 10,000 Freeholders of the said Province in 1831.  
I was a Member of that Committee which sent a petition for enquiry, (numerously signed), into the state of the Colony to the Lords & Commons of England, & to the H. of Assembly of Upper
- 16 Great  
Smith St.,  
Westminster,  
June 13.

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Canada in 1829. Some flaw was found in the petitions sent to London; they were thrown out of both Houses & neglected by the Gov<sup>t</sup>— & altho' the Assembly concurred in the statements of the Petitioners & addressed The King praying for a remedy, their representations (continued in successive Sessions) seemed to produce no visible good effect but rather the contrary.

I am empowered to act as an Agent for the several Town township & County Committees of meetings held last year in Upper Canada whose Addresses & petitions to His Majesty were entrusted to the York General Corresponding Committee, & are now ready to be presented by M<sup>r</sup> Hume M<sup>r</sup> Viger & M<sup>r</sup> Ryerson the Gentlemen named and appointed by the Petitioners.

I am the Bearer of an Address to His Majesty numerously signed by the people of the Johnstown District, & authorized & requested to afford y<sup>r</sup> Lordship any explanation thereon which may be required.

The Freeholders of the District of Gore have entrusted to my care Petitions to The King & the H. of Commons, & instructed me to endeavour to forward the views of the Petitioners with H.M.'s Gov<sup>t</sup> & the British Parliament.

Certain Individuals have entrusted to my care petitions urging claims of various kinds upon the attention of H.M.'s Gov<sup>t</sup>, copies of some of which petitions have been forwarded to & acknowledged by the L<sup>t</sup> Gov<sup>t</sup> of the Colony. I have received an authentic copy of the Address to His Majesty recently adopted by the Freeholders of the Incorporated Counties of Lennox & Addington at a general Meeting called by the County Members, together with a list of 1077 names that had been thereunto subscribed. The original Address I will probably be enabled to deliver to Your Lordship next month.

Mr. White & M<sup>r</sup> Benson the Chairman & Secretary of the late Hastings County Meeting called by certain Magistrates & others of Belleville, have forwarded to me authentic copies of the Address to The King adopted by that Meeting, with the signatures— When all the people shall have had time sufficient afforded them to affix their names the originals will be forwarded for presentation thro' Your Lordship.

The proceedings of many public Meetings held in the Province within the last 12 months on matters relative to the state of it's Gov<sup>t</sup>, have been duly communicated to the L<sup>t</sup> Governor, agreeably to your Lordship's despatch of May 1831. Y<sup>r</sup> Lordship is, therefore, probably in possession of Sir John Colborne sentiments on their contents.

On most of the subjects embraced in these petitions & addresses your Lordship is in possession of the opinions of three successive Houses of Assembly of Upper Canada, & the sense of the representatives of the people of Lower Canada where it has been expressed, under similar circumstances, has almost invariably coincided with the views entertained by those for whom I am deputed to act.

In a letter from David Sherburn Esq. (of Queenston) a member of the Committee appointed by a late General Meeting of the District of Niagara, called by the Sheriff & held in the Court House of the Town of that name was enclosed a copy of an address to The King, & certain Resolutions adopted by the Meeting, which agree in general with the sentiments of the people of other parts of the Province. Mr Sherburn states the probable number of signatures at upwards of 2,000, & that altho' the Petitioners strongly disapprove of His Excellency's conduct, it has been determined to transmit the Address of this County thro' the

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medium of the L<sup>t</sup> Governor, a practice or usage generally discontinued by those who have no confidence in His Excellency, of whom I am one.

On the dissolution of the last Parliament of U. Canada, I became again a Candidate for the honor of representing the Landowners of the metropolitan County—it was their pleasure that I should be a successful one—altho' powerfully opposed by all that class connected with or who approved of Sir John Colborne's administration of the Gov<sup>t</sup> of the Colony.

In the winter of 1830-1831, an attempt was made, during the Session of the Legislature, to send me back to my Constituents, but it failed notwithstanding the unwearied exertions of the Officers of the Gov<sup>t</sup> & their dependents. But H.M.'s Servants have this year been so very fortunate as to be enabled twice to submit the character & conduct of the legislative & Executive Authorities of the Colony (with whom I was then & am now at issue) to the test of a jury composed of the whole body of Landholders of the Home District, & thus has public opinion been most unequivocally made manifest.

The late spirited proceedings of the Freeholders of the ridings of the County of York have placed beyond the shadow of a doubt, that the public confidence is entirely withdrawn from the Government of Sir J. Colborne in that section of Country, where it's every Act is best known and appreciated, & that the humble Individual who has now the honor to address your Lordship, may justly claim to be considered a true representative of the political principles feelings & wishes of a ianded Constituency by far the most numerous of any now existing either in U. or L. Canada—first in point of property as well as population in the former Province— It is [im?]probable that the Home District differs in opinion from other sections of U Canada.

I have brought with me many important documents— an immense body of evidence having reference to the object of my journey to this Country— & consider myself fully prepared to support the statement of the several petitions entrusted to my charge— M<sup>r</sup> Hume and M<sup>r</sup> Viger whose valuable & very disinterested services done to U. Canada it's Inhabitants will long hold in grateful remembrance are I understand ready to wait upon your Lordship with Mr. Ryerson & the writer of this letter at such a time as Y<sup>r</sup> Lordship may appoint for receiving the Addresses to The King from U. Canada.

I am instructed by my Constituents to make use of every just & expedient means to obtain the Royal Authority to annul an Act passed in the last Session of the Legislature for encreasing the Capital Stock of the Bank at York, & am prepared to offer many, & as I conceive powerful reasons to your Lordship & the Privy Council why that Act should be forthwith cancelled— Before I left U. Canada for England, extraordinary efforts had been made by the friends & partizans of the Provincial Executive to obtain from the people in their primary Assemblies Addresses to His Majesty expressive of their entire satisfaction with Sir J. Colborne, his political Advisers & the state of the Province generally— I dare say they will have some success: indeed it w<sup>d</sup> be to me truly surprizing if, under the steady operation of such a system as prevails in U. Canada any set of men in possession of authority were ever to fail in obtaining many such testimonials of good character, however undeserving. As every attempt on the part of the people of U. Canada, their representatives & others who have taken an interest in their welfare to bring the actual state of the Colony under the immediate consider<sup>n</sup> of H.M.'s Gov<sup>t</sup> have hitherto

been signally unsuccessful, the Petitioners may well doubt of success; yet to me it does seem impossible that Y<sup>r</sup> Lordship, or indeed any Member of H.M's Gov<sup>t</sup> could sit down & peruse the plain statement of facts about to be presented to you & then decide to deny or procrastinate the time for a full enquiry under the circumstances in which it was about to be sought for—

I was about to close & address this letter when I received information that M<sup>r</sup> Hume would be absent in Norfolk during the remainder of the present week. Of course the Petitions could not be presented by him before Monday next My lodgings are not far distant from the Colonial Office & I would at any moment with the greatest pleasure attend y<sup>r</sup> Lordship or any Committee or Board of Commissioners for enquiry into matters relative to the Colonies, or afford any information in my power concerning Upper Canada affairs." p. 189

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## (2) Howick to Mackenzie. (Copy.)

"I am directed by Viscount Goderich to acknowledge the receipt of your letter of the 13: Inst<sup>t</sup> & to acquaint you, that his Lordship will be ready to receive yourself & the other Gentlemen for whom you request an audience on Wednesday the 27: at  $\frac{1}{2}$  past 12. Downing St.,  
June 23.

His Lordship at the same time directs me to inform you, that he is not aware to what letters & petitions you refer as having been transmitted by you to this Office, & not acknowledged. He is unable to find any communications which have not received all due attention.

I am further to observe, that altho' Lord Goderich is ready to hear any observations you may have to offer upon the affairs of Upper Canada, as an Individual interested in the welfare of that Province, & as a Member of the Assembly, he cannot recognize you as being deputed to act for any other persons; nor can he enter into any discussion with you upon the measures which H.M's Gov<sup>t</sup> may think it right to pursue. The views & intentions of H.M's Gov<sup>t</sup> with respect to the affairs of the Province can only be made known to the people of Upper Canada through the medium of the Governor or of the Legislature. It is to one or the other of these Authorities that any complaints which Individuals may have occasion to make should properly be addressed; & if the course pursued by the Executive Government should be such as to give just ground for dissatisfaction, the Inhabitants have, by their Representatives the means of bringing their grievances under the immediate attention of H.M's Government."

p. 201

## (3) Mackenzie to Howick. (Copy.)

"I have shewn your Lordship's letter of Saturday last to M<sup>r</sup> Hume & M<sup>r</sup> Viger, who will wait upon Viscount Goderich tomorrow at the hour he has appointed, I have also acquainted M<sup>r</sup> Ryerson with the time of the meeting. 16 Great  
Smith St.,  
Westminster,  
June 24.

The letters referred to by me on the 13<sup>th</sup> inst were written with reference to certain public Meetings, and enclosing petitions from Mr: Morrison, (a brother of the late D<sup>r</sup> M. who accompanied Clapperton to Africa) & some other persons on land business. According to the rule laid down by the head of the Colonial Department, and now communicated to me, I cannot be recognized as acting for others, therefore have no right to expect answers to letters or memorials on the business of others.

I have attentively considered that most important part of your Lordship's letter which shuts the door of the Colonial office of Great Britain upon all that vast Mass of facts which I have offered to

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submit, as deputed on behalf of the unrepresented landowners & Inhabitants of Upper Canada petitioners to His Majesty, and in support of the allegations of these petitioners the decision of Viscount Goderich I sincerely regret; it was as unexpected by me as it will be by those at whose request I have come to England.

I believe that it is a duty I owe to the petitioners, and I may add, to Upper Canada in the present justly excited state of it's population, respectfully to present to H.M. Principal Secretary of State for the Colonies on the occasion of tomorrow's audience, a Memorial stating why a body of petitioners unequally and unfairly represented in their own inefficient legislature, & not at all in the Imperial Parliament ought in my very humble judgment to have had a hearing in the only way in which it is possible for them at this time to be heard for their advantage and the public good by H.M. Government in conformity with the usage of the Colonial Department on similar occasions within my knowledge more especially on a very similar occasion to the present when a majority of the local legislature had passed an important Bill contrary to the wishes & Interests of the Country, the history of which I have here enclosed. The public in that case have sought justice here, a member of that House of Assembly was selected [selected?] to be the Bearer of their remonstrance. M<sup>r</sup> Hume and M<sup>r</sup> Warburton in the absence of a Colonial representation took up their cause. Viscount Goderich discussed the matter with their Agent, the correspondence ensued which commences at page five of the pamphlet; Instructions were sent from your department before the commencement of the then next legislative Session, which had justice to the people for their basis, and the same Assembly which had agreed to the obnoxious measure of the year before on being told that the Supreme Government would assent to no other, not only passed with acclamation the Bill which afterwards became law but also by a large Majority thanked Messrs: Hume and Warburton for obtaining better terms for the people of the Province from H.M.'s Government and voted £500 to M<sup>r</sup> Randal as a token of the sense they had of his exertions to preserve the peace and tranquillity of Upper Canada. He did not receive their intended present; the legislative Council forbade; but the next provincial parliament in it's several sessions confirmed the Grant by a still more unanimous vote.

I was Secretary to the Committee of the Inhabitants and have seen the good effects produced by that wise measure of Viscount Goderich's since acknowledged by all parties. Lower Canada has lately found it necessary to pass a law upon the very same principle, and the present Legislative Assembly of Upper Canada, in testimony of the good effects of a measure to which the Government of the Province was bitterly opposed, has extended the operation of the naturalization Act to future years. Had his Lordship then shut the door upon the people of the Country in the Manner he now proposes to do it is evident that the above pleasing results would not have been obtained.

If my recollection of History be correct, the Noble Lord now at the head of H.M. Government opposed the passage of the Quebec Act, voting with M<sup>r</sup> Fox against it fifty years ago. The petitioners by me pray for a repeal of those obnoxious clauses in that Act, which M<sup>r</sup> Fox then chiefly objected to, as being likely to produce bad Government & dissatisfaction & they pray to be heard by the Agent of their appointment. To those who are acquainted with the constitutional History of Upper Canada few arguments will be necessary

to satisfy them that a reform in the state of the representation is as necessary there as here, in order that the wishes & interests of the Community maybe attended to." p. 204

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(4) Howick to Mackenzie. (Copy.)

"I have had the honor of receiving and laying before Lord Goderich your letter of 26 Inst: and I am directed by His Lordship to observe that you do not appear to have quite correctly understood my letter of the 23<sup>d</sup>."

Downing St.,  
June 29.

That letter does not as you seem to have supposed "shut the door of the Colonial office upon all that vast Mass of facts which you have offered to submit as deputed in behalf of the landowners & Inhabitants of Upper Canada." On the contrary Lord Goderich has expressly stated his perfect readiness to hear any facts or observations which you may think it necessary to bring under his consideration, he only declines, as you have no authority from any recognized body to enter into any discussion with you upon the public Affairs of the Colony or to admit that you are the organ of those whom you term the unrepresented landowners & Inhabitants of Upper Canada. Lord Goderich cannot form his judgment as to the wishes & opinions of the people of Upper Canada from the unauthorised statement of Individuals in opposition to those of the Assembly in which he is convinced that all classes of the Inhabitants are fairly represented.

With reference to the petition of M<sup>r</sup> Morrison to which you refer I am directed to observe that your letter upon that subject was duly attended to (altho' according to the rules of this Office it ought to have been sent from the Governor). a despatch was written to Sir Jno: Colborne on 8<sup>th</sup> Sep<sup>r</sup> 1831. in which he was directed to allow that Gentleman the land he has formerly been promised.

M<sup>r</sup> Balfour has laid before Lord Goderich your letter of yesterday, in consequence of which I am directed to say that his Lordship will be ready to receive you with the Gentlemen you mention on Monday at 2. o Clock." p. 213

Goderich to Colborne. No. 83. Acknowledging despatch of Feb. 13, and stating that H.M. desires Assembly to be informed that he is pleased to comply with their request that the sums arising from the sale of the unalienated portion of the School Lands be paid into hands of Receiver General to be applied to the promotion of education as Legislature may direct. p. 217

Downing St.,  
July 5.

Goderich to Colborne. (Confidential.)

"With reference to my dispatch of this date N<sup>o</sup> 83 I think it necessary that you should be apprised of the reasons which have induced me to advise His Majesty to accede to the request of the Assembly of Upper Canada with respect to the appropriation of the sums arising from the School Lands within the Province, and that the course I am desirous you should pursue should be somewhat more fully explained, than it has been in that communication.

Downing St.,  
July 5.

The management of the land set apart for the purposes of education as I collect from your dispatch of Oct<sup>r</sup> 25<sup>th</sup> 1831, and from the correspondence which took place between Sir Peregrine Maitland and Lord Bathurst in the year 1823, is entrusted to a general board of education composed of the following Gentlemen viz<sup>t</sup>.

D<sup>r</sup> Strachan,  
Joseph Wells Esq.  
C. H. Markland Esq.  
Rev<sup>d</sup> R. Addison and  
The Chief Justice

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and as it is proposed that the funds in question should hereafter be at the disposal of the Legislature, it is right that the gentlemen whose functions as Members of the Board are to cease, should be aware that I have thought it expedient to consent to this alteration, not under the impression that they have imperfectly or improperly performed the task assigned to them, but upon grounds quite independent of the consideration of the manner in which they have acted. The success of every plan for promoting education generally amongst the people of any country by the application of public funds depends not more upon it's being good in itself, than upon it's meeting with the approbation, and conciliating the affections of those for whose benefit it is intended. When therefore I find that a change in the system under which the education of the inhabitants of the Province of Upper Canada is now provided for, is desired by themselves, and is called for by an Address to the Crown from their Representatives, I am of opinion that if there were nothing else to be considered than the accomplishment of the immediate object, it would be advisable to comply with wishes which have been so expressed. Another and a powerful motive, however, for the deference upon this subject to the wish expressed by the Assembly, is to be found in the circumstance that so far from going beyond the generality of the Inhabitants of the Province in their anxiety to withdraw from the Executive Government the exclusive controul over the funds destined to the promotion of education, the Assembly has in this address only expressed the sentiments entertained even by moderate and cautious men, while it is quite clear on the other hand that there is a considerable party prepared to carry the same kind of policy to much greater lengths. Mr Mackenzie and his adherents reproach the present House of Assembly with a want of vigour in resisting what they consider as antiquated prejudices, and are constantly urging a nearer approach to the Republican principles of their neighbours. The dissent of the assembly from the views of this party, and the general moderation of their language and proceedings, give to their opinion a weight which it would not otherwise possess, and the policy is obvious of carefully abstaining from any course which would have a tendency either to diminish their influence with their constituents, or to drive them into a union with persons of whose sentiments towards this country there is every reason to be jealous.— Such are the views which I entertain upon this subject, and such are the reasons which have induced me to advise His Majesty to accede to the request which has been addressed to him by the House of Assembly. It remains that I should desire that you will take the necessary steps in order to carry this decision into effect. I do not find in the records of this office any account of the manner in which the General Board of Education was constituted, I am also uncertain whether the land set apart for the support of Schools has been formally granted to that body, or is managed by the same Officers as the remainder of the Crown Estate, the income derived from them being paid over to the Board; however this may be you will, with the assistance of the law Officers, take the necessary legal measures for dissolving the Board, and for reinvesting in the Crown the estate of which they have had the charge, to be managed in the same manner and upon the same principles as the rest of the waste lands, except in the circumstance that the proceeds of sales and the rent arising from portions already leased, will be paid into the hands of the Receiver General, to be distributed for the support of Schools in such manner as the Legislature may direct.

It will of course be for the Legislature to decide upon the practical mode of applying these funds to the intended object; but I cannot help thinking that there might be much inconvenience found in leaving the distribution of them to annual votes, and that the establishment of a Commission to be named by the legislature, and to be armed with the necessary authority by the provision of an Act of the Provincial Parliament, would be a far preferable plan. The proceedings of this body of Commissioners might be annually reported by them to the Governor who would annually lay the reports before the two branches of the Legislature. This course of proceeding would be analogous to a very common practice in this country, and would I think, give every security against an improper appropriation of the funds, whilst it would possess the advantage of more unity of design, and conformity of practice than would result from a succession of annual votes. I do not however do more than throw out this as a suggestion, which you may consider and adopt if you think it likely to be useful and palatable to the Legislature. It being determined to place the funds at their disposal, it would be worse than useless to destroy the grace of the concession, by attempting to clog it with objectionable conditions."

p. 219

Howick to Colborne. (Circular.) Transmitting copies of certain words and forms of speech of which the Philological Society of London wish to obtain equivalents in Indian dialects, and requesting that best endeavours be used to obtain this information. (No enclosures.)

Downing St.,  
July 25.

p. 232

Goderich to Colborne. No. 84. Transmitting copy of letter from Ordnance respecting disposal of certain Government lots in Kingston.

Downing St.,  
July 28.

p. 234

Enclosure:—

G. Butler to Hay. (Copy.) Requesting that Lieut. Governor be instructed not to alienate or grant licences of occupation of any lot of land in or contiguous to town of Kingston or the Reserve of Point Henry without the concurrence of Ordnance. Land in possession of Ordnance if not required for H.M.'s service should be disposed of by public auction, and proceeds applied to purchase of land required for Ordnance purposes in Kingston or vicinity.

Office of  
Ordnance,  
July 6.

p. 237

Goderich to Colborne. No. 85. Acknowledging despatch of Feb. 18 with petition, and stating that Government is always ready to promote as far as they are able the interests of a Church so respectable in point of character and numbers as that represented by United Synod of Upper Canada. Lieut. Governor is requested to suggest amount of pecuniary assistance which may be proper to afford to the Presbyterian Church not in communion with the Church of Scotland.

Downing St.,  
July 29.

p. 241

Goderich to Colborne. No. 87. Acknowledging despatch of May 4, and expressing approval of arrangements and expenditure made for service of emigrants.

Downing St.,  
Aug. 2.

p. 243

Goderich to Colborne. No. 91. Transmitting copy of address of House of Commons requiring certain documents relating to Upper and Lower Canada.

Downing St.,  
Aug. 20.

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Aug. 10.

Enclosure:—

Address of House of Commons requiring names of members of Executive and Legislative Councils in 1832, with information respecting their employments, salaries, etc.; a return of titles of bills of public character which had originated in Assembly during any of their ten last sessions and had been rejected by Legislative Council or so altered as to be unacceptable to Assembly; those which had originated in Legislative Council and had been rejected by Assembly; and the bills passed by both Houses and refused H.M.'s sanction.

p. 246

Downing St.,  
Aug. 26.

Goderich to Colborne. No. 92. Transmitting copy of letter from Treasury with a minute respecting expenditure for, and the rates of tolls to be charged on the Rideau and Ottawa Canals, and directing that, in conjunction with Lord Aylmer, measures be taken to give effect to intentions expressed.

p. 249

Enclosures:

Treasury  
Chambers,  
Aug. 25,  
Aug. 17.

(1) Stewart to Howick. (Copy.)

p. 251

(2) Treasury Minute.

p. 253

Downing St.,  
Aug. 27.

Goderich to Colborne. No. 93. Acknowledging despatch No. 36 of July 11 reporting measures taken to deal with outbreak of cholera, and expressing approval; hopes that Legislature will meet expenses incurred.

p. 261

Downing St.,  
Aug. 28.

Goderich to Colborne. No. 88. Acknowledging despatch of May 14, and approving of course adopted in permitting Mr. Hurd to assume office of Surveyor General.

p. 264

Downing St.,  
Aug. 29.

Goderich to Colborne. No. 89. Transmitting copy of address of House of Commons for papers relating to Captain George Phillips, R.E., including proceedings of Assembly respecting the refusal of Colonels Givins and Coffin to give testimony in the case.

p. 265

Enclosure:—

Aug. 7.

Address of House of Commons. (Copy.)

p. 267

Downing St.,  
Aug. 30.

Howick to Colborne. Transmitting document from Count Mandelsloh, with request of certificate of signature of Allan McNab, Notary Public at Hamilton. (No enclosure.)

p. 270

Downing St.,  
Aug. 31.

Goderich to Colborne. No. 90. Transmitting Order in Council of Feb. 6 last confirming Provincial Act (unnamed) which was reserved by Lieut. Governor. (No enclosure.)

p. 272

Downing St.,  
Sept. 20.

Goderich to Colborne. No. 94. Acknowledging despatch No. 22 of April 9 enclosing memorial from the Society for the Relief of the Sick and Destitute of York praying for the disallowance of the Lower Canada Act which imposes a small tax on emigrants arriving at Quebec. The Act was passed at suggestion of Colonial Secretary who pointed out the hardships which emigrants suffer owing to neglect or rapacity of vessel-owners; it is believed that the Act will give Executive Government at Quebec control over the vessel-owners and at same time provide a fund to defray expense of arrangements for reception of large numbers of emigrants at port of debarkation.

p. 274

Howick to Colborne. Transmitting copy of letter from War Office which states regulations do not permit granting of remuneration to Rev. Mr. Rintoul for performing divine service for 79th Regiment, as prayed for in petition contained in Lieut. Governor's despatch of June 6. 1832  
Downing St.,  
Sept. 25. p. 278

Enclosure:—

L. Sullivan to Howick. (Copy.) p. 280  
War Office,  
Sept. 6.

Goderich to Colborne. No. 95. Acknowledging despatch No. 10, and stating that as Assembly does not consider it necessary that chaplain be appointed for them no appointment will be made in event of situation becoming vacant. As regards existing incumbent it is hoped that Assembly will agree to propriety of acting on practice in Great Britain, and allow present chaplain his salary during his life as appointment was a permanent one. Downing St.,  
Sept. 25. p. 281

Goderich to Colborne. (Private.) Leaving to his discretion transmittal of despatch No. 95 to Assembly, as collision with that body on such a question should be avoided. If insisted upon chaplaincy should be abolished and provision for incumbent made when practicable. Downing St.,  
Sept. 25. p. 283

Goderich to Colborne. No. 97. Acknowledging despatch of July 2, and stating that H.M. has received very graciously petition from United Presbyterian Synod praying to be put on equal footing with Church of Scotland. It is to be regretted that ministers of Church of Scotland do not feel authorized to unite with the Synod, but if that cannot be effected some assistance should be afforded to latter. Lieut. Governor is instructed to transmit each year a plan for distribution of funds for religious purposes, bearing in mind desirability of assisting in building chapels and parsonages, which is more advantageous than paying salaries. Downing St.,  
Oct. 25. p. 285

Goderich to Colborne. No. 98. Acknowledging despatch of July 26, and expressing regret that application of James Crook for half-pay as officer of Incorporated Militia cannot be acceded to. Downing St.,  
Oct. 27. p. 289

Goderich to Colborne. No. 99. Acknowledging despatch of Aug. 3, and expressing regret that application for grant of land of Rev. Wm. P. Macdonald, Roman Catholic minister at Kingston and former chaplain, cannot be complied with. Downing St.,  
Oct. 28. p. 290

Goderich to Colborne. Acknowledging despatch of Sept. 21 marked "private and confidential", and expressing satisfaction with report on state of political feeling in the province. The weekly reports called for may be dispensed with, but regular accounts of proceedings of Legislature are desired. Downing St.,  
Oct. 29. p. 292

Howick to Colborne. Transmitting petition from congregation of Presbyterian Church at Amherstburg for assistance in completing church building and stating Colonial Secretary is of opinion that this is proper case for assistance. Downing St.,  
Oct. 30. p. 294

Enclosure:—

Memorial of Minister and Elders of Presbyterian Church in Amherstburg in connection with the Church of Scotland. (Copy.) p. 296

- 1832**  
Downing St.,  
Nov. 1. Goderich to Colborne. No. 100. Transmitting copy of letter from Treasury stating, with reference to Lieut. Governor's despatch of July 25, that it has been decided to grant pension of £15 per annum to Oneida Joseph, a Six Nations chief, but that pensions can be granted only to Indian chiefs in their old age, and under most extraordinary circumstances of merit and indigence. p. 300
- Treasury  
Chambers,  
Oct. 30. Enclosure:—  
Stewart to Howick. (Copy.) p. 302
- Downing St.,  
Nov. 1. Goderich to Colborne. (Copy.) Transmitting warrant authorizing use of new seal prepared for use of the province. (No enclosure.) p. 304
- Downing St.,  
Nov. 6. Goderich to Colborne. No. 101. Having laid before the Treasury Lieut. Governor's despatch of July 19 with its enclosure from D. Thompson, transmits a copy of their letter authorizing purchase of a set of certified maps of survey of line of demarcation between Upper Canada and United States under the Treaty of Ghent. p. 305
- Treasury  
Chambers,  
Nov. 5. Enclosure:—  
Stewart to Howick. (Copy.) Concurring in opinion of Colonial Secretary respecting purchase of maps and authorizing the same. p. 307
- Downing St.,  
Nov. 8. Goderich to Colborne. No. 102. Has been in occasional communication with Mr. William Mackenzie regarding grievances said to exist in Upper Canada, for the redress of which he is the bearer of a number of petitions. Has been anxious to afford Mackenzie ample opportunity of doing justice to his case. Has selected three documents, copies of which are enclosed, which profess to embody the substance of that case. Proposes to follow Mackenzie through those parts of his statements respecting representation in the House of Assembly which seem essential, passing over much that seems irrelevant. His style is singularly ill adapted to bring such intricate and important questions to a definite issue. His views are supported by forty-four petitions signed by 12,075 persons, while thirty-three petitions signed by 26,854 persons express contrary opinions. Must conclude that his constituents form a small minority, but does not dispute their collective or individual respectability, and His Majesty requires that exact and respectful attention be given to the petitions of any class however small, and of any individual however obscure. Shall first advert to the paper entitled "Observations on the state of the Representation of the People of Upper Canada in the Legislature of the Province". Mackenzie's censure of the Election Act passed by the Legislature in 1820 can be considered only in order that the Lieut. Governor may, in case that law be amended, be apprised of the views of His Majesty's Government—for any change must originate not with the Executive but with the popular branch of the local Legislature. Is compelled, by the fact that Mackenzie has ignored it, to present a general outline of the defence of the law of 1820 which is far too important to be disregarded by an impartial enquirer: it was designed to meet the peculiar conditions of a new country. Considers, and argues against, complaints that the law created a "Borough Interest" and that by placing the projected University in the list of constituent bodies it made of it "a nomination Borough under the especial Patronage of Church and State". Directs that no objection be made to any law presented for placing town and county repre-

sentatives on the same footing in respect to "wages". Also that a report be made on the complaint that certain religious bodies are excluded from the franchise, with a view to its removal by an amendment to the Constitutional Act of 1791. Careful attention will be given to any bill designed to amend the present requirement of a property qualification for members of the Assembly. The charge that Government may, by a grant of Crown Lands, qualify a favourite is, in view of the interdiction of the gratuitous disposal of Crown Lands, unfounded. Agrees with Mackenzie's condemnation of the law disfranchising British subjects for seven years after their return from residence in a foreign country, and orders that its repeal be promoted. Cannot give credit to charges, unless substantiated by evidence, that the local Government encourages officials to use the influence of their offices to control elections, and states that His Majesty requires that no such practice be allowed. Denies the existence of any policy to restrict popular education and to consign the children of the yeomanry to ignorance. "His Majesty now directs me to instruct you to forward to the very utmost extent of your lawful authority and influence, every scheme for the extension of Education amongst the Youth of the Province, and especially amongst the poorest and most destitute of their number, which may be suggested from any quarter with a reasonable prospect of promoting that great design." In respect to complaint that information regarding the expenditure of a great part of the funds of the colony is annually refused, declares that "there is no portion of the Royal Revenue, whether the proceeds of Crown Lands or from whatever other source derived, of the employment of which the House of Assembly should not have the most ample and particular information which they may at any time think proper to call for." As to the complaints about a "political Priesthood", is prepared to listen to advice from competent authority regarding the membership of the Bishop and the Archdeacon in the Legislative Council: but their resignations therefrom must be voluntary.

If there is the least foundation for the complaint as to the expense of elections, every practical method should be taken for correcting so great an evil. Government cannot interfere with the action taken by the present House of Assembly on the matter of representation. Will not adopt Mackenzie's predictions of bloodshed and civil war, but is persuaded that the people of Canada will believe that His Majesty and the British Parliament, in common with the whole population of the United Kingdom, cherish towards them profound respect in the matter of their constitutional rights and an earnest desire for their social welfare. The second paper is entitled "An argument intended to shew that it is expedient to dissolve the present Provincial Parliament of Upper Canada and summon a new one". Arguments based on the elections in York and Grenville Counties are not convincing, and it is not manifest that the majority of the people are dissatisfied with the present House. It is impossible to enter into the justice of the large body of charges against that House. With reference to the charge that it has not stipulated for the independence of judges it is observed that His Majesty has already given directions that such an enactment be proposed. Conceives it the duty of the King's Government to defer to the judgment of a body enjoying extensive means of local information. Cannot see that the complaint that the greater number of those who opposed dissolution in the House itself were office-holders is accurate in fact or necessarily wrong in principle. Various other contentions advanced by Mackenzie

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do not invalidate the inference that in acceding to the prayer for a dissolution of the House His Majesty would be acting not in consonance with but in opposition to the judgment of the people. There is no true analogy with conditions either in the United Kingdom or in Lower Canada.

Has examined Mackenzie's first two papers in such detail because of duty to consider any representations regarding important public questions on their intrinsic merits, and to show respect to those who have thus represented their grievances. The only object of His Majesty's Government is the improvement and welfare of the Province; it is highly gratifying to learn that, whilst upon certain questions difference of opinion may prevail, the prosperity of the Province is rapidly advancing in a manner calculated to draw closer the bonds of attachment to the Mother Country. "It is the duty of His Majesty's Gov<sup>t</sup> at home and of His Representative in the Province to keep these great objects steadily in view." Authority is given to make this despatch public. (No enclosures.) p. 308

Downing St.,  
Nov. 22.

Goderich to Colborne. No. 103. Acknowledging despatch of Sept. 5, and stating that Treasury has approved of his proposals for pecuniary aid for Anglican missionaries; and for Presbyterians, Wesleyan Methodists and Roman Catholics for building chapels and churches, the latter, amounting to £3,300, to be defrayed from Territorial Revenue. In addition, instructions are given to donate £700 to Presbyterians not connected with Church of Scotland. The proposal to increase number of missionaries from thirty to forty-five held over for future consideration. p. 542

Downing St.,  
Nov. 24.

Goderich to Colborne. No. 104. Transmitting copy of letter from Ordnance, with accompanying documents, protesting strongly against portion of Military Reserve near Fort George being given to Niagara Harbour and Dock Company under Provincial Act passed on March 16, 1831. Regret expressed that no communication has been received from Lieut. Governor on the subject, as much inconvenience to Government might ensue. p. 472

Enclosures:—

Office of  
Ordnance,  
Nov. 5.

(1) R. Byham to Hay. (Copy.) Protesting against course adopted by Legislature of Upper Canada in giving a portion of the Military Reserve near Fort George to the Niagara Harbour and Dock Company. p. 474

York, U.C.,  
Aug. 16.

(2) Capt. R. H. Bonnycastle to Lt. Col. Rowan. Niagara Harbour and Dock Company does not wish to retain possession of property of Ordnance, and is willing to lease store and wharf at Navy Hall and old guard house from them. Proposes certain amendments to Act of 1831. p. 478

Royal  
Engineers  
Office, Quebec,  
Sept. 4.

(3) Col. G. Nicolls to Rowan. Recommending certain arrangements at Niagara in place of Captain Bonnycastle's plan, which he does not consider satisfactory. p. 480

Royal  
Engineers  
Office, York,  
Nov. 8.

(4) Bonnycastle to Rowan. Reporting on negotiations with the Niagara Harbour and Dock Company, who are willing to meet the suggestions of Colonel Nicholls but intend to petition for other alterations. p. 482

(5) Robert Melville to Bonnycastle. (Copy.) As president, states Niagara Harbour and Dock Company will gladly meet the wishes of Government when possible; suggests a means of compensation for surrender of certain lands. **1832**  
 Niagara,  
 Nov. 5.  
 p. 485

(6) Bonnycastle to Rowan. Transmitting copy of letter of Nov. 5, 1832 from president of the Niagara Harbour and Dock Company, and reporting on proposals therein contained. **1833**  
 Royal  
 Engineers  
 Office, York,  
 Feb. 5.  
 p. 487

Goderich to Colborne. (Circular. Copy). Calling attention to the very convenient manner in which Lieut. Governor of Prince Edward Island has prepared his report on acts passed by the Legislature, and requesting that it may be followed by governors in all colonies having representative Assemblies. **1832**  
 Downing St.,  
 Nov. 28.  
 p. 467

Duplicate of preceding despatch. **1832**  
 Downing St.,  
 Nov. 28.  
 p. 545

Goderich to Colborne. No. 105. Transmitting copy of letter from Ordnance respecting payment of £5,830-15-2 for arms and accoutrements issued for service of Militia. **1832**  
 Downing St.,  
 Dec. 1.  
 p. 490

Enclosures:—

(1) R. Byham to Hay. (Copy.) Transmitting documents respecting issue of arms and accoutrements at Kingston for Militia service, and making inquiry as to payment therefor. Adds a memo. stating three enclosures referred to are lacking as they are with the Lieut. Governor of U.C. **1832**  
 Office of  
 Ordnance,  
 Nov. 26.  
 p. 492

(2) Commissioners of Ordnance to Byham. (Copy.) Enclosing a return of arms and accoutrements issued to Militia of Upper Canada in 1831, with correspondence in this connection. **1832**  
 Office of  
 Ordnance,  
 Kingston,  
 Jan. 24.  
 p. 495

Goderich to Colborne. No. 106. Transmitting copies of correspondence from which it would appear that Lieut. Col. Givins has been allowing an essential part of his duty as Superintendent of Indian Affairs to devolve upon the Commissariat Department; and requiring an explanation as well as report upon Givins' competence. **1832**  
 Downing St.,  
 Dec. 29.  
 p. 497

Enclosures:—

(1) Stewart to Howick. (Copy.) Transmitting extract from a report of the Comptrollers of Army Accounts, and requesting a report on Col. Givins. **1832**  
 Treasury  
 Chambers,  
 Dec. 11.  
 p. 499

(2) Extract from a report of Comptrollers of Army Accounts, 1832, relating to case of Col. Givins and Asst. Commissary General Rendall. **1832**  
 (July 7.)  
 p. 502

Goderich to Colborne. No. 107. Acknowledging despatch No. 46 of Nov. 9, and conveying H.M.'s approbation of Lieut. Governor's speech and the addresses of two Houses on opening of session. H.M.'s solicitude for welfare and prosperity of province expressed. **1832**  
 Downing St.,  
 Dec. 20.  
 p. 518

Howick to Colborne. Transmitting application (forwarded by Mr. MacKenzie) from John Lumsden for free grant of land in consideration of army services, and requesting that Mr. Lumsden be informed that as regulations under which free grants were made to persons who had been in Army or Navy are no longer in force it is out of power of Colonial Secretary to accede to application. **1832**  
 Downing St.,  
 Dec. 31.  
 p. 521

Enclosure:—

Application of John Lumsden, with certificate as to character by W. L. Mackenzie. (Copy.) **1832**  
 York, U. C.,  
 April 10.  
 p. 522

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1833  
Downing St.,  
Jan. 1.

Goderich to Colborne. No. 108 [a]. Announcing that as the two arbitrators in the negotiations between Upper and Lower Canada have been unable to agree on the apportionment to each province of duties collected at Quebec, and have not selected a third arbitrator, H. M. has appointed Ward Chipman, Assistant Judge of New Brunswick, to act in that capacity.

p. 1

Downing St.,  
Jan. 1.

Goderich to Colborne. No. 108 (b).

"With reference to my despatches of the 21<sup>st</sup> November 1831, 5<sup>th</sup> April 1832, and 22<sup>d</sup> November 1832, containing Instructions respecting the disposal of the Casual and Territorial Revenue, I transmit herewith an Estimate of the produce of that Revenue in 1833, and a statement of the mode in which I propose it should be applied. Considering the number of successive alterations which have been made in the appropriation of the Casual and Territorial Revenue it seems to me desirable, in order to prevent confusion, to make to you the present communication. But before I proceed further, I must express my regret that I have found it necessary to state many points conjecturally.

The total want of Accounts of the past Receipts and Expenditure of the Territorial Revenue has been the cause of this great inconvenience. I request, therefore, that upon the receipt of this despatch, you will take immediate Measures for furnishing me with an Account of the Receipts and Expenditure of the Casual and Territorial Revenue up to the 31<sup>st</sup> December 1832, together with a statement of any balance which existed at that time and of the Mode in which it accrued; and further that you will for the future transmit to me similar accounts every half year.

Having thus provided for the receipt of more certain information in future, I shall now explain to you the grounds of the arrangements made for 1833.

You will observe that no charge is placed this year on the Casual and Territorial Revenue on account of the Church of England. Now that the Bishop's Salary is to be provided for by Parliament, the payments which my despatch N<sup>o</sup> 57 of the 21<sup>st</sup> Nov<sup>r</sup> 1831 required you to make are reduced to £4.425. But I learn from your despatch of the 5<sup>th</sup> of Sep<sup>r</sup> last, that the funds properly applicable to the support of the Clergy of the Church of England may be expected to produce £4.600—viz<sup>t</sup> the Rents of Clergy Reserves to produce £3.000, the Interest on Instalments of purchase Money for Clergy Reserves £1.000, the Interest of the Money remitted to England £600. These funds therefore are in themselves adequate to fulfill the object to which they are at present by Law appropriated. If the Legislature should adopt the measures which, in conformity with my several despatches of the 21<sup>st</sup> November 1831, you have proposed to it, and shall thus cause the Clergy Reserves to merge in the general Mass of the Crown lands, it cannot be doubted that those Estates will remain, after the transition, fully as productive as they are now. The augmentation of the Crown property, therefore, will be commensurate with any augmented demand on it in consequence of the termination of the separate existence of the Clergy Reserves; and the fund treated of in the enclosed Statement will not be affected by the change.

For these reasons I have not deemed it necessary to consider that in any contingency which can be foreseen, the fund now consti-

tuting the Casual and Territorial Revenue will be required to bear a charge on account of the Clergy of the Church of England.

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Besides the relief afforded by the removal of the charge on account of the Clergy of the Church of England, I have been induced, with a view to the important object which I shall mention presently, to limit to £2,000 the Grant for the Chapels of Roman Catholics & of Protestant Dissenters. I may observe however that I have made this limitation with reluctance, and as soon as it may be possible to raise once more the amount of the Grant, I think it will be desirable on many weighty considerations to afford the same contribution as before to the erection and repair of chapels. You will take care to explain this to any of the parties interested from whom you may receive enquiries on the subject.

By the means I have above described, and by the increased payment of the Canada Company, there will remain on the Casual and Territorial Revenue, after providing for all charges hitherto borne on it, a surplus of £4,234. As however I am in expectation of a Report from you which may shew it to be expedient that an expenditure of £1,500 should be incurred in the construction of a Timber Slide on the Ottawa, it is proper to consider the available surplus as not exceeding £2,734.

I do not propose to instruct you to make any application of this surplus in the present year.—I had hoped that the Casual and Territorial Revenue might be made available in 1833 towards the payment of the War Claims, and though circumstances have prevented the accomplishment of this object, I am anxious to take every Measure for preparing an effort towards the same end next year. I wish therefore that the Surplus should be reserved for that purpose. Many causes will increase the disposable amount of the Casual and Territorial Revenue in 1834. The augmentation in the payment of the Canada Company will amount to £1000, the termination of the Compensation for fees in the Land Granting Department will afford a relief amounting to £2566. Besides this there must be expected a decrease in the charge for pensions and retired allowances, while the Revenue itself can scarcely fail to grow larger with the growing population and prosperity of the Colony. I trust therefore that it will be possible in 1834 to Commence an annual payment which may be increased from year to year, until, assisted by the proceeds of the duties which the Legislature has always heretofore devoted to the same purpose, it shall have satisfied the whole of the claims for losses in the War with the United States.

It is not my object in the present despatch to enter more fully into my views on the subject of the War claims. I have merely thought it right to furnish you with the preceding explanation in order that you may be aware of the intent with which so large a surplus is proposed to be reserved on the Casual and Territorial Revenue. I trust there is no prospect that such a reservation will excite any jealousy in the Assembly. But should it do so you will be enabled by the Statement I have now made, to point out, in such a manner as may seem to you most advisable, the true reason of the Course pursued on the present occasion." p. 4

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Enclosure:—

" 27<sup>th</sup> December 1832.

## Casual and Territorial Revenue

## Estimated Receipts for 1833.

Payment by the Canada Company.....	£18,000
Lands and Timber.....	5,900
Fees.....	1,500
Incidental.....	1,000
	<hr/>
	£25,500
Deduct charges of Collection.....	2,000
	<hr/>
	£23,500

## Proposed Expenditure for 1833.

Governor.....	£1,500	
Surveyor General.....	300	
Retired Judges.....	2,700	
Pensions.....	1,700	
Compensation for Fees.....	2,566	
Emigration.....	5,000	
College.....	1,000	
Roman Catholic Clergy.....	1,500	
Presbyterian Clergy.....	1,000	
Building of Chapels for.....		
Protestant Dissenters and.....		
Roman Catholics*.....	2,000	£19,266
		<hr/>
Surplus after defraying charges for.....		
Services charged to this fund in 1832.....		£4,234
Inclined plane on the Ottawa for Timber. (If the expenditure be authorized on receiving report required from the Governor 4 July 1832.).....		£1,500
Surplus after defraying all charges.....		<hr/>
		£2,734

\*N.B.—£4,000 was allowed for this charge in 1832. The £2,000 allowed in the present year [torn] distributed in the same proportions among the different Sects.<sup>9</sup>

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Goderich to Colborne. No. 109.

Downing St.,  
Jan. 1.

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

I am satisfied that, viewing the lands as a great financial resource, the Sale of them at a high price is no less expedient, than in reference to that other object of keeping the inhabitants of the Colony within limits and of preventing a forced determination of the people to the single class of Land-Owners. When I speak thus of the Financial effects of the Sale of Land, I do not merely mean that the Sale must be more productive than the granting of it with a reservation of rents, which have never yet in any place or at any time been successfully collected. This proposition would be self-evident. But I mean that the Sale of land at a price fixed somewhat high is more judicious, even as regards the pecuniary proceeds of the property, than the Sale of it at such a price as shall render it obtainable by almost every seeker.—First,—there is the obvious consideration that at the higher price the Sale of a reduced quantity of Land may produce a Revenue

equal to the larger quantities sold at the low price. This is one important consideration, although I would not have it supposed that the price ought to be calculated expressly with this view of compensating by its increase the diminished extent of the Sales. Another point to be borne in mind,—and this is the one which, as regards the present part of the subject, I consider all-important, is the necessity of *husbanding* the Land. When it is remembered how rapidly the value of Land in Canada has increased, and must continue to increase, it would be the height of improvidence to squander the possessions of the Crown with profusion for the sake of the price they will immediately fetch in the market. Moreover, the property of the Crown, notwithstanding the vastness of the Tracts over which it nominally extends, is not inexhaustible. Considering the multitudes of Emigrants who have poured into Upper Canada during the last two or three years, it is much more possible, than at a superficial glance might appear credible, that the amount of lands at the disposal of Government in situations where purchasers would buy them may be curtailed to an inconvenient degree. Then would come Sales by private Owners, willing to sell their well-situated lands on terms which would drive the distant lands of Government out of the Market; until at last the financial resource now afforded by the wide and valuable possessions of the Crown would be found to have dwindled into insignificance, or to have for a period utterly vanished.

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

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ence to the price in the other, you will communicate on the subject with Lord Aylmer to whom I shall send a copy of the present Dispatch.

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

In my Circular Dispatch of the 7<sup>th</sup> of March 1831, I announced the new system which I desired to be adopted in the disposal of the Crown lands. In my subsequent Despatch, N<sup>o</sup> 55, of the 21<sup>st</sup> November 1831, I set forth very largely the reasons on which the new System was founded. My Dispatches of the 31<sup>st</sup> October 1831 and the 1<sup>st</sup> February 1832 pointed out the mode in which I thought that indigent Emigrants might be provided for consistently with the new Regulations respecting Land. From the tenor of all these communications, I trusted that you would gather my intention that Indigent Emigrants should never, except as a measure of the last necessity, be settled on lands allowed them on more favorable terms than to any other class. When therefore I approved the Settlement of poor Emigrants reported in some of your Despatches of last year, and adverted to in your Dispatch No 24, of the 4<sup>th</sup> of May last, I proceeded on the supposition that the parties could not possibly have been provided for in any other way. I by no means proceeded on an assent to the doctrine, suggested in your Dispatch of the 4<sup>th</sup> May, that as every industrious Emigrant can in two years become an Owner of Land, it is better for the Province that he should commence immediately on his own property. It is precisely by the prevention of this event that I think the rigid Establishment of a high minimum price will be beneficial. I know not how to propound in plainer terms, than I have already done in my Dispatch No 55, of the 21<sup>st</sup> November 1831, the necessity that there should be in every Society a class of Labourers as well as a class of Capitalists or Land-Owners. The high rate of wages and the scarcity of labour, is the complaint of every growing Society. To force that condition artificially, by tempting into the class of Landowners those who would naturally remain labourers, appears to me a course opposed to the clearest interest of the Colony. It is injurious to the individuals themselves, who would eventually profit more by passing through two years of labour and then enjoying the services of others doing the same, than they can profit by the immediate acquisition of Land with no Capital and supply of labour. I object, therefore, to favouring indigent Settlers, either in the price of their land or in the period of credit allowed to them. I object to it as regards the Revenue, both because it directly depreciates the value of land, and because it operates indirectly to the same end by diminishing the number of competitors for land on the usual terms. I object to it as it affects the welfare of the Colony, because, as I have stated, to the good of every Society a supply of labour and a division of employment must be indispensable. For these reasons I have to desire that in future no one class of Emigrants may be allowed to acquire lands on more favorable terms than another, but that all shall be required alike to make their purchases at Sales where the lands shall be put up at a minimum price;

and that those Emigrants who may not be able to pay the price, shall be left to work for themselves at wages until they can earn the means of buying in accordance with established regulations. The only event in which I could sanction an exception in favor of indigent Emigrants, would be the case of there being no other possible means of providing for their subsistence than by their Settlement on land." p. 18

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Goderich to Colborne. (Private.)

"In my dispatch N° 108 of this days date I have adverted to the claims of the Sufferers in the late War with the United States, so far as was necessary to explain the surplus reserved this year on the Casual and Territorial Revenue. My object in the present communication is to direct your attention more especially to the claims themselves—

Downing St.,  
Jan. 1.

I attach great importance to this subject, and it always has been a cause of regret to me that no progress could be made towards the satisfaction of demands so long since admitted. From this Country as you are aware it has not been deemed possible to grant any further aid than the sum of £57,412 already contributed towards the discharge of the claims. On the other hand the Provincial Legislature has made several efforts, but without success, to raise a like sum on the part of the Province. Under these circumstances the natural resource was to look to the Territorial Revenue; but I need scarcely observe to you that hitherto there has not even been a prospect that this fund could be made available towards so large an object as the payment of the War Claims. I now think that there is such a prospect, and I shall proceed to explain to you somewhat more particularly than in my public dispatch of today the grounds on which I entertain this opinion.

Until the last Session of the Provincial Legislature the amount remaining to be paid in order to complete the indemnification of the Sufferers by the War appears to have been £118,417. During the last Session an Act was passed on the 28: Jan: 1832 providing that all funds in the hands of the Receiver General accruing from duties on Salt and Whisky and all funds in the hands of the Commissioners for Forfeited Estates, should be immediately applied towards the payment of the War Losses. In the absence of any Report from you on the subject of this Act I must estimate the effect of it from the general information within my reach. It has been computed then on grounds which it is not necessary to recapitulate here, that on the 28: Jan: 1832 there will have been in the hands of the Receiver General an accumulation of duties on Salt to the amount of £7000, and that there will have existed at the same time a balance of proceeds of Forfeited Estates amounting to £3000 making the total sum applicable to the payment of War Losses £10,000— Thus it is calculated the amount of the War Claims will have been reduced from £118,417 to £108,417. You will have the goodness to furnish me with the means of correcting the preceding statement, which, in the want of a specific report, has been compiled from various documents written at different dates and with different objects—

Having thus stated the estimated amount of the War Claims I will now state the means which appear to be applicable to the liquidation of them. The surplus reserved on the casual and Territorial Revenue of this year is £2734 and supposing that a similar surplus can be set apart next year the two sums will amount to £5468—

1833 Besides this, the augmented payment of the Canada Company and the termination of compensation for Fees will increase the disposable amount of the fund by £3566. Thus the total sum which the Casual and Territorial Revenue will be able to afford in 1834 towards the discharge of the War claims, may be taken to be £9034. But there is another fund applicable to the same purpose: The Legislature has throughout the proceedings on this subject evinced its attention (*sic*) to continue the practice which hitherto it has observed, of appropriating the duties on Salt and Whiskey exclusively to the payment of the War claims. The net proceeds of these duties were stated in a letter from the Receiver General to the Secretary of the Treasury dated 20. March 1830 to have been £2000, in the year 1829 and to be likely rapidly to encrease, the £9000 proceeding from the Territorial Revenue will thus be encreased by the produce of duties on Salt to at least £11,000, but the total amount of the War claims is £108,417. Viewing therefore the resources which I have enumerated I cannot help anticipating that a payment of at least 10 per Cent on the War Claims may be made next year, and possibly if the very low estimate I have taken of the Revenue fall considerably within its real amount a payment of 12 per Cent.: I do not see any hope of making a payment this year. Should you however perceive the means of making an immediate payment of not less than 5 per Cent you will without delay report to me on the subject.

I have only further to observe upon this mode of discharging the War Claims that I should consider the first payment as proposed in this dispatch to be only the commencement of a process which might be encreased in efficacy from year to year, with the encrease of the Revenue until it should have satisfied the whole amount of the Claims.

Such are my views on the means of paying the claims from the yearly proceeds of the Territorial Revenue and of the duties on Salt and Whiskey. There is one other proposal on which I am desirous of receiving your opinion. It has been suggested among the various plans for settling the claims that a sufficient sum for the purpose might be raised by anticipating the land Revenue.

Mr McKenzie brought forward with this view a scheme which could not have been adopted without disappointing the parties whom it was designed to pay, and at the same time perniciously disturbing the whole Currency of the Colony. But whether a Loan could be raised on the security of the Land Revenue which gradually paid off as that Revenue should grow larger may perhaps be a question deserving some consideration. From the difficulty which the Legislature of Upper Canada has more than once experienced in raising a loan on the security of the Provincial Revenue I apprehend it is not likely that a loan would be obtained by Gov<sup>t</sup> on the single Security of the Land Revenue of Upper Canada. Nevertheless I have thought it proper to advert to the subject that you may be aware of all the plans which have been contemplated with reference to the liquidation of the War Claims. I have only to request in conclusion that you will acquaint me with your opinion on all the matters which I have brought under your consideration by this letter and that you will not omit to supply me with more precise data respecting the amount of the claims, the extent to which they have lately been reduced, and the productiveness of the Funds applicable to their further reduction than those conjectural statements on which I have been compelled to found my present communication—”

Howick to Colborne. Requesting that messenger who is conveying Colonial Secretary's despatches from New York to York may be paid for his services. **1833**  
Downing St.,  
Jan. 19.  
p. 46

Goderich to Colborne. No. 110. Inviting attention to a paper submitted by W. L. Mackenzie styled "Observations intended to shew that it is inexpedient to continue His Excellency Sir John Colborne in the Government of the Province of Upper Canada", and stating, as would be inferred from the long silence, that His Majesty found no ground in the "observations" to withdraw his confidence in the Lieut. Governor's ability and zealous desire to administer the trust confided to him in the manner most conducive to the public welfare. Notice is taken of the profuseness of Mr. Mackenzie's accusations against public servants. A copy of Mr. Mackenzie's paper on the claims of the sufferers in the late war is not sent as on this the Colonial Secretary has already expressed his views. **Downing St.,  
Feb. 6.**  
p. 47

Goderich to Colborne. No. 111. Acknowledging despatch No. 51 of Nov. 29, and enclosing copy of letter addressed by him to Bishop of Quebec stating his inability on pecuniary grounds to comply with recommendation for appointment of Dr. Mountain as suffragan bishop of Lower Canada. **Downing St.,  
Feb. 25.**  
p. 52

Enclosure:—  
Goderich to Bishop of Quebec. (Copy.) **Downing St.,  
Feb. 28.**  
p. 53

Goderich to Colborne. No. 112. Transmitting copies of a memorial from Charles Whitlaw and reply of Colonial Office, and asking for further information. **Downing St.,  
Feb. 26.**  
p. 57

Enclosures:—  
(1) Petition of Chas. Whitlaw. (Copy.) Requesting renewal of grant of land made in 1815 for purpose of forming agricultural and horticultural establishment. **14 Emsbury  
Place.**  
p. 59

(2) Howick to Whitlaw. (Copy.) Colonial Secretary, considering misfortune by which Whitlaw was prevented from performing conditions of settlement and the circumstances under which grant was originally allowed, is inclined to confirm the grant but cannot do so until report is received from Lieut. Governor. **Downing St.,  
Feb. 25.**  
p. 68

Howick to Mackenzie. (Extract.) Replying to letters of Jan. 5, 9 and 18 respecting number of signatures on his petitions. The first count made in Colonial Office gave a number considerably less than 20,000. On a recount it was found error had been made and that Mackenzie's figure was correct. On the question of verifying signatures on petitions presented through Lieut. Governor states this cannot be allowed unless petitions submitted by Mackenzie are subjected to similar scrutiny. The signatures on Mackenzie's petition were less in number than the others. But in any case the number of signers was not the determining factor. It was upon its own merits that the whole case had been weighed. **Downing St.,  
Jan. 19.**  
p. 71

Goderich to Colborne. No. 113. Transmitting representation from Mackenzie respecting appointment of grand and petit jurors. The subject is one to be dealt with by the local Legislature, and as the Assembly and a committee of the Legislative Council have declared the actual system of appointments to be unsatisfactory it is plain that **Downing St.,  
Feb. 27.**

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amendment is required. If a bill meeting views of both Houses could be devised it would be gratifying. Committee of Assembly reported that there was no proof of any evil resulting from the system, but it was desirable that it should be such as not to admit of possibility of harm. The jury laws of England have undergone changes since the time when they furnished the model for Upper Canada law, and it would be well for the local Legislature to inquire into the changes. Mackenzie has censured the Legislative Council for its conduct in relation to bills. Colonial Secretary would not call in question motives of the independent branch of Legislature, but he is in hopes that the enlarging of that body would have the effect of bringing it more in touch with a reasonable public opinion. If, as Mackenzie appeared to suppose, a knowledge of the sentiments of Lieut. Governor would influence the Legislature, Colonial Secretary would be gratified to know that it had been exercised with satisfactory result. p. 79

Downing St.,  
March 1.

Goderich to Colborne. No. 114. Acknowledging despatch No. 4 of Jan. 16, and expressing satisfaction that additional £1,000 was anticipated from rents of Clergy Reserves and with proposed mode of disposing of rents. p. 88

Downing St.,  
March 2.

Goderich to Colborne. No. 115. Acknowledging despatch No. 3 of Jan. 14, and, while expressing satisfaction with return of Casual and Territorial Revenue, hopes more comprehensive statement required by despatch No. 103 will soon reach Colonial Office. p. 89

Downing St.,  
March 3.

Howick to Colborne. Requesting the return, with observations, of Thos. Appleton's petition, transmitted on June 27 last. p. 90

Downing St.,  
March 6.

Goderich to Colborne. No. 116. Requesting to be furnished with any later information than that in despatch No. 5 of Jan. 17 relative to the discussions in Assembly on rates of postage. p. 92

Downing St.,  
March 6.

Goderich to Colborne. No. 118. Stating he had observed from proceedings of Assembly that the Attorney and Solicitor Generals had taken a part directly opposite to avowed policy of Government, and that, while he could not object to their following the course dictated to them by their duty to their constituents, they could not continue to hold confidential situations if such duty obliged them to oppose important measures of Government. In order, therefore, that Boulton and Hagerman may be at full liberty as members of the Legislature to follow the dictates of their own judgment they are to be relieved from the duties imposed upon them by their respective offices. p. 93

Downing St.,  
March 6.

Goderich to Colborne. (Confidential.) Acknowledges despatch of Jan. 24. Reminds Lieut. Governor of previous correspondence in which inadvisability of proceedings of Assembly against Mackenzie was stressed. Attorney and Solicitor Generals have acted in defiance of wishes of H.M.'s Government in this respect, and must be dismissed. Two gentlemen from the English bar will be recommended for the vacant positions. Will overlook conduct of other officials who have opposed Government measures, but every member of either House holding office at pleasure of the Crown is to be informed that in cases where a conflict exists between the Legislature and the policy of the Executive such persons must choose between their seats in the Legislative Council or Assembly and their official situations. Encloses a copy of his last despatch to Aylmer on the same subject; it was com-

municated to Mr. Viger and therefore will soon be public. Also encloses a public despatch to Lieut. Governor in which his reasons for the dismissal of the Attorney and Solicitor Generals are stated. Regrets that Lieut. Governor has not given more information with regard to Mackenzie. Discusses advisability of dissolving present Assembly, and requests to be informed if popular opinion is on the side of Mackenzie. P.S. If Attorney and Solicitor Generals are members of Executive Council they must be dismissed from that body. (No enclosures.) p. 96

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Goderich to Colborne. No. 119. Draws attention to the insufficiency of information on a variety of subjects supplied to Colonial Office, citing the various instructions which had been given for remedying this inconvenience. The presence of Mackenzie in London makes such information peculiarly desirable. p. 115

Downing St.,  
March 6.

The following seven documents obviously belong to the Lower Canada series of papers. The endorsement shows that they were enclosures to a private despatch from Goderich to Aylmer dated March 12, 1833:—

(1) Hon. Denis Benjamin Viger to Goderich. (Copy.) Respect- Lodgate Hill,  
ing expulsion of Robert Christie from L. C. Assembly. (In French.) Feb. 25.  
p. 122

(2) Howick to Viger. (Copy.) Reply to foregoing, discussing Downing St.,  
question of Christie's expulsion. p. 125  
March 2.

(3) Viger to Goderich. (Copy.) Requesting interview on sub- [March 9.]  
ject of Christie's expulsion. (In French.) p. 130

(4) Howick to Viger. (Copy.) Goderich declines the inter- Downing St.,  
view. p. 134  
March 12.

(5) Hart Logan to Goderich. [Copy.] Transmits memorial from 5 Freemans  
merchants engaged in the Canadian trade relative to case of James Court,  
Stuart, suspended Attorney General of Lower Canada. London,  
p. 136 Feb. 21.

(6) Memorial of the merchants (twenty-four signatures). [Copy].  
Praying for re-instatement of Mr. Stuart. p. 137

(7) Howick to Logan. (Copy.) Reply to foregoing. Refutes Downing St.,  
charge that Mr. Stuart was not given a proper hearing in his own March 2.  
defence, and that he was not judged on the specific charges brought  
against him by the Assembly. Expresses the strong regret of Colonial  
Secretary that he was compelled to confirm the suspension. p. 148

Goderich to Colborne. No. 122. Transmitting copy of despatch Downing St.,  
addressed to Aylmer for presentation to the Legislature, in order that March 23.  
if an act should be sent up to it from Lower Canada for repeal of  
duty on molasses the Legislature may be aware of the reasons for  
the measure. p. 167

Enclosure:—

Goderich to Aylmer. No. 103 [183]. (*Calendared in Report of Downing St.,  
the Public Archives for 1930, p. 289.*) March 23.

Goderich to Colborne. No. 121. Notice of appointment of Mr. Downing St.,  
[Robert Sympton] Jameson as Attorney General for Upper Canada. March 26.  
It is desirable that the new Solicitor General should possess local  
experience in public affairs, and Lieut. Governor is requested to make  
a nomination. p. 174

- 1833**  
Downing St.,  
March 26.
- Goderich to Colborne. (Confidential.) Explaining at greater length instruction given for appointment of a Solicitor General. John Rolph has been recommended as a suitable nominee, and if Lieut. Governor sees fit to nominate him the appointment would be confirmed. But Lieut. Governor's discretion is not limited, the only restriction being that nominee should not be connected by "ties of political party or of relationship" with either the late Attorney General or Solicitor General. p. 177
- Downing St.,  
March 28.
- Goderich to Colborne. No. 124. Transmitting copies of letter from New England Company and reply, and requesting report on land said to have been assigned to the Company at Mud Lake. (A note on this despatch indicates that the matter was referred to Mr. Beikie as to the O.-in-C. for the grant to the Company at the Rice Lakes, and to the Surveyor General as to any licence of occupation to the Indians at Mud Lake.) p. 182
- Enclosures:—
- Great St.  
Helen's,  
Feb. 15.
- (1) Jas. Gibson to Goderich. (Copy.) Enclosing copy of letter addressed to Mr. Hay to which no reply had been received. p. 185
- 1832**  
July 28.
- (2) Gibson to Hay. (Copy.) Expressing solicitude felt by the New England Company for confirmation of grant of 1,120 acres at Rice Lake assigned by Sir Peregrine Maitland to the Company in 1828, and of grant of 1,600 acres at Mud Lake assigned in 1830, both being for the benefit of the Indians. p. 187
- 1833**  
Downing St.,  
March 22.
- (3) Howick to Gibson. (Copy.) With respect to land at Rice Lake instructions had been sent for this grant, May 29 [20?], 1829. No information available respecting land at Mud Lake, but report will be required of Lieut. Governor, and favourable consideration be given to the Company. p. 192
- Downing St.,  
March 30.
- Goderich to Colborne. (Circular.) Stating that packet *Calypso* which sailed from Halifax on Jan. 10 was probably lost, and requesting that inquiry be made as to whether duplicates of despatches mailed by that packet had been forwarded. If not, they should be sent without delay. List of despatches received from Lieut. Governor since beginning of year is enclosed. p. 195
- Enclosure:—
- Schedule of despatches addressed to Secretary of State by Sir John Colborne which were received during year 1833. p. 197
- Downing St.,  
April 3.
- E. G. Stanley to Colborne. Giving notice of his succession to position of Colonial Secretary. p. 198
- Downing St.,  
April 24.
- Stanley to Colborne. No. 1. Acknowledging despatch of Feb. 28, and instructing that Mr. Soper be informed that charges he brought against Mr. Browne were being investigated. p. 199
- Downing St.,  
May 21.
- Stanley to Colborne. No. 2. Stating that House of Commons required (1) return of sales of all lands in Upper Canada from Dec. 31, 1823 to Jan. 1, 1833, with complete details; (2) return of all grants of land without purchase in same period, with details. p. 201
- Downing St.,  
May 22.
- Stanley to Colborne. No. 3. Transmitting, with reference to Lieut. Governor's despatch No. 6 of Jan. 23, correspondence with Ordnance Department respecting sale of part of Military Reserve westward of York, and authorizing the sale, subject to conditions recommended by Ordnance. p. 203

## Enclosure:—

Howick to R. Byham. (Copy.) Submitting for report despatch of Lieut. Governor concerning the sale of part of Military Reserve westward of York which he deems unnecessary to the defense of York. Information on the proposed barracks on the western battery at York is also desired. p. 204

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Downing St.,  
March 23.

Stanley to Colborne. No. 4. Acknowledging despatch No. 25 of April 15 with address from inhabitants of Port Hope. p. 209

Downing St.,  
May 23.

Stanley to Colborne. No. 5. Acknowledging despatch No. 21 of March 30 with memorial, and stating that he is not at liberty to make exception to regulations by authorizing grant of land in favour of Mr. Cottermole. p. 210

Downing St.,  
May 24.

Stanley to Colborne. No. 6. Stating that he had received recommendation from Roman Catholic Bishop of Upper Canada that the Rev. R. Gaulin be appointed Coadjutor Bishop, but that he cannot authorize appointment without recommendation of Lieut. Governor. Report required. p. 212

Downing St.,  
May 25.

Stanley to Colborne. No. 7. Stating that two Provincial Acts passed in Dec. 1831 and Jan. 1832—(1) for altering and amending charter of Bank of Upper Canada; (2) to incorporate certain persons under title of President, Directors, and Company of the Commercial Bank of the Midland District— will be disallowed for reasons set forth in enclosed letter from Committee of Privy Council for Trade and Plantations. p. 214

Downing St.,  
May 30.Office of  
Privy Council,  
for Trade,  
May 9.

## Enclosures:—

(1) Thomas Lack to Hay. (Copy.) Encloses a Minute of the Privy Council. p. 217

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Council  
Chambers,  
Whitehall,  
July 16.

(2) Minute of the Privy Council. (Copy.) p. 229

Hay to Colborne. Acknowledging despatch of April 19, and stating that no further steps will be taken regarding complaints of Soper against Browne. p. 253

1833  
Downing St.,  
May 31.

Stanley to Colborne. No. 8. Stating that Treasury, to whom was referred application of Receiver General Dunn for increase of salary, are of opinion that an increase is unnecessary. p. 255

Downing St.,  
May 31.

## Enclosures:—

(1) Stewart to Hay. (Copy.) Increase in salary of Mr. Dunn not considered necessary. Enclosing report from Commissioners of Audit relative to his claim for remuneration for services and losses in distributing large sum of money to persons who sustained war losses. Mr. Dunn is not entitled to any special pay for this service. p. 257

Treasury  
Chambers,  
May 27.

(2) Report to Treasury on claim of Mr. Dunn. (Copy.) p. 260

Audit Office,  
April 1.

(3) Statement of the emoluments received by Mr. Dunn, referred to in the report. (Copy.) p. 265

Stanley to Colborne. No. 9. Transmitting copy of address from House of Commons for certain returns relating to Post Office in Upper Canada. p. 266

Downing St.,  
May 31.

## Enclosure:—

Address of House of Commons. (Copy.) p. 267

Feb. 6.

- 1833**  
Downing St.,  
May 31. Stanley to Colborne. No. 10. Transmitting copy of address from House of Commons for returns relative to the several religious denominations in province. p. 273
- Feb. 6. Enclosure:—  
Address of House of Commons. (Copy.) p. 274
- Downing St.,  
May 31. Stanley to Colborne. No. 11. Transmitting copy of address from House of Commons for returns of receipts from Canada Company and their appropriation. p. 276
- May 22. Enclosure:—  
Address of House of Commons. (Copy.) p. 277
- Downing St.,  
June 4. Stanley to Colborne. No. 12. Acknowledging despatch of April 16 on subject of sale of Crown Lands and distribution of emigrants. Further instructions will be sent as seems necessary. On the part of the despatch relating to injurious effects of making free grants to discharged soldiers and sailors and commuted pensioners, Colonial Secretary expresses entire concurrence. Lieut. Governor had already been informed that it was not intended to give military pensioners means of commuting pensions to enable them to emigrate. Pensioners emigrating at own expense should be regarded as paupers and classed as labourers. Instructions given to make no more free grants to discharged soldiers and sailors, with exception in favour of those employed in construction of canals and Government works, and of soldiers discharged from regiments which have served in province. Their experience would give them insight into life in colony. But grants of this description should not be made to any large extent to persons wanting means to cultivate land. p. 278
- Downing St.,  
June 25. Stanley to Colborne. No. 13. Acknowledging despatch of March 23, and expressing regret that H. M. could not be advised to accede to prayer of Assembly respecting duties on cotton and tobacco grown in United States and imported into Great Britain from ports of Montreal and Quebec. Cotton is a raw material of great importance to manufacturers and fit for exemption from all duty. One half of duty had been repealed by act of previous session and no artificial interest should offer obstacle to total remission of duty, when it could be expediently made. Duty on tobacco is for revenue purposes only and no other consideration will be allowed to obscure this fact. p. 284
- Downing St.,  
June 26. Stanley to Colborne. No. 14. Acknowledging despatch No. 33 of March 17, and expressing regret that additional assistance for preparing Blue Book could not be sanctioned. p. 287
- Downing St.,  
June 27. Hay to Colborne. Transmitting copies of two letters from H. Wilson relative to protecting and providing for destitute boys in Metropolis by training them to agricultural pursuits and sending them to colonies. Twenty boys will be sent to Upper Canada during following month, and Lieut. Governor is authorized to spend up to £50 on project. Report desired on prospects of success of plan. p. 288
- West Ham  
Abbey, Essex,  
May 30. Enclosures:—  
(1) Henry Wilson to Stanley. (Copy.) Regarding sending of twenty boys to Upper Canada. p. 290
- West Ham  
Abbey, Essex,  
June 14. (2) Wilson to Stanley. (Copy.) Further on same subject. p. 294

Stanley to Colborne. No. 15. Transmitting, in connection with despatch of June 28, 1832, copy of letter from Treasury relative to neglect of Peter Robinson to furnish attested account with vouchers of his expenditure as Superintendent of Emigration from South of Ireland during years 1823 and 1825, and requesting report from Lieut. Governor as to how matter stands. **1833**  
Downing St.,  
June 28.  
p. 297

## Enclosures:—

- (1) Stewart to Hay. (Copy.) Transmitting report from Commissioners of Audit. Treasury Chambers,  
June 24.  
p. 299
- (2) Report to Treasury on case of Peter Robinson. (Copy.) Further information required from Lieut. Governor before legal measures should be resorted to. Audit Office,  
June 13.  
p. 301

Hay to Colborne. Transmitting copy of letter from Ordnance commenting unfavourably on Act of Provincial Legislature authorizing erection of pier adjoining the fort at York, and requesting that attention be given to those observations. Downing St.,  
June 28.  
p. 305

## Enclosure:—

- Extract of a letter from R. Byham to J. S. Lefevre. (Copy.) Office of Ordnance,  
May 20.  
p. 307

Stanley to Colborne. No. 16. Transmitting copy of letter from Ordnance respecting grant to Niagara Harbour and Dock Company which formed subject of Lieut. Governor's despatch of March 4; and requesting that arrangements proposed be carried into effect. Downing St.,  
June 29.  
p. 311

## Enclosure:—

- Byham to [Hay]. (Copy.) Approving arrangements suggested in enclosure to letter of May 24. Downing St.,  
June 10.  
p. 313

Hay to Colborne. Stating with reference to Lieut. Governor's despatch of March 26 that assistance cannot be granted to those pensioners in Newcastle District whose pensions have been computed. Downing St.,  
June 29.  
p. 316

Stanley to Colborne. No. 17. Acknowledging despatch No. 54 of Dec. 4, and stating that, having regard to very important grounds for existing arrangements for distribution of land, applications in consideration of military services cannot be acceded to. Downing St.,  
July 1.  
p. 317

Stanley to Colborne. No. 18. Transmitting copy of letter from Treasury on subject of debt due by Mr. Stanton, King's Printer, and requesting report. Downing St.,  
July 2.  
p. 320

## Enclosures:—

- (1) Stewart to Hay. (Copy.) Transmitting extract from report of Commissioners of Audit. Treasury Chambers,  
June 29.  
p. 322
- (2) Extract from report respecting Mr. Stanton. (Copy.) Suggesting advisability of some arrangement being made for payment of the loan by stoppages from such sums as may become due to him from the Government rather than by resorting to legal action. Audit Office,  
May 24.  
p. 324
- (3) Account of Receiver General Dunn on Mr. Stanton's indebtedness. April 2.  
p. 327

- 1833**  
Downing St.,  
July 29. Hay to Colborne. Acknowledging despatch of May 9 on question of discontinuance of Mr. Appleton's allowance for school at York, and requesting that he be informed that Colonial Secretary can see no ground for interference. p. 328
- Downing St.,  
Aug. 1. Stanley to Colborne. No. 20. Announcing that supply of stationery for Civil Offices is in future to be at expense of the province. p. 331
- Downing St.,  
Aug. 2. Stanley to Colborne. No. 21. Acknowledging despatch No. 15 of March 21 with enclosed address of the Legislature, and stating that, as Act of Lower Canada Legislature imposing tax on emigrants arriving at L.C. ports will expire on May 1, he will abstain from offering an opinion on the U.C. address. p. 333
- Downing St.,  
Aug. 21. Stanley to Colborne. No. 22. Transmitting copy of further letter from Treasury respecting debt due by Mr. Stanton. p. 336
- Enclosures:—  
Treasury  
Chambers,  
July 30. (1) Spring Rice to Hay. (Copy.) Transmitting Audit Office report and memorial of Robert Stanton. (Memorial not enclosed.) p. 339
- Audit Office,  
July 12.  
Downing St.,  
Aug. 22. (2) Report to Treasury. (Copy.) p. 341
- Stanley to Colborne. No. 23. Transmitting letter from Ordnance in connection with Colonial Secretary's despatch No. 84 of July 28, 1832, and requesting completion of arrangements for acquisition of lands required by Ordnance in vicinity of Kingston. p. 344
- Office of  
Ordnance,  
Aug. 12. Enclosure:—  
Butler to Hay. (Copy.) p. 347
- Downing St.,  
Aug. 23. Stanley to Colborne. No. 24. Transmitting copy of letter from Ordnance stating that in consideration of Lieut. Governor's despatch No. 28 of April 24 relating circumstances under which arms and accoutrements were distributed to Provincial Militia, their claim for compensation will be withdrawn. p. 350
- Office of  
Ordnance,  
Aug. 9. Enclosure:—  
Byham to Hay. (Copy.) p. 353
- Downing St.,  
Aug. 25. Stanley to Colborne. No. 25. Transmitting copy of letter from Treasury on copper coinage, which matter had been the subject of Lieut. Governor's despatch No. 55 of Dec. 10. p. 355
- Enclosure:—  
Stewart to Hay. (Copy.)  
"Having laid before the Lords Commissioners of His Majesty's Treasury your letter of the 6<sup>th</sup> Ulto transmitting the copy of a Despatch from the Lieut Governor of Upper Canada with copy of a communication from the President of the Bank of that Province relative to the Copper Coin lately sent out for Circulation in the Colony, I have it in command to request that you will acquaint M<sup>r</sup> Secretary Stanley, that the Officer in charge of the Commissariat in the Canadian Provinces having forwarded to this Board a Copy of the communication addressed to Colonel Rowan by the President of the Bank of Upper Canada, on the 19<sup>th</sup> July 1832. Their Lordships had already authorised the issue of such portion of the Copper Coin as had reached the Colony, at the rate of 60 per Dollar of 5s Cur-

rency and They have received advice of the transfer of £1605— at this rate to the Provincial Banks. My Lords entertained strong objections to this rate of Issue, which holds out the inducement of a Profit of £20 to £25— per Cent for the return of the Coin to this country; but as it was alleged that it would not be put into circulation at its ordinary value, with reference to the Silver Coin of this Country, or to the Dollar at the Army rate, and as the only alternative that offered, was the reshipment of the Coin for England, They deemed it advisable to grant the authority with respect to such Copper Money as the Commissary had received. Under these circumstances, My Lords have abstained from directing the remittance of any further quantity of Copper Coin to Canada; but they may observe that the supposition on the part of the President of the Bank of Upper Canada, that the Coin would be brought (*sic*) up to be recoined in the United States of America, must be founded upon some misconception as to its real weight & value; for as the Copper Coinage of this Country is struck at the rate of 24 pence to the Pound weight of Metal, and as the price of Copper in the Market here is from /9<sup>d</sup> to /10<sup>d</sup> the Pound weight— the Americans, instead of withdrawing the Coin from Canada, would doubtless resort to this latter & much cheaper mode of obtaining whatever Metal They might require, unless indeed it could be procured on terms equally or more advantageous in Their own Market— I am further to request that you will move M<sup>r</sup> Stanley to cause My Lords to be furnished for their Information, in considering any further measures it may be proper to adopt in regard to the circulating medium in the Canadas, with a Copy of the Act to which reference is made by the President of the Bank, as having been recently passed by the Legislature of Upper Canada, for regulating the value at which various coins should pass current in the Province.”

p. 357

1833

Stanley to Colborne. No. 26. Acknowledging despatches Nos. 14 of March 20 and 36 of May 23, and stating that items of expenditure connected with the Administration of Justice, for which Assembly omitted to provide, cannot properly be charged upon Casual Revenue, and directing that subject be again laid before Legislature.

Downing St.,  
Aug. 30.

p. 361

Stanley to Colborne. No. 27. Transmitting copy of Order in Council disallowing Act passed in 1832 respecting representation of Counties of Lanark and Carleton. (No enclosure.)

Downing St.,  
Aug. 30.

p. 365

Notification, signed by Colonial Secretary, of receipt of above Act on June 28, 1832.

1832

p. 367

Colonial  
Department,  
Aug. 30.

Stanley to Colborne. No. 28. Transmitting copy of Order in Council leaving to their operation Acts of Provincial Legislature Nos. 696 to 729 omitting Nos. 705 and 706. (No enclosure.)

1833

p. 368

Downing St.,  
Aug. 30.

Stanley to Colborne. No. 29. Stating that Treasury had advised him of draft for £400 drawn by Receiver General Dunn on account of dividends upon Clergy Reserve funds, while the actual amount of dividends is only £271-16. However, in view of recent large sales of Clergy Reserves draft will be paid. Receiver General to be admonished against drawing for amounts larger than those in hand.

Downing St.,  
Sept. 10.

p. 369

- 1833**  
Downing St.,  
Sept. 11. Stanley to Colborne. No. 30. Acknowledging despatch No. 44 of July 10 enclosing address from certain inhabitants of Kingston.  
p. 371
- Downing St.,  
Sept. 12. Stanley to Colborne. No. 31. Acknowledging despatch No. 43 of July 8 with copy of resolutions adopted at public meeting in Kingston respecting removal of C. A. Hagerman from office of Solicitor General.  
p. 372
- Downing St.,  
Sept. 12. Stanley to Colborne. No. 32. Acknowledging despatch No. 46 of July 24 with memorial, and directing that Wm. Rees be informed that regulations preclude grant of land to him.  
p. 373
- Downing St.,  
Sept. 13. Hay to Colborne. No. 33. Transmitting for attention copy of letter requesting that inquiry be made respecting a Mrs. Hillier, who was settled in York in 1831.  
p. 374
- 216 Strand. Enclosure:—  
Elizabeth Veal to Palmerston. (Copy.)  
p. 375
- Downing St.,  
Sept. 14. Stanley to Colborne. No. 34. Stating, at instance of Duke of Richmond, that a number of settlers in Township of Adelaide desire that township or some subdivision of it should be named either Egremont or Petworth, and asking whether there would be any objection to compliance with request.  
p. 377
- Downing St.,  
Sept. 23. Enclosure:—  
Map showing situation of Township of Adelaide.  
p. 379
- Downing St.,  
Sept. 28. Stanley to Colborne. (Circular.) Transmitting extract from communication from Treasury and instructing that its terms be observed.  
p. 380
- Treasury  
Chambers,  
July 20. Enclosure:—  
[Treasury to Colonial Office.] (Extract.) Lords of Treasury while aware that a paper currency must be sanctioned at times draw attention to difficulties which have arisen in some colonies, and urge that instructions should issue to governors of colonies having local legislatures prohibiting them from authorizing Government paper or securities until H.M.'s sanction has been given and specific provision for redemption has been made.  
p. 381
- Downing St.,  
Sept. 30. Stanley to Colborne. No. 35. Transmitting copy of Order in Council confirming "an Act to protect the interests of Captain Alexander Shaw". (No enclosure.)  
p. 383
- Downing St.,  
Oct. 1. Stanley to Colborne. No. 36. Respecting supply of stationery for U.C. Civil Departments.  
p. 384
- Downing St.,  
Oct. 3. Stanley to Colborne. No. 37. Transmitting copy of letter from Lieut. Col. MacDougall representing destitute condition of widows and children of seven non-commissioned officers and privates of the 79th Regiment, and requesting that they might be placed on same footing regarding land as the soldiers might have been. The cases would seem to justify some deviation from ordinary rule and Lieut. Governor is authorized to comply with application, taking precautions against improvidence.  
p. 386
- United  
Service Club,  
Fall Mall,  
Sept. 26. Enclosure:—  
Lt. Colonel L. MacDougall to Hay. (Copy.)  
p. 388

Stanley to Colborne. No. 38. Transmitting petition from David Browne complaining of conduct of Crown Land Department regarding grant of land for Adelaide Association of New York, and requesting report. (No enclosure.) p. 391

1833  
Downing St.,  
Nov. 1.

John Lefevre to Colborne. Notice that additional six months leave has been granted to Simon Washburn, Clerk of the Peace for Home District. p. 392

Downing St.,  
Nov. 2.

Stanley to Colborne. No. 39. Stating that despatches Nos. 48, 51 and 52 of Aug. 2, 24 and 31 on subject of bills respecting Bank of Upper Canada and the proposed Commercial Bank of Midland District have been under consideration. Decision of King in Council is not yet announced. Extract from letter from Treasury suggesting certain amendments with view to protection of public is enclosed. Lieut. Governor directed to procure concurrence of Legislative Council and Assembly in these amendments, and make immediate report in order to anticipate, if possible, decision on Acts as they stand. p. 393

Downing St.,  
Nov. 5.

Enclosure:—

Extract from letter of Stewart to Hay. p. 397

Treasury  
Chambers,  
Oct. 30.

Hay to Colborne. Directs that an inquiry be made into cases of those who claim to have been expelled from Talbot settlement on political grounds, and that those who have performed their settlement duties be re-instated. With regard to Talbot's claim to unrestricted control over the settlement by virtue of the terms of grant, declares that Colonial Secretary "could not for a moment contemplate investing any Individual with an unlimited and arbitrary power of this kind". p. 409

Downing St.,  
Nov. 8.

Stanley to Colborne. No. 40. Acknowledging despatch No. 72 of Oct. 15 transmitting petition from certain inhabitants of District of Johnstown praying for confirmation of charter of Commercial Bank and of Act respecting Bank of Upper Canada. p. 416

Downing St.,  
Nov. 25.

Stanley to Colborne. No. 41. Stating, with reference to Lieut. Governor's despatch No. 68 of Sept 31 (sic), that in view of Colborne's opinion respecting the Rev. Rémy Goulin there would be no objection to that gentleman being selected for office of Coadjutor Bishop of Upper Canada. p. 417

Downing St.,  
Nov. 26.

Stanley to Colborne. No. 42. Acknowledging despatch No. 64 of Sept. 22, and stating that he is not at liberty to recommend compliance with application of Welland Canal Company to be relieved of their debt to Government or to have granted to them sum equal to one-ninth of actual expenditure in building canal. p. 418

Downing St.,  
Nov. 27.

Stanley to Colborne. No. 43. Inviting attention to an error in the return enclosed in despatch No. 64 of Sept. 19 respecting the fund from which Bishop of Quebec was paid £1,500, and requesting that it be corrected. p. 420

Downing St.,  
Nov. 28.

Stanley to Colborne. No. 44. Acknowledging despatch No. 38 of May 29, and directing that Mrs. Sarah Gray, widow of Capt. Gray who was killed in attack on Sackett's Harbour, be informed that Colonial Secretary regrets that regulations do not permit compliance with her application for grant of land. p. 422

Downing St.,  
Nov. 29.

- 1833**  
Downing St.,  
Nov. 30. Stanley to Colborne. No. 45. Expressing approval of appointment of Major Winniett to succeed Capt. Brant, deceased, as Superintendent of Six Nations Indians on Grand River; also approves of a pension of £50 per annum to Benjamin Fairchild, interpreter. Other minor arrangements authorized. p. 423
- Downing St.,  
Nov. 30. Hay to Colborne. (Duplicate.) Asking for information as to who appointed the Inspector General of Public Accounts: it is observed in Blue Book that the late Inspector General, Mr. Baby, is stated to have been appointed by Lieut. Governor. p. 426
- Downing St.,  
Dec. 4. Hay to Colborne. Transmitting for attention inquiry as to Thomas Bowden who with his family proceeded to North America in 1832, intending to settle at York. (No enclosure.) p. 429
- Downing St.,  
Dec. 21. Stanley to Colborne. No. 47. Acknowledging despatch No. 45 of July 23, and expressing regret that Mrs. Catherine Claus, widow of Col. Claus of Indian Department, cannot be granted pension. p. 431
- Downing St.,  
Dec. 22. Stanley to Colborne. No. 48. Transmitting copy of application from Bishop Macdonell, and directing that, as it cannot be paid from Army Extraordinaries or placed upon North American Clergy Estimate, the allowance of £100 a year paid to him should be a charge on Casual and Territorial Revenue. p. 432
- Enclosure:—  
Petition of Bishop Macdonell. (Copy.) p. 435
- Downing St.,  
Dec. 24. Hay to Colborne. Transmitting letter from Major Alexander Shairp, and requesting that Shairp be informed that he is in error in supposing himself to be excluded by new regulation from privileges of military settler. Colonial Secretary, however, regrets that, for the reasons given, the application cannot be complied with. p. 438
- Peterboro',  
U.C.,  
Oct. 16. Enclosure:—  
Memorial of Major Alexander Shairp, late of the Royal Marines. p. 441
- Downing St.,  
Dec. 26. Stanley to Colborne. No. 46. Acknowledging despatch No. 71 of Oct. 14, and authorizing compliance with application of Henry Jones to be enabled to purchase tract contiguous to Lake Huron, but on such conditions as Lieut. Governor may deem wise. p. 444
- Downing St.,  
Dec. 26. Hay to Colborne. Transmitting for inquiry request for information respecting Michael Dunn, who emigrated to Upper Canada some years earlier. p. 446
- Dec. 26. Enclosure:—  
Memo. regarding Michael Dunn. p. 447
- Downing St.,  
Dec. 28. Stanley to Colborne. No. 49. Stating, in reply to despatch No. 67 of Sept. 26, that Mr. Dalton cannot, for reasons given by Executive Council, be indemnified for losses sustained in consequence of "Legislative interference" in affairs of Kingston Bank. p. 448

## G. 71 (1834)

Stanley to Colborne. (Circular.) Transmitting for attention 1834  
copy of regulations respecting custody and repair of furniture pro-  
vided by Government. Downing St.,  
Jan. 1.  
p. 1

Enclosure:—

Copy of Regulations.

p. 2 1833  
Colonial Office,  
Dec. 30.

Stanley to Colborne. No. 50. Transmitting petition from Roman 1834  
Catholic citizens of York, and requesting a report thereon. (No  
enclosure.) Downing St.,  
Jan. 1.  
p. 5

Hay to Colborne. Transmitting papers which ought to have  
formed part of the enclosures of Colonial Secretary's despatch No. 50.  
(No enclosure.) Downing St.,  
Jan. 16.  
p. 6

Stanley to Colborne. No. 52. Transmitting petition from Lar-  
ratt Smith of Oro praying for grant of land, and requesting that he be  
informed that existing regulations forbid compliance with applica-  
tion. Downing St.,  
Jan. 18.  
p. 7

Enclosures:—

(1) Larratt Smith to Under Secretary of State for Colonial 1833  
Affairs. Oro, Lake  
Simcoe,  
Oct. 1.  
p. 9

(2) Warrant for an Establishment for the Field Train Depart- 1812  
ment. [Copy.] p. 12 Carlton  
House,  
Feb. 1.

(3) Byham to Larratt Smith. (Copy.) Transmitting certificate 1833  
relative to service and conduct of latter in the Field Train Depart-  
ment. Office of  
Ordnance,  
May 15.  
p. 15

(4) The certificate. (Copy.) p. 16 May 15.

Stanley to Colborne. No. 53. Acknowledging despatch No. 73 1834  
of Nov. 22, and expressing approval of action in withholding promul-  
gation of Order in Council disallowing act for dividing County of  
Carleton, and requesting that the Order be returned so that it may  
be revoked and replaced by another. Downing St.,  
Jan. 20.  
p. 17

Stanley to Colborne. No. 54 B. Acknowledging despatch No. 69 Downing St.,  
of Oct. 1 respecting dispute between Col. Adamson and the Rev. Mr. Feb. 1.  
McGrath as to piece of land in Township of Toronto, and giving  
directions as to settlement thereof. p. 19

Stanley to Colborne. No. 55. Transmitting copy of communi- Downing St.,  
cation from Secretary of Royal College of Surgeons in Ireland Feb. 2.  
complainin that graduates from that college were subjected to disad-  
vantages in Upper Canada as compared with graduates from London  
and Scotland, and requesting full report. p. 23

Enclosure:—

Robt. Harrison to E. J. Littleton. (Copy.)

p. 26 Royal  
College of  
Surgeons in  
Ireland,  
Jan. 27.

Stanley to Colborne. No. 56. Requesting that transmission of  
returns required by House of Commons on subject of Crown Lands,  
which were requested by despatch No. 2 of May 21, may be expedited.  
Downing St.,  
Feb. 25.  
p. 29

- 1834  
Downing St.,  
Feb. 25. Stanley to Colborne. Transmitting memorial from Capt. Arthur Burton, and requesting that he be informed that all communications to Colonial Secretary should be sent through Lieut. Governor. (No enclosure.) p. 31
- Downing St.,  
Feb. 26. Stanley to Colborne. No. 57. Replying to despatch No. 1 of Jan. 7, the proposition to create office of President of Executive Council with salary of £1,000 per annum is not approved. Some of the other colonies have presidents who are not of the legal profession, and proposed addition to Civil Establishments would not be justified. p. 33
- Downing St.,  
Feb. 27. Hay to Colborne. Inviting attention to Howick's letter of Aug. 30, 1832 requesting, at instance of Count Mandelsloh, verification of signature of Allan McNab, Notary Public, and requesting that matter be expedited. p. 35
- Downing St.,  
Feb. 28. Hay to Colborne. Requesting that Mr. H. Boys of Port Windsor, Whitby, be informed that regulations would not permit of compliance with his application for remission, on account of his Army Medical service, of purchase money for land. p. 37
- Downing St.,  
Feb. 28. Stanley to Colborne. No. 58. Acknowledging despatches Nos. 76 and 78 of Dec. 6 and Dec. 23, 1833, and No. 2 of Jan. 8, 1834 regarding expulsion of Mackenzie. Feels that it would be needless again to stress the impolicy of such proceedings. Expresses approval of conduct of Lieut. Governor in this matter. p. 38
- Downing St.,  
March 1. Stanley to Colborne. No. 59. Stating, with reference to Lieut. Governor's despatch No. 37 of May 28, that he concurs entirely with report of Executive Council that claims of Wm. Bercey had been sufficiently considered and that there is no ground for further concession to him. p. 40
- Downing St.,  
March 2. Hay to Colborne. Transmitting application from Bryan Ternan of Bytown for grant of land, and stating that it could not be complied with. (No enclosure.) p. 42
- Downing St.,  
March 8. Stanley to Colborne. No. 60. Stating, with reference to Lieut. Governor's despatch No. 56 of Dec. 12, 1832, that Government is not prepared to undertake construction of timber slides between Chats and Chaudiere Lakes or to place boats on those lakes. Ordnance reported against construction of canal between Dow's Swamp and Ottawa River. If private individuals desire to build timber slides they will be afforded every facility. p. 43
- Office of  
Ordnance,  
Jan. 29. Enclosure:—  
Byham to Stewart. (Copy.) p. 48
- Downing St.,  
March 8. Stanley to Colborne. No. 61. Stating, with reference to Lieut. Governor's despatch No. 77 of Dec. 14, that in view of expectations under which he emigrated, supported by letter from Horse Guards, Mr. Hamilton's application for remission of purchase money, usually granted to officers, should be complied with. p. 51
- Downing St.,  
April 1. Hay to Colborne. Transmitting application of T. Wade Rothwell for grant of land, and stating that regulations do not permit compliance therewith. p. 54

- Enclosure:—  
 Memorial of Thomas Wade Rothwell. p. 55 **1834**  
Warwick, U.C., Jan. 14.
- Stanley to Colborne. (Circular.) Transmitting copies of Treasury Minutes of Jan. 24 and of Feb. 21, and report of Assay Master with tables, which enable the Government to form a correct estimate of value of the gold and silver coins of the South American States. Directs that necessary steps be taken for removing any existing prejudice against employment of coins in question. p. 58  
Downing St., April 3.
- Enclosures:—  
 (1) Treasury Minute. (Copy.) p. 60 Jan. 24.  
 (2) Treasury Minute. (Copy.) p. 62 Feb. 21.  
 (3) Tables made at the King's Assay Office. p. 64 Feb. 11.
- Hay to Colborne. Transmitting petition from Angus McDonell on subject of proposed sale of land on River St. Clair by Commission of Crown Lands, and of which petitioner is in legal possession. Requests that matter be considered and proper answer given to McDonell. p. 71  
Downing St., April 3.
- Enclosure:—  
 Petition of Angus McDonnell to the Earl of Aberdeen, and Minute of Council of Sept. 4, 1834. (Copy.) p. 73 **1835 [4]**  
Moore, U.C., Feb. 18.
- Stanley to Colborne. No. 63. Stating that Commissioners of Audit have called upon Peter Robinson to pay into Military Chest £1,968-17, the amount due by him as late Superintendent of Emigration from South of Ireland; and directing Lieut. Governor to see that this is done. p. 77 **1834**  
Downing St., April 25.
- Hay to Colborne. Transmitting application of William Keele for grant of land, and stating that it cannot be complied with. p. 79  
Downing St., May 2.
- Enclosure:—  
 Memorial of Wm. C. Keele. p. 80 York. U.C.
- Stanley to Colborne. No. 64. Requesting, in compliance with address from House of Commons, returns, with full particulars, of all sales of land from Dec. 31, 1823 to Jan. 1, 1834, and of all grants, without purchase, for same period. p. 82  
Downing St., May 3.
- Hay to Colborne. Respecting preparation of documents which accompany despatches. p. 84  
Downing St., May 16.
- Hay to Colborne. Transmitting for attention inquiry respecting Edward Boxall, who emigrated to Upper Canada about two years earlier. p. 85  
Downing St., May 26.
- Enclosure:—  
 Henry E. Manning to J. Lefevre. (Copy.) p. 86  
Lavington, Petworth, May 2.
- Stanley to Colborne. (Copy.) Respecting James Owen McCarthy who is confined in jail at Hamilton on a charge of homicide. (A note states the original of this with its enclosures was sent to the Sheriff of Gore District.) p. 88  
Colonial Office, May 27.

- 1834**  
Downing St.,  
May 28. Stanley to Colborne. No. 65. Acknowledging despatch No. 22 of April 7, and stating that in deference to address from Assembly the Acts for increasing stock of Bank of Upper Canada and incorporating Commercial Bank of Midland District will not be disallowed, but asserting right to exercise power of disallowance, which certain expressions of Assembly seemed to question. p. 91
- Downing St.,  
May 28. Stanley to Colborne. No. 66. Acknowledging despatch No. 13 of March 22, and expressing satisfaction with plans for settlement of emigrants, and giving approval of intention, under authority of Goderich's despatch of March 7, 1833, to set aside township for persons prevented from securing subsistence for themselves. No assent will be given to any plan for extending privileges allowed to officers of Army and Navy in acquisition of land. p. 95
- Downing St.,  
May 28. Stanley to Colborne. No. 67. Acknowledging despatch No. 28 of April 14, and stating that application of Mr. Gray, assistant in Barrack Master General's Department, for grant of land, cannot be entertained. p. 97
- Downing St.,  
June 5. Thomas Spring Rice to Colborne. Announcing his succession to office of Colonial Secretary. p. 98
- Downing St.,  
June 7. Hay to Colborne. Requesting information respecting Lieut. Perry Dumeresq as sub-collector, in order that he may receive his half-pay. p. 99
- Downing St.,  
June 15. Spring Rice to Colborne. No. 1. Transmitting correspondence with James Gordon, formerly paymaster of 1st Regiment of Essex Provincial Militia, respecting unclaimed portion of prize money due to that corps. p. 100
- Enclosures:—
- 1833**  
York, U.C.,  
Dec. 24. (1) Jas. Gordon to Stanley. (Copy.) Stating as paymaster of 1st Regiment of Essex Militia he received prize money for distribution. Suggests method of disposal of £89-12-9 still remaining in his hands. p. 102
- 1834**  
Downing St.,  
April 9. (2) Hay to Stewart. (Copy.) Transmitting copy of Gordon's letter for consideration of Treasury. p. 105
- Treasury  
Chambers,  
May 31. (3) Stewart to Hay. (Copy.) Transmitting copy of letter from Chelsea Hospital. p. 108
- Royal  
Hospital,  
Chelsea,  
May 17. (4) Richard Neave to Stewart. (Copy.) Stating that Mr. Gordon should furnish detailed statement of manner in which prize money has been disposed of, and pay over to Chelsea Hospital any part thereof which remains. p. 110
- Downing St.,  
June 15. Duplicates of preceding despatch and enclosures. p. 112
- Downing St.,  
June 16. Spring Rice to Colborne. No. 2. Acknowledging despatch No. 27 of April 12, and transmitting two copies of Hudson's Bay Company's charter, one being in reply to request of Assembly. (No enclosures.) p. 120
- Downing St.,  
June 16. Duplicate of preceding despatch. p. 121
- Downing St.,  
June 17. Spring Rice to Colborne. No. 3. Stating, with reference to despatch No. 37 of April 30, that he does not feel at liberty to order inquiry into the grounds of a report made by Executive Council ten years earlier respecting former Chief Justice Powell. p. 122

- Duplicate of preceding despatch. p. 124 1834  
Downing St.,  
June 17.
- Spring Rice to Colborne. No. 4. Acknowledging despatch No. 10 of March 8, and stating that, for many considerations, the Treasury do not object to conduct of Lieut. Governor in sanctioning Bill for improvement of navigation of the St. Lawrence River. Subject will be referred to Ordnance, and commencement of work is to be deferred until report has been obtained. p. 125  
Downing St.,  
June 18.
- Duplicate of preceding despatch. p. 129  
Downing St.,  
June 18.
- Spring Rice to Colborne. No. 5. Acknowledging despatch No. 14 of March 26 with memorial, and expressing approval of suggestion of Executive Council that Lieut. Hopkins be allowed twenty-five acres of land immediately adjoining his house at Lake Simcoe, to indemnify him for property which was in error allotted to him on projected town site. p. 132  
Downing St.,  
June 18.
- Duplicate of preceding despatch. p. 134  
Downing St.,  
June 18.
- Spring Rice to Colborne. No. 6. Acknowledging despatch No. 38 of May 2 with petition from certain Lanark settlers for remission of debts due to Government. It cannot be considered until report asked for in Sept. 1831 is received. It is obvious that if terms of petition were acceded to, all the settlers would be equally entitled to same grace. p. 136  
Downing St.,  
June 28.
- Duplicate of preceding despatch. p. 140  
Downing St.,  
June 28.
- Hay to Colborne. Stating that as Journals of Legislative Council and Assembly are regularly printed it will be unnecessary to continue to send manuscript copies. p. 144  
Downing St.,  
June 28.
- Spring Rice to Colborne. No. 7. Acknowledging despatch No. 18 of April 2 enclosing an address from the Assembly praying for enactment of a law to explain Act 3, Geo. IV, cap. 119, and to secure for U.C. a proportion of all duties collected at Port of Quebec, having the payments cover amounts now withheld. H.M.'s Government wishes the Assembly to be informed of their regret at inability to adopt and execute any decision on the subject, but that due consideration will be given before the next session of Parliament. p. 145  
Downing St.,  
June 30.
- Duplicate of preceding despatch. p. 147  
Downing St.,  
June 30.
- Hay to Colborne. Conveying instructions to send duplicates of all despatches addressed to Colonial Office. p. 149  
Downing St.,  
July 1.
- Duplicate of preceding despatch. p. 150  
Downing St.,  
July 1.
- Spring Rice to Colborne. (Circular.) Requesting that in reporting a vacancy in Government offices governors should state the necessity for continuing office, expediency of altering constitution of office, and how far duties and responsibilities were proportioned to salary. p. 151  
Downing St.,  
July 5.
- Duplicate of preceding despatch. p. 153  
Downing St.,  
July 5.
- Hay to Colborne. With reference to Lieut. Governor's despatch No. 67 of Sept. 17 upon claim of Mr. Dalton to be indemnified for losses sustained in consequence of Legislative interference with affairs of Kingston Bank. The papers having contained serious charges

- 1834 against H. J. Boulton, Chief Justice of Newfoundland, but formerly Attorney General of Upper Canada, they were sent to Boulton for his answer, which is enclosed. No further consideration is deemed necessary. p. 154
- Enclosures:—
- Downing St., Feb. 28. (1) Hay to Boulton. (Copy.) Transmitting papers referred to in order that Boulton might be aware of charges. p. 157
- St. John's, Nfld., May 28. (2) Boulton to Hay. (Copy.) An extended statement in which he seriously inculpated Chief Justice Powell upon whose memoranda the charges against Boulton were based. p. 159
- Downing St., July 20. Duplicate of preceding despatch. p. 203
- Downing St., July 21. Spring Rice to Colborne. No. 8. Transmitting copies of correspondence with Treasury in which latter desired to be informed of mode in which Peter Robinson's accounts in connection with emigration during 1831 and 1832 were checked, and requesting information as to system of accounting for revenue applied to emigration. p. 205
- Enclosures:—
- Treasury Chambers, July 11. (1) F. Baring to Hay. (Copy.) Transmitting report of Commissioners of Audit relative to Peter Robinson's accounts. p. 207
- Audit Office, June 25. (2) Report to Treasury. (Copy.) p. 209
- Downing St., July 22. (3) Hay to Baring. (Copy.) p. 212
- Downing St., July 22. Spring Rice to Colborne. (Confidential.) Acknowledging confidential despatch of April 21, and expressing opinion that interest from instalments paid by purchasers of Clergy Reserves might, consistently with Act 7 & 8 Geo. IV, cap. 62, be devoted to improvement of unsold Clergy Reserves. p. 215
- Downing St., July 22. Duplicate of preceding despatch. p. 217
- Downing St., July 23. Spring Rice to Colborne. No. 9. Transmitting copy of Order in Council of July 2 leaving Provincial Acts Nos. 739 to 790 passed in 1833 to their operation. (No enclosure.) p. 219
- Downing St., July 23. Duplicate of preceding despatch. p. 220
- Downing St., July 24. Spring Rice to Colborne. No. 10. Acknowledging despatch No. 16 of March 31, and stating, with reference to address of Assembly praying that the hospitals at York and Kingston be endowed with Crown Lands, that, as Lieut. Governor is aware, there are strong objections to making free grants of land. As Colonial Secretary is unwilling to reject this address Lieut. Governor is requested to make a report on the two hospitals, giving information specified. p. 221
- Downing St., July 24. Duplicate of preceding despatch. p. 225
- Downing St., July 25. Hay to Colborne. Requesting reply to his letter of Nov. 30 on subject of appointment of Inspector General of Accounts. p. 228
- Downing St., July 25. Duplicate of preceding despatch. p. 230
- Downing St., July 26. Spring Rice to Colborne. No. 11. Acknowledging despatch No. 26 of April 11, and stating, with reference to address of Legislative Council on the question of amending Act 3 Geo. IV, cap. 119 so as to enable the future arbitrators to divide duties levied in Lower Canada

on importations by sea under any statute passed subsequently to Act 3 Geo. IV, that it is impossible to deal with subject this session but that it will receive due attention in following session. p. 232 **1834**

Duplicate of preceding despatch. p. 234 Downing St.,  
July 26.

Spring Rice to Colborne. No. 12. Stating, with reference to despatch No. 21 of April 5 accompanied by address from Assembly on timber duties, that on next occasion when timber duties are under consideration these representations will not be overlooked. Their remarks upon timber passing through Rideau Canal will be considered and decision adopted after due consideration. Report made on timber duties by Committee of Assembly should be sent to Colonial Secretary. p. 236 Downing St.,  
July 27.

Duplicate of preceding despatch. p. 238 Downing St.,  
July 27.

Spring Rice to Colborne. No. 13. Inviting attention to circular despatch of Aug. 30, 1833 requesting certain information, and stating that as this had not been received from Upper Canada the return had to be made to House of Commons in incomplete form: points out necessity of greater punctuality in such matters. p. 240 Downing St.,  
July 28.

Duplicate of preceding despatch. p. 242 Downing St.,  
July 28.

Spring Rice to Colborne. No. 14. Acknowledging despatch No. 24 of April 9, and stating, with reference to request of Assembly that exploring parties might be employed to survey country north of Lake Huron with the expenses paid from Territorial Revenue, that in absence of information, which Lieut. Governor is requested to furnish, decision is impossible. With such information as he possesses Colonial Secretary is of opinion that work would be more expedient in districts more adjacent to existing settlements. p. 244 Downing St.,  
July 29.

Duplicate of preceding despatch. p. 247 Downing St.,  
July 29.

Spring Rice to Colborne. No. 15. Acknowledging despatch No. 17 of April 1, and stating, with reference to request of Assembly that Welland Canal Company be relieved from repayment of loan of £50,000 extended to them by British Government in 1828, that he cannot recommend this application to Parliament. Among the objections is that such a step would tend to disturb confidence of Parliament in matter of repayment on any future occasion when a loan for a colonial project might be sought. p. 250 Downing St.,  
July 30.

Duplicate of preceding despatch. p. 253 Downing St.,  
July 30.

Spring Rice to Colborne. No. 16. Stating that, having consulted Ordnance on question of retaining strip of land on which Government House at Kingston formerly stood, they agreed with Lieut. Governor's opinion that it should not be disposed of as part of consideration for certain lands required by them. p. 255 Downing St.,  
July 31.

Duplicate of preceding despatch. p. 257 Downing St.,  
July 31.

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1834  
Downing St.,  
Aug. 1.

Spring Rice to Colborne. No. 17. Stating that Ordnance has observed that works carried on at Kingston would be very expensive, and as expenses were borne by British Government they made the suggestion that in cases where it would be necessary to purchase lands from individuals for such works as were undertaken at cost of British Government, Lieut. Governor should be instructed to appropriate Crown Lands of equal value, either to be exchanged for property acquired, or sold for defraying purchase charges. Colonial Secretary has no objection to proposal, unless it should be found on trial to create demand for so much Crown Land as to affect materially the Territorial Revenue and render it inadequate to bear existing charges. He would not agree to it at all unless it should be carried into practice under constant control of Secretary. Lieut. Governor is authorized to entertain any plans of this sort submitted by Ordnance officers, but not to carry them into execution without referring them to Colonial Secretary.

p. 1

Downing St.,  
Aug. 1.  
Downing St.,  
Aug. 2.

Duplicate of preceding despatch.

p. 4

Spring Rice to Colborne. No. 18. Transmitting, in connection with his despatch of June 18, letter from Ordnance, and stating that in view of their opinion he does not desire to retard undertaking in contemplation.

p. 8

Office of  
Ordnance,  
July 28.

Enclosure:—

G. Butler, for Secretary, to Hay. (Copy.) Master General and Board of Ordnance regard proposed improvement of navigation of the St. Lawrence River as impolitic from military point of view. They could not, however, recommend opposition to a measure in which the inhabitants are so deeply interested and which would be attended with great commercial advantages to both provinces. Revenues of Rideau and Ottawa Canals will be affected.

p. 10

Downing St.,  
Aug. 2.  
Downing St.,  
Aug. 3.

Duplicates of preceding despatch and enclosure.

p. 13

Spring Rice to Colborne. No. 19. Transmitting copy of answer made to Mackenzie respecting correspondence between latter and local Government on the subject of his expulsion.

p. 18

Enclosure:—

Hay to Mackenzie. (Copy.)

Downing St.,  
Aug. 2.

"I am directed by Mr Secretary Spring Rice to acknowledge the receipt of your letters of the 28<sup>th</sup> and 29<sup>th</sup> of April last, respecting a correspondence which had passed between yourself and the local Government on your expulsion from the Assembly, and I am to acquaint you that, altho' Mr Secretary Spring Rice laments no less than his Predecessors, the nature of the circumstances on which your Appeal to the Government was founded, he cannot disapprove of Sir Jno: Colborne's refusal to dissolve the Provincial Parliament more especially as the natural expiration of that Parliament was at any rate so near at hand."

p. 19

Downing St.,  
Aug. 4.

Spring Rice to Colborne. No. 20. Acknowledging despatches Nos. 43 of June 16 and 48 of July 1, with an address from inhabitants of Toronto and one from the Wesleyan Methodist Church disavowing sentiments expressed in letter of Joseph Hume to Mr. Mackenzie. Satisfaction of Cabinet at receiving these.

p. 21

- Duplicate of preceding despatch. p. 23 1834  
Downing St.,  
Aug. 4.
- Spring Rice to Colborne. No. 22. Acknowledging despatch No. 22 of April 4, and stating, with reference to address of Assembly, that H.M.'s Government does not think it advisable to make any change in the duties on Canadian corn, apart from consideration of a general change of duties on corn. p. 25  
Downing St.,  
Aug. 6.
- Duplicate of preceding despatch. p. 26  
Downing St.,  
Aug. 6.
- Hay to Colborne. Transmitting letter from John Murray, late sergeant in 79th Regiment, inquiring if free land is granted to discharged men of the Fencible Corps. p. 28  
Downing St.,  
Aug. 14.
- Enclosure:—  
John Murray to Secretary of War. p. 29  
Toronto,  
April 1.
- Spring Rice to Colborne. (Circular.) Transmitting correspondence with War Office to effect that free grants of land will no longer be made to discharged soldiers and sailors, with exception of men of the Royal Sappers and Miners employed on Rideau Canal. Special encouragement relative to grants had been held out to them in 1829, and they will be allowed a year to file their claims. Also encloses new regulations on grants for officers of the Army and Navy. p. 30  
Downing St.,  
Aug. 14.
- Enclosures:—  
(1) Hay to L. Sullivan. (Copy.) p. 33  
Downing St.,  
July 12.
- (2) Extract from a report of the Commissioners of Emigration to the Secretary of State for the Colonies. p. 34 1832  
March 15.
- (3) Extract from a notice published by the Commissioners of Emigration respecting the British Colonies in North America. p. 35 1834
- (4) Sullivan to Hay. (Copy.) p. 36  
War Office,  
July 31.
- (5) Hay to Lord Fitzroy Somerset. (Copy.) Stating definitely class of persons entitled to advantages allowed to officers of the Army in the acquisition of land in the colonies. An added note states that a letter addressed to the Admiralty, being practically identical, is not copied. p. 37  
Downing St.,  
Aug. 12.
- (6) "Information for the use of military and naval officers proposing to settle in the British colonies." This includes "Regulations for the disposal of Lands belonging to the Crown in the British North American Provinces", dated March 7, 1831. (Printed.) p. 409  
Colonial  
Office,  
Aug. 15.
- (7) G. Butler to Hay. (Copy.) Transmitting list of men, late Sappers and Miners Companies disbanded at the Rideau Canal, who have claims to land in Canada; also letter of Col. By in consequence of which it is thought advisable to order that notice is to be given to the men that claims not laid within one year will be forfeited. p. 39  
Office of  
Ordnance,  
July 20.
- (8) Col. By to Col. Ellicombe. (Copy.) p. 44  
Sherfield  
Park,  
July 7.
- (9) List of non-commissioned officers and men of the Royal Sappers and Miners disbanded at the Rideau Canal in Dec. 1831. (Copy.) p. 49  
Woolwich,  
July 28.

- 1834** (10) List of men who returned to England on the disbandment of the companies. (Copy.) p. 53
- Downing St.,  
Aug. 14. Duplicates of preceding despatch and enclosures (1) to (6). p. 54; p. 416
- Downing St.,  
Aug. 15. Spring Rice to Colborne. No. 23. Transmitting copy of letter, with enclosures, from Treasurer of New England Company respecting two grants of land reserved for Indians at Rice and Mud Lakes. In his despatch No. 6 of Feb. 15 Lieut. Governor reported as regards Rice Lake that he had appointed trustees, of whom Agent of New England Company was one, to hold these lands, but with regard to Mud Lake he did not consider improvements effected on tract sufficient to warrant alienation of lands from Crown. Treasurer of Company has submitted correspondence to prove, first, that Government had promised to assign lands near Rice Lake to the Company, and not to a more comprehensive trust of whom their agent would be one amongst a number of others; and second, that improvements at Mud Lake were extensive enough to entitle Company to fulfilment of expectations under which they made their outlay at the place. Lieut. Governor is requested to report circumstances respecting creation of trust, and to state how far claims of Treasurer accord with Lieut. Governor's opinion on subject. p. 64
- Enclosures:—
- Great St.  
Helen's,  
June 12. (1) Jas. Gibson to Hay. (Copy.) Forwarding extracts from letters, 1828-1832, received from Rev. Richard Scott, Agent of the New England Company in U.C. p. 69
- (2) The extracts. (Copies.) p. 73
- (3) Statement about the land at Rice Lake. (Copy.) p. 102
- 1828** (4) Petition of Mr. Scott. (Copy.) p. 112
- York, U.C.,  
June 16.  
York, U.C.,  
June 25. (5) Licence of occupation granted to the New England Company. (Copy.) p. 115
- 1834** Duplicate of preceding despatch. p. 119
- Downing St.,  
Aug. 15.  
Downing St.,  
Aug. 16. Spring Rice to Colborne. No. 24. Transmitting for attention address from House of Commons calling for return in detail of receipts and expenditure of Land and Timber Funds in 1830, 1831 and 1832. p. 123
- Enclosure:—
- Aug. 8. Address of House of Commons. (Copy.) p. 125
- Downing St.,  
Aug. 17. Spring Rice to Colborne. No. 25. Stating that return to address of House of Commons made by Commissioner of Crown Lands and transmitted in despatch No. 41 of May 24 is not satisfactory, and enclosing form on which information desired is to be furnished, the same form to be used annually. p. 126
- Enclosure:—
- Downing St.,  
Aug. 17. Form for the return of Crown Lands sold and granted from 1823 to 1833, and of Clergy Reserves sold under Act 7 & 8 Geo. IV, cap. 62. p. 130
- Downing St.,  
Aug. 18. Duplicates of preceding despatch and enclosure. p. 131

Spring Rice to Colborne. No. 26. Instructing him to continue the sale of Clergy Reserves under Act 7 & 8 Geo. IV, cap. 62 until further instructions are received. 1834  
Downing St.,  
Aug. 18.  
p. 136

Duplicate of preceding despatch. p. 137  
Downing St.,  
Aug. 18.

Spring Rice to Colborne. No. 27. Stating, with reference to correspondence respecting case of Mr. Berozy, that that gentleman declared that he had addressed two letters to be sent with Lieut. Governor's report. As these letters have not reached Colonial Office it is requested that they be sent without delay, with such comments as Lieut. Governor thinks fit to make. (A pencilled note states the two letters with a report of Council were sent to the Colonial Office in August 1833.) Downing St.,  
Aug. 19.  
p. 138

Duplicate of preceding despatch. p. 140  
Downing St.,  
Aug. 19.

Spring Rice to Colborne. No. 28. Acknowledging despatches of Nov. 30, 1833 and April 15, 1834; transmitting copies of correspondence with Treasury; and instructing that Chief Justice be paid out of Casual and Territorial Revenue such part of his salary, in capacity of Speaker of Legislative Council, as may not be provided by Assembly. Provincial Secretary is to be paid £300 in addition to commuted allowance of £630. His successor will receive one fixed sum, amount of which will be determined later. Remaining charges reported in despatch of April 15 to have been rejected by Assembly, though of considerable importance, are not of such a description as warrant their being charged upon Crown Revenue. They are Colonial services, of the value of which Assembly is competent to judge, and for which they must make provision. Downing St.,  
Aug. 20.  
p. 141

Enclosures:—

(1) Hay to Stewart. (Copy.) p. 144  
Downing St.,  
Feb. 10.

(2) Stewart to Hay. (Copy.) p. 149  
Treasury  
Chambers,  
March 12.

(3) Hay to Stewart. (Copy.) p. 153  
Downing St.,  
March 23.

Duplicates of preceding despatch and enclosures. p. 156  
Downing St.,  
Aug. 20.

Spring Rice to Colborne. (Duplicate.) Introducing, at instance of Charles Grant, Thomas Kinnear who is making tour in Canada. Downing St.,  
Aug. 22.  
p. 168

Spring Rice to Colborne. No. 30. Transmitting memorial from Richard Davergne respecting order for grant of land in favour of his late brother Daniel Davergne, Storekeeper and Secretary in Bathurst District, and requesting report with return of memorial. Downing St.,  
Aug. 23.  
p. 169

Duplicate of preceding despatch. p. 170  
Downing St.,  
Aug. 23.

Spring Rice to Colborne. No. 31. Acknowledging despatch No. 57 of July 25 with enclosed memorials, and stating that as Mr. Shairp and Mr. Derenzy went to Canada solely in expectation of privileges granted to military officers they will be entitled to remission of portion of purchase money for lands; Mr. Jordan is not in same position, nor is Mr. Smith, who was connected with Civil Department of Army. Therefore they are not entitled to a remission. Downing St.,  
Aug. 29.  
p. 171

Duplicate of preceding despatch. p. 177  
Downing St.,  
Aug. 29.

1834  
Downing St.,  
Aug. 30.

Spring Rice to Colborne. (Confidential.) Transmitting copies of correspondence with two companies who desire to colonize a specified tract in U. C. These projects are regarded unfavourably by Government as competing with plans of latter, and as conveying impression that people cannot conveniently emigrate unless before departure they know the particular district in which they can locate. Lieut. Governor's opinion requested. p. 423

London,  
June 24.

Enclosures:—

(1) Twenty-five persons (signatures not copied) to Spring Rice. (Copy.) Inviting attention to two applications on subject of colonizing in U. C.—one from Robert Sheriff of Sept. 28, 1832, the other from Mr. Ravenshaw and others of Nov. 29, 1833; likewise a representation by Geo. A. Hamilton on behalf of the North American Colonization Association of Ireland—and asking for favourable consideration of these projects to be undertaken by a united company. The proposed colony would lie between the Ottawa River and Lake Huron, south of Lake Nipissing, in the rear of settlements in Newcastle and Midland Districts but separated from them by an extensive barren tract. A plan is enclosed. The large number of English, Irish and Scottish settlers the Company planned to bring out would require an extensive tract. Suggest advantages of such project, and give certain details. (Plan not copied.) p. 429

1833  
Downing St.,  
Nov. 11.

(2) Hay to Sir J. Coghill. (Copy.) Acknowledging letter of Oct. 31, and pointing out that arrangements made by Government to forward emigration are much like those proposed by his Association. With respect to sale of lands, none can be sold by Government except at a fixed price, payment not being contingent upon number of persons brought out. Doubts expressed as to capability of Association to effect objects in view with the means stated. p. 438

Downing St.,  
Dec. 14.

(3) Hay to Geo. A. Hamilton. (Copy.) Acknowledging letter of Nov. 29 explaining views of those desiring to form association in Ireland to promote emigration. Government would be willing to discuss terms for tract not exceeding 500,000 acres, but would lay down certain preliminary requirements. p. 433

1834  
East India  
House,  
Sept. 6.

(4) J. G. Ravenshaw to Colborne. Transmitting paper relative to proposed Ottawa Association. p. 447

(5) "Proposed Ottawa Association. Supplementary Statement" by Messrs. Ravenshaw, Solly and Douglas. p. 448

North  
American  
Colonial  
Association  
of Ireland,  
Dublin,  
July 29.

(6) W. Palliser, Chairman, and P. Esinger to Spring Rice. (Copy.) Enclosing copy of prospectus and of earlier correspondence with former Secretary of State relating to proposed colonization society. Explains its principles and objects. Promoters desire to purchase provisionally about 500,000 acres of land in one or more tracts, the first being the remaining part of the Huron Tract which forms a triangular block bounded on the south by the lands of the Canada Company, on the north by the Indian Territory, on the east by the Clergy Reserves of the Six Nations lands in the Districts of Gore and Halton, and on its very limited western front by Lake Huron. This would comprise not more than 200,000 acres, and owing to comparative lack of navigable waters in it would compare disadvantageously with adjacent Canada Company lands. Discuss

prices for land, and draw attention to benevolent aims of society as affecting terms to be offered by Government. Also suggest a further purchase to the north of the first tract. 1834  
p. 464

(7) J. G. Ravenshaw to Spring Rice. (Private. Copy.) Stating Company proposes to send agent to further their views with local Government, and asking if Colonial Secretary would be disposed to give him letter of introduction. <sup>9 Lower</sup>Downing St.,  
Berkeley St.,  
Aug. 15.  
p. 484

(8) Spring Rice to Ravenshaw. (Copy.) Stating he cannot give letter to Lieut. Governor as this would imply opinion on proposed scheme. Downing St.,  
Aug. 18.  
p. 486

(9) Spring Rice to Ravenshaw. (Copy.) Stating, with reference to correspondence and interview, that he cannot hold out any expectation of sanctioning colonization scheme unless Lieut. Governor makes a strong and favourable report upon it. There are important objections to be weighed before the Government can sanction any more land and emigration companies in Canada. Also points out that Ravenshaw stated that companies were acting together. The Irish Association has disclaimed connection with any other society. Downing St.,  
Aug. 18.  
p. 488

(10) Hay to Wray Palliser. (Copy.) Acknowledging letter of July 29 with prospectus of proposed North American Colonial Association of Ireland and other enclosures. Points out some of the many objections of Government to encouraging schemes by emigration companies. Requests additional copies of prospectus, but cannot promise any sanction to the undertaking. Downing St.,  
Aug. 18.  
p. 492

Copy and duplicate of preceding (Confidential) despatch. Downing St.,  
Aug. 20.  
p. 180

Spring Rice to Colborne. No. 32. Stating, with reference to Lieut. Governor's despatches Nos. 80 of Dec. 26, 1833 and 31 of April 17, 1834, that, in matters of Roman Catholic Church discipline and the authority of the Bishop to remove, suspend or censure a priest, the Government does not feel called upon to interfere. Hope was expressed that differences would disappear and harmony be restored; also expresses perfect confidence in Bishop MacDonell who has long been known to H.M.'s Government "for his faithful and zealous exertions in his sacred calling". As regards charges of speculation preferred against the Bishop, Government, after inquiry, is satisfied that the use made by Bishop of money entrusted to him was conformable with directions under which he received it. Bishop MacDonell to be informed of substance of this communication. Downing St.,  
Aug. 31.  
p. 188

Duplicate of preceding despatch. Downing St.,  
Aug. 31.  
p. 195

Spring Rice to Colborne. No. 33. Acknowledging despatch No. 54 of July 18, and expressing satisfaction with address from inhabitants of Gore District disavowing sentiments of Mr. Hume's letter. Downing St.,  
Sept. 1.  
p. 200

Duplicate of preceding despatch. Downing St.,  
Sept. 1.  
p. 202

Hay to Colborne. Transmitting application from Rebecca Guthrie, widow of pensioner who died before reaching Canada, and requesting that she be informed that it is impossible to make grant of land to her, as her husband, had he lived, would not have been entitled to it. Downing St.,  
Sept. 3.  
p. 204

- 1834**
- Cobourg, U.C. Enclosure:—  
Memorial of Rebecca "Gutherey". p. 205
- Downing St.,  
Sept. 3. Duplicate of preceding despatch. p. 207
- Downing St.,  
Sept. 4. Hay to Colborne. Transmitting application for grant of land  
from W. Adamson, surgeon in H.M. Navy for thirty years, and stating  
application cannot be acceded to. p. 208
- Kingston,  
July 9. Enclosure:—  
William Adamson to Colonial Secretary. (Copy.) p. 209
- Downing St.,  
Sept. 4. Duplicate of preceding despatch. p. 210
- Downing St.,  
Sept. 5. Spring Rice to Colborne. No. 34. Acknowledging despatches  
Nos. 30 of April 16 and 35 of April 28 on subject of commuted allow-  
ance to certain Government officers. As regards Clerk of Executive  
Council and Surveyor General, Colonial Secretary adheres to views of  
his predecessor that £600 and £400 per annum are adequate. As  
regards Mr. Markland, Inspector of Accounts, Treasury will be  
consulted. Mr. Cameron, Provincial Secretary, will hold present  
emoluments so long as he continues in office, but new appointee will  
receive fixed salary of £300 in addition to fees, leaving it to Assembly  
to make up total emolument to £600. Deputy Surveyor of Woods  
and the Agent for collecting the fees having held their offices for many  
years prior to 1826 will still be allowed amount of commuted allow-  
ances. When vacancy occurs in either office no successor will be  
appointed. With respect to Auditor General of Land Patents, informa-  
tion desired from Lieut. Governor is still lacking. As regards applica-  
tion of Mr. Jarvis, Deputy Secretary and Registrar, it cannot be  
entertained. p. 498
- Downing St.,  
Sept. 6. Spring Rice to Colborne. No. 35. Acknowledging despatch  
No. 42 of June 12, and stating that there is nothing in fresh complaints  
against Bishop Macdonell to induce change in decision communicated  
in despatch No. 32. p. 211
- Downing St.,  
Sept. 6. Duplicate of preceding despatch. p. 212
- Downing St.,  
Sept. 17. Hay to Colborne. (Duplicate.) Transmitting application from  
Mrs. Darling, widow of Lieut. Darling, for grant of land, and stating  
that Colonial Secretary finding that case is one of peculiar hardship  
and that husband would have received grant if he had lived, authorizes  
compliance with application. p. 213
- Downing St.,  
Sept. 30. Spring Rice to Colborne. No. 36. Acknowledging despatch  
No. 19 of April 3, and expressing regret that he cannot advise dis-  
allowance of Lower Canada Act imposing tax on emigrants. If tax  
were imposed for general purposes of Government it would be im-  
proper and therefore would be disallowed, but so long as funds from  
it are limited to relief of poor immigrants and are subject to public  
supervision the enactment is not objectionable, and it is not believed  
that it would retard emigration. The temporary nature of the enact-  
ments enables Government to review from time to time evidence in  
favour of renewal. If it should appear that amount of tax should be  
reduced, or that it was injuriously applied, action would be taken to  
correct abuses. p. 215
- Downing St.,  
Sept. 30. Duplicate of preceding despatch. p. 220

Spring Rice to Colborne. No. 37. Stating, with reference to his own despatch No. 34 of Sept. 5, that after communicating with Treasury it was decided that salary of £150 per annum is sufficient for duties of Receiver General in connection with accounts of Crown Revenues of province. That salary should be assigned to Mr. Markland. 1834  
Downing St.,  
Sept. 20.

p. 226

Duplicate of preceding despatch.

p. 230 Downing St.,  
Sept. 20.

Spring Rice to Colborne. (Circular.) Transmitting copy of Report of Select Committee of House of Commons on Military Establishments and Expenditure in Colonies, and requiring all information bearing on subject for presentation to Committee on resumption of inquiry. (No enclosure.) Downing St.,  
Oct. 1.

p. 232

Duplicate of preceding despatch.

p. 234 Downing St.,  
Oct. 1.

Spring Rice to Colborne. (Circular.)

"The representations which have from time to time been received from the Legislature and Inhabitants of several of the Colonies in North America respecting the Internal Postage in that part of the British Dominions have not failed to attract the serious attention of His Majesty's Government, and I have now the Gratification to send you an Act passed in the late Session of Parliament which I hope will prove the means of settling this important question to the satisfaction of all parties. Downing St.,  
Oct. 5.

The Act provides that so much of the Statute 5 Geo. 3. C. 25. as authorizes the taking of certain rates of Inland Postage within H.M.'s Dominions in North America, shall be repealed from the time when His Majesty's consent shall be signified to Acts of the Provincial Legislatures imposing the same or other rates of Postage, and making such Regulations for the management of the Post Office by the Post Master General or his Deputies, as to the Legislatures may seem expedient.

You will observe that in order to give effect to this Act, certain Bills must be passed by the Provincial Legislatures and receive the Royal Assent; and I need scarcely add that to establish a practicable system, it is essential that a uniformity of views should pervade these Bills. His Majesty's Government therefore in order to secure these important conditions, has thought it best to direct the preparation of one Common Bill to be submitted to the Legislative Council and Assembly of each Colony affected by the present measure. I have the honor to enclose the Draft thus prepared which you will cause to be brought before the Assembly. You will at the same time assure the Assembly that the Bill has been framed with the most anxious deliberation on the part of the Post Master General and my Predecessor, and with the most minute attention to every detail which it embraces.

It was found impossible to devise any practicable plan for keeping separate the accounts of the Post Office Revenue and Expenditure in each possession in North America; and when the accounts were blended, no mode of distributing the Surplus Revenue appeared to be free from serious objection, except to apportion it according to the gross amount of Postage collected within each Colony— A provision therefore to this effect has been made in the Imperial Act of Parliament. In order however to admit of any other plan which might be preferred by the Provincial Legislatures, a power has been left to them to alter this Clause by local enactments. I should scarcely

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anticipate that at the present time any more eligible expedient is likely to be suggested than the one adopted by the Imperial Act; and as any alteration of it could not be carried into effect until agreed to by each Separate Legislature, it is perhaps to be wished, that at any rate for a period sufficient to try the remainder of the proposed measures, the provision made by Parliament on this point should remain untouched.

I shall now proceed to offer a few explanatory remarks on the Bill proposed to the acceptance of the Legislative Council and Assembly of Upper Canada.

The projected Tariff of Postage effects a considerable reduction upon the existing Rates more especially in the longer distances. The tendency of this arrangement to encourage intercourse between the more widely separated portions of His Majesty's extensive Territory in North America will not fail I feel assured to meet the approbation of the Legislative Council and Assembly. In settling the scale of Postage His Majesty's Government has been guided in a great measure by the Report of a Committee of the House of Assembly in Upper Canada which sat about three years ago, and which is understood to have founded its recommendation chiefly on the rates of Postage in the United States. In the important matter of the charges on the conveyance of Newspapers & printed periodical works, His Majesty's Government has not been unmindful of the representations which it has from time to time received of the wishes of the people in British North America. A rate of Postage is proposed in the present Bill which is little more than one half of the rate charged in the United States, and which is as low as it could be, unless the Papers were conveyed for nothing—a course which might render the amount of business in the Post Office perfectly unmanageable. It will be observed that the Bill confers on the Deputy Post Master General the power of determining with the Concurrence of the Government and the Executive Council, what shall be deemed a Newspaper, Printed Note (?) &c. within the Meaning of the Act.

This power is designed to spare the necessity of tedious actions at Law, to ascertain doubtful points, and is conformable with a power which has been given to the Post Master General in this Country, in concurrence with the Lords Commissioners of the Treasury, by the late Act 4 & 5 W. 4 C 44.

I have now to draw your attention to a very important part of the Bill. Should the Post Office Revenue prove unequal to the Expenditure, it is obvious that there must be some immediate means of supplying the want. A temporary deficiency in the Post Office Revenue, however short, must be attended with the most serious inconvenience, as affecting a Service which could not stop for a day without injuring the commerce, and confounding the General transactions of the whole Country. Impressed by this important view, His Majesty's Government has determined, with a full sense of the magnitude of the discretionary authority which the measure will place in the Governor, to propose a clause authorising him to grant a Warrant for any Sum, within certain specified limits, which may be shewn to his satisfaction to be necessary for the conduct of the Post office Department. In considering the limits to be assigned to this authority in each Colony, the Government has been guided by the following portions of a Report from the Deputy Post Master General at Quebec. "The Deputy Post Master General of British North America supposes upon a rough Estimate that the deficiency in receipts to meet the current expenditure in the management of the

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Post Office Department may amount to even as much as £6,000 per annum, and he states that without some certain means of obtaining that, or any less, deficiency, the business of the Department would come to a stand still, and the framers of the Law would be upbraided for not having provided against such a Contingency. Calculating the supposed deficiency at the maximum of £6,000, he proceeds to state that the following Sums correspond pretty nearly with the proportionate amount of Postage business transacted within the Provinces.

Lower Canada .....	£2000
Upper Canada .....	2000
Nova Scotia .....	1200
New Brunswick .....	600
Prince Edwards Island .....	200
	<hr/>
Total .....	£6000

Conformably with the foregoing Report £2,000 is proposed as the extent to which the Officer administering the Government may issue Warrants on account of the Post Office in Upper Canada.

It is contemplated to attach the privilege of franking to seats in the Council and Assembly, in imitation of the right enjoyed by Members of the two Houses of Parliament in this Country; I hope that this provision will be deemed just in principle and conducive to that distinction which it must be desirable to confer on Individuals who form part of the Legislature of the Country.

Before I conclude this despatch I wish to offer a few remarks with reference to the mode in which it is desirable that the proposed Bill should be introduced for the consideration of the Colonial Legislature. Upon this point I must confess that I feel considerable difficulty in furnishing you with any definite Instructions. In carrying into effect the amendments in the old Law of 5: Geo 3. C. 25. His Majesty's Government would have preferred after having passed the necessary Imperial Statutes to have left the subsidiary Provincial Enactments to the discretion of the different Legislatures. But it was felt that the efficiency of the Measure depended almost entirely upon an uniformity of Legislation in the Provinces, and this could only be accomplished by preparing in this Country a Draft of the Bill which the Imperial Act would render necessary. The only objection to this course has been that it might be construed into an interference with the deliberations of the Provincial Legislatures, which it is desirable to leave upon all occasions, free and unshackled. I should hope, however, that in a question of this Nature there is no reason to fear such an objection, and I think that it may easily be guarded against by some little caution in the manner of introducing it to the Assembly. I suppose that the ordinary course must be adopted of submitting it to them by Message. I do not know how far it would be practicable to entrust the conduct of the Bill through the Assembly to some Member of that Body connected with the Government, nor whether such a step would be advisable. This is a point, however, which I leave with the fullest confidence to Your discretion. Under any circumstances, however, I think that it will be desirable that you should endeavour to impress upon the Assembly the necessity of their abstaining, as much as possible, from Amendments destructive of the uniformity of the Bill.

1834

There are some Clauses nevertheless which are left wholly for the decision of the Colonial Legislatures. I allude to the punishments to be inflicted under the Act. His Majesty's Government have felt Great delicacy in offering any suggestions upon these points; and it is perhaps the most satisfactory Course to leave them to the consideration of the assemblies themselves, who will, I doubt not, devote to the subject that mature deliberation which it's importance demands.

It is of course necessary that all the Acts passed by the several Legislatures on the present subject should take effect on the same day. The 1<sup>st</sup> of January 1836 is named in the accompanying Draft, in order to secure ample time for the due consideration of the Acts." (Draft of Bill not enclosed.) p. 236

Downing St.,  
Oct. 20.

James Stephen, Under Secretary, to Colborne. Stating that application of James Sweetman of Cobourg, formerly of Royal Navy, for grant of land cannot be complied with. p. 252

Downing St.,  
Oct. 20.

Duplicate of preceding despatch. p. 253

Downing St.,  
Oct. 20.

Spring Rice to Colborne. No. 38. Acknowledging despatch No. 58 of Aug. 2, and expressing satisfaction with address from Brockville disavowing sentiments of Mr. Hume's letter. p. 254

Downing St.,  
Oct. 20.

Duplicate of preceding despatch. p. 256

Downing St.,  
Oct. 21.

Spring Rice to Colborne. No. 39. Stating that letter had been received from Francis Hewson of Barrie criticizing system of disposing of Crown Lands, and directing that he be informed that the regulations having been adopted after mature deliberation Government is not disposed to alter them. p. 259

Downing St.,  
Oct. 21.

Duplicate of preceding despatch. p. 261

Downing St.,  
Oct. 22.

Spring Rice to Colborne. No. 40. Acknowledging despatch No. 62 of Aug. 30, and stating that Attorney General, who has been consulted, is of opinion that while charge to jury in the case of Owen and Rooney, convicted of murder and sentenced to death, was proper, it would have been more in accordance with merits of case if verdict had been one of manslaughter instead of murder. Sentence of death is to be remitted and commuted to the punishment which would have been awarded on a conviction of manslaughter. p. 263

Downing St.,  
Oct. 22.

Duplicate of preceding despatch. p. 266

Downing St.,  
Oct. 23.

Spring Rice to Colborne. No. 41. Acknowledging despatch No. 53 of July 14 with memorial from Col. Givins applying for allowance of lodging money, and requesting information as to Col. Givins' salary, which is stated differently in despatch from amount authorized some years earlier. p. 269

Downing St.,  
Oct. 23.

Duplicate of preceding despatch. p. 271

Downing St.,  
Oct. 23.

Spring Rice to Colborne. Requesting that G. W. Busted and his son J. Busted, of London, be informed that Colonial Secretary is not disposed to revise decision of his predecessors against their claim for damages suffered through being deprived of public employment in St. Lucia. p. 274

Spring Rice to Colborne. No. 42. Acknowledging despatch No. 1834  
60 of Aug. 5, and stating, with reference to enclosed application of  
the two Roman Catholic Bishops that sums allowed for salaries for  
their priests might be appropriated for support of a seminary they  
desired to establish, that, with every disposition to accede to wishes  
of Bishops, he desires to learn first the sentiments of priests and con-  
gregations on subject. p. 276

Downing St.,  
Oct. 29.

Duplicate of preceding despatch.

p. 279 Downing St.,  
Oct. 29.

Spring Rice to Colborne. No. 43. Transmitting copy of letter  
from James Nisbett respecting a negro settlement at Wilberforce,  
U.C., and requesting report on subject. p. 282

Downing St.,  
Oct. 30.

Enclosure:—

James Nisbett to Colonial Secretary. (Copy.) Gives informa- 17 Tetter  
tion in connection with negro settlement at Wilberforce, established in  
1829, and requests encouragement for Mr. Paul, coloured, who is  
seeking to found a theological seminary there. p. 283

Row,  
Edinburgh,  
Oct. 16.

Duplicates of preceding despatch and enclosure.

p. 290 Downing St.,  
Oct. 30.

Spring Rice to Colborne. No. 44. Acknowledging despatch No.  
49 of July 2, and inquiring, with reference to request of Dr. Phillips  
to be allowed to retire from vice-principalship of Upper Canada  
College, whether there are any circumstances disqualifying him from  
discharge of his duties. Should that not be the case, objection might  
not be made to his retiring and receiving appointment as missionary  
at some station near Toronto, but in view of brevity of service he  
is not entitled to pension. p. 295

Downing St.,  
Oct. 31.

Duplicate of preceding despatch.

p. 297 Downing St.,  
Oct. 31.

Spring Rice to Colborne. No. 45. Acknowledging despatch No.  
64 of Oct. 1, and expressing H. M.'s gratification at sentiments of the  
address from inhabitants of Johnstown District. p. 299

Downing St.,  
Nov. 8.

Duplicate of preceding despatch.

p. 301 Downing St.,  
Nov. 8.

Spring Rice to Colborne. No. 46. Discussing objections to two  
Provincial Acts, viz: "An Act to enable the executors named in the  
will of the late Thomas Stoyell to carry the provisions of the said  
will into effect" and "An Act imposing a Tax on lands adjoining  
Carborough [Canborough?] and Simcoe Road" both of which were  
reserved for His Majesty's pleasure. p. 303

Downing St.,  
Nov. 10.

Duplicate of preceding despatch.

p. 317 Downing St.,  
Nov. 10.

Spring Rice to Colborne. No. 47. Acknowledging despatch No.  
63, and directing that Mr. Caddy, late of Royal Artillery, and Mr.  
Reynell, late of 4th West India Regiment, be answered in accord-  
ance with terms of circular despatch of Aug. 14. p. 326

Downing St.,  
Nov. 12.

Hay to Colborne. Respecting letter addressed to Treasury by  
Lieut. Governor on Aug. 13 relative to application from Thomas  
Kirkpatrick for remission of fine imposed upon him for usury, trans-  
mits copy of letter from Treasury with directions to follow their  
pleasure in the matter. p. 328

Downing St.,  
Nov. 26.

## 1834

- Enclosure:—
- Treasury Chambers, Nov. 17. F. Baring to Hay. (Copy.) Transmitting copy of letter from Lieut. Governor with enclosures. Treasury is satisfied that, if case is correctly represented in Mr. Kirkpatrick's memorial, that part of the penalty payable to the Crown may be remitted. p. 331
- Downing St., Nov. 26. Duplicates of preceding despatch and enclosure. p. 338
- Downing St., Nov. 28. Hay to Colborne. (Duplicate.) Transmitting copies of correspondence with Admiralty and Ordnance to the effect that Naval Establishment in the Canadas is to be transferred to Ordnance as Government property, on condition that it is not to be disposed of or applied to any public purpose without sanction of Secretary of State. p. 339
- Admiralty Office, Oct. 7. Enclosures:—
- Downing St., Nov. 7. (1) John Barrow to Hay. (Copy.) p. 340
- Office of Ordnance, Nov. 19. (2) Hay to Byham. (Copy.) p. 345
- Downing St., Nov. 28. (3) Byham to Hay. (Copy.) p. 347
- Downing St., Nov. 29. (4) Hay to Barrow. (Copy.) p. 349
- Downing St., Nov. 29. Duplicate of preceding despatch. p. 350
- Hay to Colborne. (Circular.) Stating that Duke of Wellington has assumed office of Colonial Secretary pending formation of cabinet of Sir Robert Peel. Owing to provisional nature of arrangement Duke of Wellington does not wish that official notification should be made to colonial authorities. This will cause delay in answering despatches. Suggests that sitting of Legislature should be prolonged in order to give new Colonial Secretary time to send replies to important addresses of Assembly. p. 351
- Downing St., Dec. 1. Duke of Wellington to Colborne. [Circular.] Announcing death of Duke of Gloucester. p. 356
- Downing St., Dec. 1. Duplicate of preceding despatch. p. 358
- Downing St., Dec. 1. Wellington to Colborne. No. 1. Stating, with reference to application of Law Society of Upper Canada for copy of works collected by Record Commission, that a set of these works will be sent to each colony in North America, with an extra copy for Montreal. Requests that wise selection should be made in depositing the U.C. set; would be gratified if library of Law Society should be found satisfactory for this purpose. p. 359
- Downing St., Dec. 1. Duplicate of preceding despatch. p. 367
- Downing St., Dec. 20. Earl of Aberdeen to Colborne. (Circular.) Announcing his succession to office of Colonial Secretary. p. 371
- Downing St., Dec. 21. Aberdeen to Colborne. (Circular.) Directing the mode in which governors of colonies are to draw upon Treasury. p. 373
- Downing St., Dec. 23. Aberdeen to Colborne. No. 1. Transmitting Order in Council of Nov. 29 confirming Act passed in 1833 entitled, "An Act to extend to certain persons the Civil and Political rights of Natural born Subjects". (No enclosure.) p. 376
- Downing St., Dec. 23. Duplicate of preceding despatch. p. 378

Aberdeen to Colborne. No. 2. Acknowledging despatch No. 61 of Aug. 2 with two letters from Wm. Berezy. After lengthy review of the circumstances from the acquisition of land by Berezy's father in 1794, states his conclusion that the claim cannot be recognized, affirming his belief that conduct of both Wm. Berezy and his father had been creditable throughout. p. 380

1834  
Downing St.,  
Dec. 24.

Aberdeen to Colborne. No. 3. Acknowledging despatch No. 25 of April 10, and stating that address of Legislative Council on subject of naturalization of foreigners in Upper Canada has been under consideration. H. M.'s Government is not prepared at present to point out any particular conditions on which foreigners in province should be admitted to rights of natural-born subjects, nor to recommend repeal of existing Imperial statutes relating to the subject. p. 393

Downing St.,  
Dec. 25.

Duplicate of preceding despatch.

p. 395

Downing St.,  
Dec. 26.

Aberdeen to Colborne. (Private.) Explaining reasons which motivated decision given in public despatch of same date, and stating that it is not considered advisable to recommend repeal of Imperial statutes governing naturalization. Draws attention to controversy between British and United States Governments as to right of one country to receive and protect subjects of another country who wish to disclaim their allegiance. Britain has always maintained that no such right exists and that no natural-born subject can claim exemption from obligations on plea of becoming an American citizen. Any new enactment facilitating naturalization would agitate the question and even recognize principle which Britain has denied. Provincial acts for relief of individuals or established residents have been permitted, but legislation by Parliament cannot be enacted. Should another appeal appear probable Lieut. Governor should draw attention of friendly and influential members to these difficulties. p. 398

Downing St.,  
Dec. 26.

Downing St.,  
Dec. 26.

Duplicate of preceding despatch.

p. 401

Downing St.,  
Dec. 26.

Aberdeen to Colborne. No. 4. With reference to retirement of Mr. Elmsley from Executive Council and circumstances attending his action, which formed subject of despatch No. 3 of Jan. 10, regret is expressed that any gentleman should have so far misunderstood his position as to suppose that he was prohibited from utterance of his opinions in Executive Council. Nomination of Mr. Dunn to vacant seat is approved. p. 405

Downing St.,  
Dec. 27.

Downing St.,  
Dec. 27.

Duplicate of preceding despatch.

p. 407

Downing St.,  
Dec. 27.

#### G. 73 (1835)

Aberdeen to Colborne. No. 5.

"I have had under my consideration your despatch No 34 of the 26<sup>th</sup> of April last, accompanied by An Address from the House of Assembly praying that either all the lands originally set apart in Upper Canada for the advancement of Education may be restored, or, if that be impracticable with respect to lands granted to Individuals, that an equivalent appropriation may be made in lieu of the portion thus Subtracted.

1835  
Downing St.,  
Jan. 7.

In examining into the subject of this Address, I have found that it raised three questions: 1<sup>st</sup> Whether the Estates reserved for purposes of education have been improperly diminished. 2<sup>dy</sup> Whether the

1835

part of them allotted to Kings College has been disproportionate to the whole; 3<sup>rd</sup> Whether such exchanges as have from time to time been effected of the original lands have been disadvantageous to the interests of the endowment.

The Assembly state that the whole reservation of School Lands amounted to 740,275 acres which they understand to have been appropriated as follows.

To Individuals . . . . .	170,719
To the University of Kings College . . . . .	225,944
Upper Canada College . . . . .	66,000
Surveyors for Surveying . . . . .	19,282
Remainder available for Schools . . . . .	258,330

Acres. 740,275

In this Statement the Assembly seems to have fallen into a misconception. From the communications you have made, it appears that the allotment made in 1798, for Schools and larger Seminaries consisted of 12 Townships; and that although, taken in their entire extent, these would amount to a quantity not remote from that named by the Assembly, yet after making the necessary deduction for Crown and Clergy Reserves they would not exceed 549,207, acres.

Of this quantity, 291,944, acres are comprised in the Assignments to the University and to Upper Canada College while about 240,000 Acres are estimated by you to be actually available for the assistance and endowment of Schools. Only 17,263 Acres remain to be accounted for, and the appropriation of these would be more than explained by the Grants which are specified by the Assembly as having been made to surveyors for surveying. You also inform me that a few lots have been sold by the Board of Education for the purposes, of course, for which that Commission was formed. I do not find a statement of the exact quantity alienated in this manner, nor do I quite understand the nature of the allowance said to have been made to Surveyors for surveying; but it is plain that the amount of the original reservation can be accounted for without resorting to those extensive assignments to Individuals which are set down in the Assembly's statement. They must, therefore, have consisted of lots given in exchange for others, instead of being absolute and uncompensated deductions from the lands appropriated to Education.

I trust that the foregoing explanation will satisfy the Assembly that there has not been an improper diminution of the quantity of the lands reserved in 1798 for Schools and larger Seminaries. Whether the share allotted to the University be disproportionate to the whole is a distinct question, on which, in the order I am pursuing, I should next deliver an opinion. But when I advert to the terms of Lord Ripon's\* dispatch of the 2<sup>d</sup> November 1831, by virtue of which the regulation of the University has been brought before the Legislature for their consideration, and remains to be adjusted according to their advice, I think that it would be premature to form a judgment on the suitable endowment of an Institution of which the nature and probable extent cannot be deemed finally determined. In this view I am confirmed by the reflection that a new House of Assembly is about to meet, from which this subject may be expected to receive early attention, and that an expression of their sentiments, or an Act of the Legislature upon the Constitution of King's College, may at the present moment be in its transit to His Majesty's Government.

\* Viscount Goderich of Nocton, so created April 28, 1827, was made first Earl of Ripon April 13, 1833.

I shall confine myself under these circumstances to the observation, that the establishment of "a College or University for the instruction of Youth" formed one of the objects prayed for in the Address from the Council and Assembly in the year 1797, and that the institution of larger Seminaries than the District Schools was expressly adverted to in the communication by means of which His Majesty signified His compliance with that Address. Whatever difference of opinion, therefore, may exist as to the most appropriate share to be devoted to the purpose, there can be no doubt that the allotment of some of the Reserves for Education to a University is strictly conformable with the objects of the endowment, and that to exhaust the entire amount of the Estates in the enrichment of District Schools would contravene the designs of those by whom the property was first set apart.

1835

But if the application of part of the Reserves for Education to the endowment of a University cannot be deemed a diversion of them from their proper use, it will hardly be denied that the exchange by means of which they were thus applied was highly advantageous. His Majesty resumed 225,944 Acres out of the School townships, and granted to the Corporation of King's College in lieu of them an equal quantity of Crown Reserves, most of them under lease, in old and settled townships, where the lands bore a great value: it may be presumed, as you justly observe, that had this endowment not taken place the same Reserves would have become the property of the Canada Company in common with the rest of the Crown Reserves in the surveyed townships, or at any rate would never have been exchanged for such inferior land as that in the School Townships. With respect to such other exchanges as have been effected of School lands, I could not adopt any opinion at this distance from the spot without much diffidence. But I cannot overlook one inference which may be drawn from the statement of a high local authority, intimately conversant with the subject;—in the Report of the Executive Council on School Reserves, dated 29<sup>th</sup> April 1831, I find it said "that the original reservation was an injudicious selection,—first, "because confined to three Districts,—secondly, because made in "whole Townships,—thirdly, because several of these Townships are "found to be very indifferent land, and containing much altogether "unfit for cultivation." It is difficult to read this Remark without forming the conclusion that, unless by the most conspicuous mismanagement, any exchanges of the Lands so undesirably situated cannot have been prejudicial to the interests for which they had been reserved.

Having thus stated my views on the principal points involved in the Address of the 4<sup>th</sup> December 1833, I have only in addition to convey to you His Majesty's gracious permission to adopt a measure, suggested by yourself, which I trust will be acceptable to the Assembly. Out of the original Grant of 549,217 Acres, there remain disposable about 240,000 Acres, not very advantageously situated; and I am now to authorize you, if the Assembly should wish it, to select this number of Acres from the settled Townships. (in which as you inform me the Land is selling at the rate of 12/6 P' Acre) and to resume to the Crown in lieu of them as much as is unalienated of the School Townships. The gain which such a transaction would confer upon the Endowment for Education is obvious; and I hope that this liberal offer will be regarded as a proof of the importance which His Majesty attaches to the great object of the Instruction of the People in Upper Canada.

1835

The same measure may be made the means, as you observe, of rendering it certain that there shall have been no improper diminution of the School Estates. If in taking possession of the School Townships, it should be found that any Lot has been disposed of except for a fair price received by the Board of Education, or except in exchange for some other lands applied to the proper purposes of these Reserves, the Commissioner of Crown Lands must be instructed immediately to set apart elsewhere a Lot of equal value, to be placed under the control of any Board that may be named by the Legislature to superintend the management of School Lands." p. 1

Downing St.,  
Jan. 7.

Duplicate of preceding despatch.

p. 14

Downing St.,  
Jan. 8.

Aberdeen to Colborne. No 6. Replying to despatch No. 68 of Nov. 12 Colonial Secretary directs that regret be expressed to Mr. Higgins and to Mr. McDonald, former Militia officers, that their applications for lands cannot be complied with.

p. 28

Downing St.,  
Jan. 8.

Duplicate of preceding despatch.

p. 29

Downing St.,  
Jan. 8.

Aberdeen to Colborne. (Circular.) Directing that reports of appointments and promotions of half-pay officers to civil situations be promptly reported to Secretary of War.

p. 30

Downing St.,  
Jan. 10.

Aberdeen to Colborne. (Circular.) Requesting that, in submitting the claim of an officer for retiring allowance on his quitting local Government service, full information respecting his career be furnished.

p. 31

Downing St.,  
Jan. 19.

Aberdeen to Colborne. No. 7. On the question of the mode of appointment of earlier Inspectors General of Accounts states that Lieut. Governor had no authority of himself for making any such appointment. Refers to those of Mr. McGill in 1801 and Mr. Baby in 1815. Requests particulars of all appointments made under Colborne's seal. Seal of Lieut. Governor "is altogether misplaced & unmeaning when used in authentication of any Act done by him in the exercise of His Majesty's delegated Prerogative". As regards Markland, warrant will be sent out authorizing his appointment as Inspector General of Accounts under the public seal of the province. This mode must be followed in regard to offices with emoluments of £200 per annum and over, except in Post Office and Customs.

p. 33

Downing St.,  
Jan. 20.

Aberdeen to Colborne. No. 8. Acknowledging private despatch of Nov. 20, and thanking him for general information on state of province, and particularly for that on the recent returns made to the Assembly.

p. 44

Downing St.,  
Jan. 21.

Aberdeen to Colborne. No. 9. Transmitting Order in Council of Dec. 20 authorizing Provincial Acts Nos. 792 to 844 to be left to their operation. Also transmits an Order of same date specially confirming Acts Nos. 846 to 850. (No enclosures.)

p. 45

Downing St.,  
Jan. 21.

Duplicate of preceding despatch.

p. 47

Downing St.,  
Jan. 22.

Aberdeen to Colborne. No. 10. Acknowledging despatch No. 73 of Dec. 3 with address to the King from inhabitants of Bathurst District disclaiming sentiments of Mr. Hume's letter of March 29, 1834, to W. L. Mackenzie.

p. 49

Downing St.,  
Jan. 22.

Duplicate of preceding despatch.

p. 342

Aberdeen to Colborne. No. 12. Directing that the attorney of H. J. Boulton, former Attorney General, be informed that amount of £329-17-1 stated to be due to him for official services cannot be paid from Casual and Territorial Revenue as Government cannot supply omission of Assembly to vote this sum. This decision has already been communicated by two former Colonial Secretaries.

1835  
Downing St.,  
Jan. 25.

p. 51

Duplicate of preceding despatch.

p. 53  
Downing St.,  
Jan. 25.

Hay to Colborne. Requesting that Archibald McDonald of Marina, near Cobourg, be informed that Colonial Secretary regrets his inability to indemnify him with either land or money for loss sustained by failure of an Army agent in London.

Downing St.,  
Jan. 27.

p. 55

Duplicate of preceding despatch.

p. 58  
Downing St.,  
Jan. 27.

Aberdeen to Colborne. No. 13. Transmitting warrant for appointment of Geo. H. Markland to office of Inspector General of Accounts. Payment of £11-5-6 on account of stamp and fees is requested.

Downing St.,  
Jan. 28.

p. 60

Enclosure:—

The warrant.

p. 61  
Jan. 21.

Duplicate of preceding despatch.

p. 63  
Downing St.,  
Jan. 28.

Aberdeen to Colborne. No. 14. Requesting immediate report on memorial of David Browne, which had been transmitted to Lieut. Governor on Nov. 1, 1833.

Downing St.,  
Jan. 30.

p. 64

Duplicate of preceding despatch.

p. 65  
Downing St.,  
Jan. 30.

Aberdeen to Colborne. No. 15. Transmitting, for information and guidance, copies of correspondence with Karlslake & Crealock respecting claim to a grant of land of two ladies in character of co-heirs of late Col. Guy Johnson. (One enclosure missing.)

Downing St.,  
Feb. 4.

p. 66

Enclosure:—

Karlslake & Crealock to Under Secretary. (Copy.) Stating claim of Mrs. Mary Campbell, widow of the late General Colin Campbell and daughter of the late Col. Guy Johnson.

4 Regent St.,  
Jan. 27.

p. 67

Aberdeen to Colborne. No. 16. Communicating decisions respecting several reserved Bills. Bill No. 845 (in printed volume, cap. 54) appears to authorize encroachment on Ordnance lands, and is held for further consideration. Bill No. 846 (cap. 55) for naturalization of five persons named therein has been confirmed by Order in Council of Dec. 20. Bill No. 847 (cap. 56) has been noticed in earlier despatch. Bill No. 849 (cap. 58) respecting John Yates is not confirmed, as it does not confer on him privileges of naturalization nor require him to take oath of allegiance but does give him unlimited right to hold land in province. Bill No. 851 (cap. 60) is not confirmed for same reason. Bill No. 862 (cap. 61) respecting Roman Catholic parish of L'Assomption is not confirmed for reasons given.

Downing St.,  
Feb. 5.

p. 71

Duplicate of preceding despatch.

p. 78  
Downing St.,  
Feb. 5.

1835

Downing St.,  
Feb. 18.

Aberdeen to Colborne. No. 17.

"I have had under my consideration your Dispatch No 23, of the 8<sup>th</sup> of April last, accompanied by an Address from the Assembly, respecting the Rights enjoyed by the class of persons entitled "United Empire Loyalists."

The Assembly represent that whereas these Rights had always been regarded in the light of a debt due by the Government to the Claimants, yet they were limited by an Order of the Executive Council passed in October 1818, and have since been subjected to other restrictions, all of which ought now in justice to be abrogated.

Upon this Statement I have to observe that the Grants of Land promised to United Empire Loyalists were never held out to them free from all obligation on their part. By the General Land Regulations of 1789, which have formed the basis of all subsequent Rules on the same subject, it was made an indispensable condition of every Grant that the party should reside upon it; it was also provided that the temporary assignments of Land, which it was customary to issue before the formal Grants, should not be transferrable. Both these conditions were expressly applicable to United Empire Loyalists, and they were less favourable in some respects than the terms substituted for them by subsequent Orders in Council.

They fell, however, into some neglect, nor perhaps was it desirable that they should be strictly observed, in the early periods of the Colony; but in 1818 it became apparent that great injury was arising from the intermixture of uncultivated lots in the improving parts of the Province, and that an effort was necessary to check the too easy acquisition of land. Hence arose the Order of October 1818, directing not with regard to United Empire Loyalists only, but to all Grantees whatever, that no Grant should be finally conceded until a habitable house were erected on the allotment, and certain Settlement duties performed. A later Order, dated 24<sup>th</sup> of May 1832, abolished these Rules, and provided instead that no Patent should issue for Land unless a resident Settler had been established on some part of the Grant.

The Regulations thus established in 1818 and 1832, were as I have already observed, more indulgent in some respects than those for which they were substituted. Even had they not been so, they were demanded by the interest of the Province, and on that ground alone were amply justified.

The United Empire Loyalists must of course be understood to have received their promises of Grants subject to the same conditions or restrictions which it might from time to time be found necessary, for the public welfare, to impose on all Grants of Land from the Crown: there is no trace to be discovered of any exception in their favour from the effect of any future regulation on the subject, nor indeed would it seem credible that so extraordinary a principle should have been inserted in the midst of Rules which were to operate in a new and rapidly changing Country. When therefore too great a facility in the alienation of the Crown Lands was found to produce the pernicious effect of leaving large Tracts uncultivated in the midst of growing Settlements, and thus to obstruct the prosperity of the Colony, the Government was not merely at liberty, but was imperatively bound, to take proper steps for resisting the evil as well in the case of United Empire Loyalists as of all other Grantees.

Unfortunately the measures that were adopted were not adequate to all the exigencies of the case, and a new cause of injury to

the Province soon demanded the attention of the Colonial Government. In defiance of the Rule against transferring Certificates of Location (a prohibition which had never been withdrawn) there sprung up an extensive and mischievous traffic in United Empire Loyalists Rights, converting the Bounty of the Crown into a mere subject for the enterprises of persons who were disposed to speculate in Land. To have suffered this Trade to go on unchecked would have been to betray the most important interests of the Province. The free circulation of Titles to land in the vast numbers corresponding with the amount of United Empire Loyalists' Claims must have depreciated the value of land throughout Upper Canada. It would have endangered the public Territorial Revenue, which is at present devoted to so many Colonial objects of high moment: and it would have constituted a sort of unauthorized Paper Currency, calculated materially to affect the general transactions of the Colony. Besides these consequences, the worst effect of all perhaps would have been the stimulus to the acquisition of land, tempting individuals prematurely to quit the condition of Labourers for that of Land Owners, and thus to augment the scarcity of hands which is at any rate the inconvenience most to be apprehended in a Country in the circumstances of Upper Canada.

Threatened by evils of this magnitude, you proceeded with the advice of the Executive Council, to issue an Order dated 8<sup>th</sup> November 1833 (and explained by the subsequent Order of 7 December 1833) declaring that the actual Residence of the Party himself should in future be the sole, but indispensable condition of every Grant to a United Empire Loyalist, unless he could prove himself to be unavoidably prevented from such residence; in which case a Lot should be nominally assigned to him; and its proceeds be paid to him when-ever it should be disposed of at any of the Government Sales.

I certainly approve of this Order, so far as its provisions are restrictive of the Rights to be obtained in the character of United Empire Loyalists; my only objection to it is that it does not go sufficiently far in its limitations. When I advert to the terms of the promises held out in 1789, by which, without regard to the probable rise in the value of land, and with scarcely any security against fraudulent claims, it was provided that every Child of every person who was a Loyalist in 1789 should be entitled to a Grant of 200 Acres on coming to the age of 21 years, I cannot but deeply feel the necessity of guarding against abuse of a liberality so wide and indefinite. And the more so when I perceive that, in performance of the engagements thus contracted, a Million and a half of Acres have already been pledged, thus setting aside for United Empire Loyalists, without payment of any kind in return, more than one seventh of the surveyed portion of the Colony. Impressed by these considerations, and looking to the circumstances under which the United Empire Loyalists' Grants were originally promised, I cannot see any ground for the proviso that if a Loyalist can prove himself unable to reside on an allotment, he shall have the price of it instead of the land itself. This seems to me uncalled for by the terms of the Engagement under which Government acts on this subject. If an Individual is in such easy circumstances as not to desire to live on the land placed at his disposal, the public ought to be saved the value of a Boon which may be presumed to have been designed for those who required it for their own use. The Grants to Loyalists were promised at a time when they were newly banished from their

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native Farms; and it is far more natural to suppose that they were considered as almost indispensable allowances to those who were ejected from their homes, than as a mere gratuitous gift which if the parties did not take it in kind, they might receive in value. For these reasons I am unable to concur in the exception allowed in the Order of 8<sup>th</sup> November 1833, and I am disposed to require that Residence may be made the entirely unqualified condition of all future Grants to United Empire Loyalists.

I am unwilling, without a further reference to the Province, to convey to you Instructions so different from those which the Assembly would appear to have been desirous to obtain by drawing attention to the subject in their address of the 4<sup>th</sup> of March last. You are yourself, I observe, disposed to think that the practical inconveniencies of some relaxation in the Rules respecting Loyalists might be less serious now than they would have been some time ago. But the objections to any indulgence which could admit of a traffic in United Empire Loyalists' Rights appear to be insurmountable; and I feel myself imperatively called upon in this grave matter not to recede from what seems to me my duty towards the interests of the Province. I can only trust that the facts I have recapitulated, together with the reflexions which they have suggested, if properly represented to the Assembly, as I have no doubt they will be by you—will induce them to concur in the view of the subject which I have felt myself called upon to take, and to modify the sentiments originally expressed by them on the subject.

With respect to the presentation of the very numerous Papers for which the Assembly applied in their Address of 17<sup>th</sup> February 1834, and which you could not communicate without authority from home, I have to state that so far as regards the question of divulging them, I have no objection whatever to their production; I must remark, however, that the demand for all Correspondence between the local Government and the Secretary of State "from the first settlement of "the Colony" "relating to the granting or sale of Lands to any person "or persons whatever" is one to which the Return could not be otherwise than most inconveniently bulky, nor be made without great labour and possibly expense, especially as there was a time when it was common to authorize the most ordinary Grants to Individuals by a distinct dispatch from the Secretary of State. This circumstance alone is enough to indicate the multitude of documents which would be required, in order to comply precisely with the terms of the application made last Year. I should therefore wish you to ascertain whether it might not equally meet the object of the Assembly to present copies of all Dispatches laying down any principles respecting the disposal of land; and merely to furnish an Abstract of the rest shewing the number of Individuals who had been allowed land and the quantity assigned to each.

I throw this out as a suggestion that may be useful; but should the Assembly, after receiving an explanation from you on the subject, continue to press its original request, I would rather that you should cause all the voluminous documents in question to be transcribed than admit of any doubt upon the readiness of His Majesty's Government to supply whatever information the Assembly may deem important to the discharge of their high functions."

p. 83

Downing St.,  
Feb. 18.  
Downing St.,  
Feb. 18.

Duplicate of preceding despatch.

p. 92

Aberdeen to Colborne. (Separate.) With reference to public despatch of same date requests report on precautions taken to verify claims of persons applying for lands as U.E. Loyalists, specifying

particulars on which information is desired. Is anxious to know if period can be fixed wherein all claims must be taken up or forfeited. Until Government can issue instructions on subject no further claims are to be dealt with. Much appreciation is expressed for report of Executive Council of March 27, 1834. p. 104

Duplicate of preceding despatch. p. 109 Downing St., Feb. 18.

Aberdeen to Colborne. No. 18. Acknowledging despatch No. 79 of Dec. 22, and approving of Lieut. Governor's view that application of Mr. Lally and Mr. Whitley for leave to purchase a large tract of land at Owen's Sound by private bargain, at five shillings an acre, should not be entertained. p. 113 Downing St., Feb. 19.

Duplicate of preceding despatch. p. 115 Downing St., Feb. 19.

Aberdeen to Colborne. No. 19. Acknowledging despatch No. 81 of Dec. 24, and expressing regret at inability to comply with application of Major Patton to be allowed privileges of military settler for a grant of land. p. 117 Downing St., Feb. 20.

Duplicate of preceding despatch. p. 119 Downing St., Feb. 20.

Aberdeen to Colborne. No. 20. Acknowledging despatch No. 83 of Dec. 27, and expressing agreement with conclusion of Executive Council respecting application of Col. Nicolls for grant of land in lieu of 800 acres sold for arrears of taxes. p. 121 Downing St., Feb. 21.

Duplicate of preceding despatch. p. 124 Downing St., Feb. 21.

Aberdeen to Colborne. No. 21. Acknowledging despatch of April 18 last with memorial from Presbyterian Synod, and, having observed that there were twenty-five Presbyterian ministers in Upper Canada, nineteen of whom received salaries out of grant of £1,000 from Casual and Territorial Revenue the remainder being paid by their congregations, he authorizes an additional grant of £350 from the same source so that these six ministers should also receive £57 each. Since this new charge on Crown Revenue, in addition to expenditure authorized by despatch No. 22, might render burdens on these revenues greater than receipts, Colonial Secretary has reconsidered instructions of July 22 for applying interest on instalments of purchase-money of Clergy Reserves to improvement of land, and authorizes appropriation of that fund, as formerly, to payment of salaries pledged to Church of England missionaries. It should be intimated to the Presbyterians that the whole grant to them proceeded from bounty of Crown, and may be withdrawn should circumstances render that course necessary. p. 125 Downing St., Feb. 22.

Two duplicates of preceding despatch. p. 130 Downing St., Feb. 22.

Aberdeen to Colborne. No. 22. With reference to despatch No. 24 of April 9 last with an address from the Assembly, and despatch of Nov. 15, authorizes the sending of parties from the north shore of Lake Huron to explore the interior of that part of the country. p. 137 Downing St., Feb. 22.

Two duplicates of preceding despatch. p. 139 Downing St., Feb. 22.

Aberdeen to Colborne. No. 23. Acknowledging despatch No. 78 of Dec. 20, and, in view of circumstances set forth by Lieut. Governor, authorizing permission enabling Major Rains and associate capitalists each to purchase, at a low price, 5,000 acres of land on St. Joseph's Downing St., Feb. 23.

- 1835** Island, the tract to be disposed of in lots of 200 acres to actual settlers at the same rate as purchase price. Quarterly returns are to be made to the Commissioner of Crown Lands. p. 143
- Downing St.,  
Feb. 23. Duplicate of preceding despatch. p. 146
- Downing St.,  
Feb. 26. Aberdeen to Colborne. No. 24. Acknowledging despatch No. 70 of Nov. 18, and sending warrants for appointment of Archibald McLean, William Morris, John Macaulay, George Hamilton and Philip Vankoughnet to Legislative Council. The fee for each is £9-15-6. For guidance of Lieut. Governor encloses copy of despatch of March 30, 1833 to Governor of Lower Canada. p. 149
- 1833** Enclosure:—  
Downing St.,  
March 30. Goderich to Aylmer. No. 185. (Copy.) Pointing out inconvenience of madamuses for appointments to Executive and Legislative Councils lying in London office until fees are received. States that in future such instruments will be sent at time of appointment to the Governor, who will arrange for collection of fees. p. 152
- 1835** Duplicate of preceding despatch (No. 24). p. 154  
Downing St.,  
Feb. 26. Aberdeen to Colborne. No. 25. Stating that he has received memorial of Mr. Boulton claiming to be unjustly treated in that his emoluments as Auditor General of Land Patents ceased Jan. 1, 1834, and saying he had permission of Lieut. Governor to forward his memorial. Such permission without explanations and opinion of the Lieut. Governor is a quite irregular proceeding. Reproves him for failure to report on necessity for continuance of the office in question as requested in despatches of Jan. 12 and Sept. 5, 1834. Directs that an immediate report be made on the general question and on Mr. Boulton's claim in particular. As it does not appear that former Colonial Secretary contemplated cessation of Boulton's emoluments, authority is given to pay such in arrears and prospectively out of Casual and Territorial Revenue. p. 156
- Downing St.,  
Feb. 27. Duplicate of preceding despatch. p. 162
- Downing St.,  
March 2. Aberdeen to Colborne. (Circular.) Instructions respecting disposal of convicts sentenced to transportation by Courts of North American colonies. Encloses three copies of Order in Council for specified officials. p. 166
- 1825** Enclosures:—  
Carlton  
House,  
Nov. 11. (1) The Order in Council. (3 copies.) p. 170  
(2) Draft of Proclamation of regulations regarding transportation of convicts. p. 176
- 1835** Hay to Colborne. (Duplicate.) Introducing Mr. Battersby, who with his family is about to settle in Upper Canada. p. 178  
Downing St.,  
March 2. Hay to Colborne. Transmitting copy of despatch to Lord Aylmer, with an Additional Instruction. p. 179  
March 3. Enclosure:—  
Downing St.,  
March 2. Aberdeen to Aylmer. No. 26. (Copy.) To remedy the discrepancy between Aylmer's Instructions and his Commission in the matter of succession to the Government in Lower and Upper Canada in the event of the death or absence of the Governor there is enclosed an Additional Instruction of Feb. 8 which cancels so much of the previous

- Instructions as conflicted with directions in the Commission. The Commission had named the senior military officer and the Instructions the senior Councillor. (Copy of Instruction not enclosed.) p. 180 **1835**
- Duplicate of preceding despatch (Hay to Colborne). p. 182 Downing St.,  
March 3.
- Hay to Colborne. (Duplicate.) By a provision of the Commission of the Governor in Chief the administration of the Government of Lower Canada must devolve on the Senior Officer Commanding the troops. While Colonial Secretary does not question the justice of Colborne's opinion of Mr. Markland, this provision precludes naming him for that office. Dr. Strachan's letter on the subject, which accompanied Colborne's of Nov. 19, is very gratifying, and both will be laid before the Secretary. p. 183 Downing St.,  
March 3.
- Aberdeen to Colborne. No. 26. Acknowledging despatch No. 2 of Jan. 12 with letter of Mr. Beikie and report of Executive Council, and requesting report on fees received by him as Clerk of that Council. If facts are as represented, authority will issue to increase his salary to £600 a year. p. 185 Downing St.,  
March 10.
- Duplicate of preceding despatch. p. 188 Downing St.,  
March 10.
- Aberdeen to Colborne. No. 27. Acknowledges despatch No. 80 of Dec. 23 last. With reference to request of Assembly that assistance be given to hospitals at Toronto and Kingston states the objections that exist to making this grant from wild lands. Pecuniary grant would be the desirable mode, but funds from Casual and Territorial Revenue are at the moment fully appropriated. When there is any sum available from this fund, Lieut. Governor is requested to bring subject again before Colonial Secretary. p. 192 Downing St.,  
March 11.
- Duplicate of preceding despatch. p. 196 Downing St.,  
March 11.
- Aberdeen to Colborne. No. 28. With reference to Colonial Secretary's despatch No. 21 of Aug. 5, transmitting letter from Society for the Propagation of the Gospel, from which it would appear that by error the salaries of four missionaries, Messrs. Patton, Boswell, Burnham and Givins, had been understated, and authorizing that they be put on footing of the other missionaries in that regard. p. 201 Downing St.,  
March 25.
- Enclosure:—
- A. M. Campbell to Hay. (Copy.) p. 204 4 Trafalgar  
Sq.,  
Feb. 28.
- Duplicates of preceding despatch and enclosure. p. 207 Downing St.,  
March 28.
- Aberdeen to Colborne. No. 29. With reference to Lieut. Governor's report of Dec. 2 states that for reasons given he does not consider it expedient to comply with applications of Ottawa Land Company or the Association in Ireland for large grants of land. p. 213 Downing St.,  
March 27.
- Duplicate of preceding despatch. p. 217 Downing St.,  
March 27.
- Aberdeen to Colborne. No. 30. Acknowledging despatch No. 76 of Dec. 12, and stating that Treasury has consented to increase salary of Inspector General of Accounts, Mr. Markland, from £150 to £200 a year. p. 221 Downing St.,  
March 28.
- Duplicate of preceding despatch. p. 223 Downing St.,  
March 28.

- 1835**  
Downing St.,  
March 28. Hay to Colborne. In explanation of despatch No. 30 states that Treasury is aware of the arduous duties performed by Mr. Markland, but, reductions having been made in salaries of other officers paid out of the Land Revenues, more than £200 cannot be given. Acknowledges his special services in investigating the New England Loyalist claims. p. 225
- Downing St.,  
March 28. Duplicate of preceding despatch. p. 228
- Downing St.,  
April 1. Hay to Colborne. Calling attention to large balances remaining in hands of Surveyor General of Woods and Forests, and stating that Colonial Secretary desires explanation, and, if possible, conformity to practice in other offices. p. 231
- Downing St.,  
April 1. Duplicate of preceding despatch. p. 233
- Downing St.,  
April 2. Aberdeen to Colborne. No. 31. Acknowledging despatch No. 84 of Dec. 29, and, after discussing grounds on which Tay Navigation Company base their application for £1,000 to complete their works, expresses regret that application cannot be entertained. p. 235
- Downing St.,  
April 2. Duplicate of preceding despatch. p. 242
- Downing St.,  
April 3. Hay to Colborne. (Private. Duplicate.) Acknowledging private letters of Dec. 3 and 27, and stating that he has nothing to add to the official communication (No. 29) being sent out. p. 250
- Downing St.,  
April 20. Charles Grant\* to Colborne. (Circular.) Notice that he has been appointed to succeed the Earl of Aberdeen as Colonial Secretary. p. 252
- Downing St.,  
April 20. Grant to Colborne. (Circular.) Transmitting copy of Order in Council made in pursuance of 3 & 4 William IV, cap. 59, sec. 6, admitting Danish vessels to the exercise of privileges granted under Act. p. 254
- Enclosure:—  
April 1. The Order in Council. (Copy.) p. 256
- Downing St.,  
April 20. Grant to Colborne. No. 1. Is in receipt of a memorial from James Owen MacCarthy, whom he assumes to be James Owen whose death sentence was commuted in October 1834, representing that he was suffering from an asthmatic complaint aggravated by confinement in Hamilton jail. Directs action should be taken if complaint is well-founded; requests that an inquiry be made into the condition of jails of the province. p. 259
- Downing St.,  
April 20. Duplicate of preceding despatch. p. 264
- Downing St.,  
April 23. Hay to Colborne. No. 2. Transmitting copy of letter from Sir Edward B. Baker respecting grant of land on Lake Erie to his father, the late Sir E. B. Littlehales, and requesting inquiry. p. 270
- Enclosures:—  
April 12. (1) Baker to Hay. Transmitting papers. p. 272
- 1811**  
May 9. (2) Power of Attorney granted by Sir Edward B. Littlehales to Col. Edward McDonell. p. 273
- 1835**  
Downing St.,  
April 23. Duplicates of preceding despatch and enclosures. p. 276

\* Charles Grant (1788-1866) was appointed Colonial Secretary April 18, 1835, and was created Baron Glenelg May 11 following. It will be noted that despatches dated May 4 and 7 are signed "Glenelg".

- Lord Glenelg to Colborne. (Circular.) Respecting the delimitation of military works in British possessions abroad. **1835**  
p. 280 Downing St.,  
May 4.
- Enclosures:—
- (1) Byham to Hay. (Copy.) Transmitting instructions regarding the delimitation. re-Office of  
p. 282 Ordnance,  
March 11.
- (2) The instructions. (Circular.) p. 284 84 Pall Mall,  
March.
- Duplicates of preceding despatch and enclosures. p. 286 Downing St.,  
May 4.
- Glenelg to Colborne. No. 4. Acknowledging despatch No. 9 of March 19 containing returns of Crown and Clergy Lands granted and sold in 1834. It is noted that 58,515 acres were granted to persons not classed as U.E. Loyalists, militia claimants, discharged soldiers and pensioners, and officers. An explanation of this deviation from the rules is requested. p. 292
- Duplicate of preceding despatch. p. 294 Downing St.,  
May 7.
- Hay to Colborne. Stating that he has received an application from Francis Hewson of Toronto with a recommendatory letter from Chief Justice Robinson, desiring to be appointed agent for the North American Colonial Association of Ireland. Colonial Secretary declares that Government has no means of forwarding the application, and that there is no intention of establishing that society. p. 296 Downing St.,  
May 11.
- Duplicate of preceding despatch. p. 298 Downing St.,  
May 11.
- Glenelg to Colborne. No. 5. Stating that he has received memorial from Robert Chambers of Peterboro praying for assistance in erecting church in that vicinity. Requests that gentleman be informed that Government has no funds on hand for that purpose, and that application should be made to Provincial Legislature. p. 300 Downing St.,  
May 12.
- Duplicate of preceding despatch. p. 302 Downing St.,  
May 12.
- Glenelg to Colborne. No. 6. Acknowledging despatch No. 5 of Feb. 12, and stating that requisition for stationery has been transmitted to Treasury. Requisition for Office of Inspector General of Public Accounts did not accompany despatch. p. 305 Downing St.,  
May 16.
- Duplicate of preceding despatch. p. 307 Downing St.,  
May 16.
- Glenelg to Colborne. No. 7. Acknowledging despatch of Feb. 28 with further letter from Bishop of Quebec relative to appointment of a suffragan bishop of Lower Canada. H. M.'s Government would like to accede to the proposition, and Colonial Secretary shares sentiments expressed by Lord Stanley in his letter of Aug. 6, 1833; but there are apparently insurmountable difficulties to the proposed plan for a permanent provision for such an appointment by an endowment of land from Clergy Reserves to value of £1,200 a year and an additional £800 a year from revenue from proceeds of Clergy Reserves invested in British funds. Since recommendation made to both provinces by Earl Ripon in Nov. 1831 that an act be passed repealing as much of the Act of 1791 as related to the reservation of lands for the Church, and merging with Crown Lands such unsold lands, though not acted upon had not been rejected, H. M.'s Government cannot adopt a measure apparently inconsistent with it. With regard to method proposed for making up the remaining portion

- 1835 of the salary, observes that as revenue derived from proceeds of Clergy Reserves invested in the funds is inadequate for the payment of missionaries already employed in Upper Canada it would be necessary either to throw an additional charge on Casual and Territorial Revenue or to diminish allowances paid to individuals. States that copy of this despatch will be sent to Bishop of Quebec. p. 309
- Downing St.,  
May 20. Duplicate of preceding despatch. p. 316
- Downing St.,  
May 24. Glenelg to Colborne. No. 8. Acknowledging despatch No. 12 of April 18 transmitting his speech to the Legislature on its prorogation. p. 328
- Downing St.,  
May 24. Duplicate of preceding despatch. p. 329
- Downing St.,  
May 26. Glenelg to Colborne. No. 9. Stating that he had received through Lord Stanley certain papers respecting the claim preferred to Executive Council by widow of Capt. Brant, and that, in their imperfect state, he cannot form opinion on case. p. 330
- Downing St.,  
May 26. Duplicate of preceding despatch. p. 333
- Downing St.,  
May 28. Glenelg to Colborne. No. 11. Acknowledging despatch No. 11 of March 30, and expressing regret that regulations prevent him from complying with application of James Wickens for grant of land in consideration of his services in wagon train. p. 337
- Downing St.,  
May 31. Duplicate of preceding despatch. p. 339

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- Downing St.,  
June 1. Glenelg to Colborne. No. 12. (Duplicate.) Acknowledging despatch No. 10 of March 28, and stating with reference to Capt. Le Breton's memorial that he had already been informed by the Colonial Secretary in 1832 that his claims for damages resulting from construction of certain works on Rideau Canal should be submitted to Provincial courts. As regards permanent injury alleged to have been sustained, this might be submitted to arbitration unless Lieut. Governor has decided objection to such course. p. 1
- Downing St.,  
June 4. Glenelg to Colborne. Acknowledging despatches Nos. 10 to 13 and private letters of April 17 and 18. p. 5
- Downing St.,  
June 10. Glenelg to Colborne. No. 13. Requesting that Patrick Lee, of West Gwillimbury, be informed, in reply to his memorial of April 1, that free grants of land are no longer to be made. p. 6
- Downing St.,  
June 12. Duplicate of preceding despatch. p. 8
- Downing St.,  
June 15. Glenelg to Colborne. No. 14. Transmitting opinion on three reserved bills. States Orders in Council will be sent confirming the bill for altering the charter of the Commercial Bank of Midland District, and the bill for incorporation of Gore Bank. To the bill for establishing Upper Canada Life Insurance and Trust Company a number of objections are set forth; and the Legislature is to be requested to reconsider it. p. 10
- Downing St.,  
June 15. Duplicate of preceding despatch. p. 25
- Downing St.,  
June 17. Glenelg to Colborne. No. 16. Acknowledging despatch No. 14 of May 6 with copy of bill for amending charter of King's College

which had been passed by Assembly and rejected by Legislative Council in previous session. Colonial Secretary states that he cannot act upon recommendation that H. M.'s Government modify the charter because: (1) plan is contrary in every particular to that sanctioned by Assembly; (2) the matter had already been referred to discretion of Provincial Legislature; (3) it would be a needless interference in provincial affairs by H. M.'s Government; and (4) the proposed amendments claim for Church of England privileges which it would be imprudent to assert for her in any British colony in North America. Expresses regret at dissension caused by this subject between Legislative Council and the Assembly, and states that only in case of irreconcilable differences would H. M. consent to act as mediator, and in compliance with a joint application for such intervention. (A note on this despatch indicates that a copy of it was laid before the Assembly in 1845.)

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p. 36

Duplicate of preceding despatch.

p. 52 Downing St.,  
June 17.

Gleng to Colborne. No. 15. (Duplicate.) Transmitting copy of letter from War Office respecting claim of W. Wood, late Lieutenant in 63rd Regiment of Foot, for confirmation of grant of land, and authorizing, under special circumstances of the case, that application be complied with.

p. 54 Downing St.,  
June 21.

p. 64

Enclosures:—

(1) Fitzroy Somerset to Hay. (Copy.) Transmits letter from Lieut. Wood.

p. 71 Horse Guards,  
June 23.

(2) W. Wood to the Commander-in-Chief. (Copy.)

p. 73 North Orillia,  
U.C.,  
March 29.

Gleng to Colborne. (Circular.) Directing, at request of Treasury, that no assistance or encouragement be given to commuted pensioners or their families to return to England from colonies. Transmits letter from War Office on this subject.

p. 80 Downing St.,  
June 30.

p. 80

Enclosure:—

Howick to Stewart. (Copy.)

p. 85 War Office,  
June.

Duplicate of preceding despatch.

p. 87 Downing St.,  
June 30.

Gleng to Colborne. No. 17. Acknowledging despatch No. 17 of May 16, and administering sharp censure to Lieut. Governor for his failure to comply with repeated instructions to report on expediency of continuing office of Auditor General of Land Patents at present held by Mr. Boulton. Also criticizes the inefficiency of the office of Secretary and Registrar, and calls for improvement in mode of doing work. The office of Auditor General of Land Patents is to be abolished immediately. Will listen to any representations made by Mr. Boulton with regard to loss sustained by such abolition.

p. 91 Downing St.,  
July 1.

p. 91

Sir George Grey\* to Colborne. Requesting report on property of James Reilly of Township of Kitley, who died of cholera in Canada in 1834.

p. 116 Downing St.,  
July 1.

Enclosure:—

Rev. John Shea to Colonial Secretary. (Copy.)

p. 118 Abbeville,  
June 26.

Duplicates of preceding despatch and enclosure.

p. 120 Downing St.,  
July 1.

\* Sir George Grey (1799-1882) was an Under Secretary for a brief period in 1834 under Spring Rice. He returned to the same office in April 1835.

- 1835  
Downing St.,  
July 2.      Glenelg to Colborne. Acknowledging despatches Nos. 14 to 26  
and letter of May 15 to Mr. Hay. p. 124
- Downing St.,  
July 2.      Grey to Colborne. Requesting inquiry respecting John Sloane,  
who proceeded to Upper Canada in 1832 to take up position as clerk  
of works at Kingston. p. 125
- Downing St.,  
July 2.      Duplicate of preceding despatch. p. 127
- Downing St.,  
July 2.      Glenelg to Colborne. No. 18. Acknowledging despatches, one  
confidential of March 23, and Nos. 15 and 21 of May 15 and May  
20. The important enclosures contained in last two despatches will  
be given early consideration. Expresses deep dissatisfaction with  
inadequate intelligence communicated to Colonial Office through official  
channel, especially during a session which commenced under such  
peculiar circumstances. Private communications such as those to  
Under Secretary Hay cannot be accepted as a substitute for the official  
reports required from every British colonial governor. Desires to  
receive full report on state and prospects of public affairs in Upper  
Canada, with reference to each of the topics to which the Seventh  
Report of the Committee on Public Grievances refers. p. 129
- Downing St.,  
July 2.      Glenelg to Colborne. No. 19. Acknowledging despatch No.  
26 of May 30 enclosing a memorial from the committee of the  
managers of St. Andrews' Church, Toronto, requesting assistance for  
completion of church building. Regrets insufficiency of information  
from Lieut. Governor on the case. p. 152
- Downing St.,  
July 2.      Duplicate of preceding despatch. p. 155
- Downing St.,  
July 20.      Glenelg to Colborne. No. 21. Stating memorial had been  
received from John Densmore, of Chinguacousy, an out-pensioner  
of Chelsea, for grant of land for his children, and directing that he  
be informed that regulations forbid compliance with application.  
p. 158
- Downing St.,  
July 20.      Duplicate of preceding despatch. p. 160
- Downing St.,  
July 21.      Glenelg to Colborne. No. 22. Acknowledging despatch No. 31  
of June 22, and stating, with reference to address of Assembly  
respecting claim of province to portion of duties collected at Port  
of Quebec under Imperial statutes, that subject will form one of  
matters for consideration by Commissioners appointed to visit Lower  
Canada. p. 162
- Downing St.,  
July 21.      Duplicate of preceding despatch. p. 165
- Downing St.,  
July 22.      Glenelg to Colborne. No. 23. Acknowledging despatch No. 21  
of May 20 transmitting resolutions of Assembly passed on April  
15 respecting control by Legislature of all Crown Revenues within  
province. p. 168
- Downing St.,  
July 22.      Duplicate of preceding despatch. p. 170
- Downing St.,  
July 23.      Glenelg to Colborne. No. 24. Acknowledging despatch No.  
15 of May 15 transmitting address from Assembly to the King.  
This has been duly presented. p. 172
- Downing St.,  
July 23.      Duplicate of preceding despatch. p. 174

Glenelg to Colborne. (Confidential.) Acknowledging private and confidential despatch of May 15, and stating that no good purpose would be served by discussing Assembly's address on the subject of the Legislative Council until the report of the Commissioners sent to Lower Canada is before Government. It is expected that their report on Legislative Councils will enable Government to deal with subject. 1835  
Downing St.,  
July 23.

p. 175

Duplicate of preceding despatch.

p. 178 Downing St.,  
July 23.

Glenelg to Colborne. No. 25. Transmitting for report copy of address of House of Commons. Downing St.,  
July 24.

p. 182

Enclosure:—

Address requesting titles of bills, with dates, passed by Assemblies of Upper and Lower Canada and sent to Legislative Councils, stating whether they were rejected or so radically amended as to be rejected when sent back to Assembly; also a statement of all bills sent to His Majesty, from 1832 to 1834 inclusive, with action taken in each case. July 9.

p. 184

Duplicate of preceding despatch and enclosure.

p. 186 Downing St.,  
July 24.

Glenelg to Colborne. No. 26. Stating that he had received letter from Archdeacon Strachan urging his claims to be appointed suffragan bishop, and a recommendatory letter from Chief Justice Robinson to Mr. Hay. The obstacles to creation of this office were stated in despatch of May 20. Gratification expressed at assurances of high esteem in which the Archdeacon is held. Downing St.,  
July 25.

p. 190

Duplicate of preceding despatch.

p. 194 Downing St.,  
July 25.

Glenelg to Colborne. No. 27. Requesting that John Stoket, of Penetanguishene Road, be informed that it is impossible to comply with his petition of May 24 for grant of land in consideration of his services as a seaman in Royal Navy. Downing St.,  
July 26.

p. 198

Duplicate of preceding despatch.

p. 200 Downing St.,  
July 26.

Glenelg to Colborne. No. 28. Acknowledging despatch No. 27 of June 1, and expressing approval of measures taken for relief of commuted military pensioners, who through wounds or other disabilities are unable to help themselves. Commends locating them at Penetanguishene. War Office can do nothing more by way of relief. Hope expressed that these persons may be raised to position in which they will be able to maintain themselves. Downing St.,  
July 29.

p. 202

Glenelg to Colborne. No. 29. Transmitting copy of letter from Admiralty recommending that small observatory be erected in Upper Canada, and proposing to transfer instruments hitherto in use at St. Helena. Downing St.,  
July 29.

p. 206

Enclosures:—

(1) C. Wood to Hay. (Copy.)

p. 209 Admiralty  
Office,  
July 7.

(2) Inventory of instruments. [Copy.]

p. 213

Duplicates of preceding despatch and enclosure (1).

p. 215 Downing St.,  
July 29.

Glenelg to Colborne. No. 30. Acknowledges despatch No. 29 of June 13 with copy of address from the Assembly and report of its select committee, and other enclosures, all respecting the case of Downing St.,  
July 30.

- 1835 James Davidson. Gives a résumé of the case, and agrees with the opinion of the Assembly on the justice of Davidson's claim, as heir of Wm. Dickson, to land in Humberstone (Humberstone ?) Township, grown more valuable since operations of Welland Canal Company. Regrets action of Executive Council in granting the lot to the Company in opposition to wishes of Assembly. Acknowledges Davidson's right to full compensation, amount of which is to be determined by two arbitrators, one appointed by the local Government and one by Davidson. Canal Company is to be invited to concur in choice of Government arbitrator, as payment to be made to Davidson from Hereditary and Territorial Revenue will constitute a claim against the Company; but their refusal to concur must not prevent a speedy settlement of the case. p. 223
- Downing St.,  
July 30. Glenelg to Colborne. (Private.) With reference to the fact that Dr. Strachan, as a member of the Executive Council, took an active part in opposing the Assembly in Mr. Davidson's case, Colonial Secretary desires that, with all courtesy and deference, the Arch-deacon be reminded of the desirability of a voluntary and decided retirement from political duties. From perusal of his predecessor's correspondence he had understood this matter had been settled in Lord Ripon's time. p. 248
- Downing St.,  
July 30. Duplicate of preceding despatch. p. 255
- Downing St.,  
July 31. Glenelg to Colborne. No. 31. Acknowledges despatch No. 20 of May 20 with address from Legislative Council and a report of a committee of that body, and copy of resolutions of Assembly, all respecting disposal of Clergy Reserves. States that, while regretting disagreement of the two Houses on the subject, he is not without hope that they will reach some satisfactory solution in the following session. He therefore will not interfere by further instructions or suggestions. p. 262
- Downing St.,  
July 31. Duplicate of preceding despatch. p. 266
- Downing St.,  
July 31. Glenelg to Colborne. (Circular.) Transmitting for attention copy of order of House of Commons. p. 272
- Enclosures:—
- July 16. (1) Order for return of names and full particulars of all civil officers retired between Nov. 20, 1834 and April 17, 1835, inclusive; also of all appointments for the same period. (Copy.) p. 273
- (2) Blank form for return. p. 274
- Downing St.,  
July 31. Duplicates of preceding despatch and enclosure (1). p. 275
- Downing St.,  
July 31. Glenelg to Colborne. No. 32. Acknowledges despatch No. 24 of May 23 enclosing memorial of Bishop Macdonell requesting that Roman Catholics might participate in benefits of Clergy Reserves. States that for reasons given in his despatch No. 31 it is not considered desirable to interfere with the Legislature in their disposition of that question. The Bishop might therefore address himself to that body. p. 277
- Downing St.,  
July 31. Duplicate of preceding despatch. p. 280

- Glenelg to Colborne. No. 33. Acknowledges despatch No. 25 of May 23 with addresses from the Presbyterian Synod. While Government fully recognizes the importance of religious education the whole question of the disposal of the Clergy Reserves being in the hands of the local Legislature no interference is possible at present.  
p. 284
- Duplicate of preceding despatch.  
p. 288
- Glenelg to Colborne. No. 34. Transmitting Order in Council of July 31 confirming Act passed in March 1834 for imposing a tax on lands adjoining Canboro and Simcoe Road. (No enclosure.) "Proclaimed 29 Sept. 1835" appears on the endorsement.  
p. 293
- Duplicate of preceding despatch.  
p. 294
- Glenelg to Colborne. Acknowledging despatches Nos. 27 to 31 and private letters of May 15, 19 and 22.  
p. 296
- Glenelg to Colborne. No. 35. Acknowledging despatch No. 35 of June 27 enclosing petition from certain U. E. Loyalists praying that fresh allocations of land be made to them in lieu of those which they had forfeited owing to unpaid taxes. The regulations forbid a compliance.  
p. 297
- Duplicate of preceding despatch.  
p. 300
- Glenelg to Colborne. No. 36. Acknowledges receipt of duplicate of despatch No. 4 of Feb. 11; has not received the original with the enclosures relating to the copies of receipts for prize money lodged in hands of the Deputy Commissary General by James Gordon. As the Treasury has requested these documents he directs an immediate transmission of copies, and an inquiry into failure to send original despatch.  
p. 303
- Duplicate of preceding despatch.  
p. 305
- Glenelg to Colborne. No. 37. Requesting that Wm. McCullagh of Bytown, be informed that his application for grant of land, recently received, cannot be entertained.  
p. 307
- Duplicate of preceding despatch.  
p. 311
- Glenelg to Colborne. No. 38. Transmitting for report letter from Treasury, covering application from Henry Morton for compensation for losses sustained by cession of Drummond's Island to United States.  
p. 314
- Enclosures:—
- (1) Stewart to Hay. Transmitting Morton's letter. (Copy.)  
p. 316
- (2) H. Morton to Secretary of Treasury. (Copy.)  
p. 317
- Duplicates of preceding despatch and enclosure (1).  
p. 318
- Glenelg to Colborne. No. 39. Stating the great necessity of his being provided with frequent official communications giving full information on provincial matters of public importance which are of interest to the Home Government.  
p. 321

1835  
Downing St.,  
Aug. 1.

Downing St.,  
Aug. 1.

Downing St.,  
Aug. 4.

Downing St.,  
Aug. 4.

Downing St.,  
Aug. 6.

Downing St.,  
Aug. 9.

Downing St.,  
Aug. 9.

Downing St.,  
Aug. 10.

Downing St.,  
Aug. 10.

Downing St.,  
Aug. 11.

Downing St.,  
Aug. 11.

Downing St.,  
Aug. 12.

Treasury  
Chambers,  
Aug. 10.

Coventry,  
July 20.

Downing St.,  
Aug. 12.

Downing St.,  
Aug. 12.

1835  
Downing St.,  
Aug. 18.

Glenelg to Colborne. No. 40. Acknowledges despatch No. 32 of June 23 with report of Executive Council on claims to lands on part of U. E. Loyalists, and states that subject of management of Crown Lands in North American colonies is at the time under consideration of Government, and the Loyalists' claims will be dealt with in that connection. p. 326

Downing St.,  
Aug. 18.

Duplicate of preceding despatch. p. 340

Downing St.,  
Aug. 18.

Glenelg to Colborne. Stating that letter had been received from G. W. Busted, former Government Secretary in St. Lucia, asking for reconsideration of his case, and requesting that Busted, whose address is London, U.C., be informed that there appear to be no grounds for altering decision of former Colonial Secretaries. p. 332

Downing St.,  
Aug. 18.

Glenelg to Colborne. No. 41. Acknowledging despatch No. 33 of June 25, and stating, with reference to address from Assembly on subject of U.E. Loyalists' claims, that, while fully impressed with the importance of the subject, he cannot, for reasons already given in despatch No. 40, convey decision at present. The Assembly are to be assured that every consideration will be given to their representation. As to statement that an earlier address on subject had not been answered, he can only assume that reply had been received by Lieut. Governor too late to be communicated to Assembly before end of session. His predecessor had given great attention to this earlier address, and there is certainly no intentional disregard of representations of Assembly on that or any other subject. Lieut. Governor has already received instructions to furnish Assembly with every information they might desire regarding the question. Explanations given by Mr. Markland regarding his report of May 15, 1834 appear to be satisfactory. p. 333

Downing St.,  
Aug. 31.

Duplicate of preceding despatch. p. 339

Downing St.,  
Sept. 2.

Glenelg to Colborne. No. 42. Acknowledging despatch No. 38 of July 10, with copies of acts passed during last session of Provincial Parliament and copies of five bills reserved for H. M.'s signification. Would like to announce promptly the decisions on these bills, but in regard to three, the Gore Bank, the Midland District Bank, and the Life Insurance and Trust Company, delay is unavoidable. From the information sent to Colonial Office, the scantiness of which is most surprising, Colonial Secretary finds no reason for dissuading H. M. to withhold his assent to the Act for the relief of the heirs of Peter Desjardins, and expects to transmit an Order in Council confirming it shortly. Before he can form an opinion or advise H. M. a report is required of the circumstances responsible for the bill for confirming British subjects in their titles to lands derived through aliens. The loan of £400,000 now actually being negotiated in London as a result of an Act passed by the Provincial Legislature has been without the knowledge or sanction of H. M.'s Government. As a large part of the sum has already been expended the Act must be left to its operation. This transaction is considered not only inconvenient but quite improper. p. 345

Downing St.,  
Sept. 3.

Glenelg to Colborne. Acknowledging despatches Nos. 32, 33, 35, and [38]. p. 359

Glenelg to Colborne. (Circular.) Transmitting copy of General Order of Commander in Chief on subject of Orange Lodges in Army. **1835**  
Downing St., Sept. 2.  
p. 360

Enclosure:—

General Order drawing attention to Confidential circular letters of July 1, 1822 and Nov. 14, 1829 declaring that any officer, non-commissioned officer or soldier who shall institute or countenance an Orange Lodge or other meeting or society for party purposes shall be tried by Court Martial for disobedience. (Printed.) p. 425  
Horse Guards, Aug. 31.

Glenelg to Colborne. No. 43. Stating he had been informed by Ordnance Department that the bill in Provincial Legislature to enable Ordnance to buy and sell lands had not been passed, and requesting his assistance in promoting its passage. p. 361  
Downing St., Sept. 9.

Glenelg to Colborne. No. 44. Transmitting Orders in Council confirming the Acts to extend charter of Commercial Bank of Midland District and for incorporation of Gore Bank. Points out that both bills are open to the same objections as those against the similar Acts passed during the session of 1831-32. Only a sense of the importance attached by the province to these institutions warranted him in assenting to bills in present form. States reasons why they are defective in securing the interests of the public. It is hoped due attention will be paid by Legislature at next session to points raised. (No enclosure.) p. 364  
Downing St., Sept. 11.

Duplicate of preceding despatch. p. 371  
Downing St., Sept. 11.

Glenelg to Colborne. No. 45. Stating he had received from Rev. Mr. Mackenzie, of Williamstown, copy of memorial from U. E. Loyalists, the original of which had accompanied Colborne's despatch No. 35, and requesting that Mackenzie be informed of substance of despatch No. 35 from Colonial Secretary. p. 379  
Downing St., Sept. 17.

Duplicate of preceding despatch. p. 381  
Downing St., Sept. 17.

Glenelg to Colborne. No. 46. Transmitting correspondence between Colonial Office and Ordnance respecting sale of piece of land on Niagara frontier originally reserved for military purposes, and conveying authority to dispose of land according to general principles laid down for management of Crown lands. p. 382  
Downing St., Sept. 17.

Enclosures:—

(1) Butler to Hay. (Copy). Transmits correspondence between Commanding Engineer and Civil Secretary. Ordnance is of opinion that land not necessary for defence should be at disposal of Colonial Office. Measures should be adopted to secure legal conveyance of lands actually required by Ordnance. p. 389  
Office of Ordnance, Sept. 2.

(2) Col. T. G. Nicolls to Lt. Col. Rowan. (Copy.) Had delayed question of sale of land to Mr. Clements in hope that Legislature would pass bill to enable Ordnance to buy and sell lands. This hope not having been realized, makes offer for Clements of £800 for the lot. Money could be used in payment of claims for damages due to Rideau Canal. p. 407  
Royal Engineers Office, Toronto, June 13.

(3) Rowan to Nicoll. (Copy.) Encloses copies of correspondence with Colonial Secretary which will show that lands not essential for military purposes are not at final disposition of Or-  
Gov't. House, Toronto, June 13.

**1835** dnance. Lands must be disposed of at public auction under the directions issued by Colonial Secretary. Certain provincial objects will be accomplished by proceeds from sale of the Toronto Reserve. p. 410

Downing St.,  
Sept. 17.

(4) Grey to Butler. (Copy.) Colonial Secretary agrees with principle laid down by Ordinance. In changing circumstances of Upper Canada it is impossible to lay down general rules. Cases must be decided according to circumstances. Lieut. Governor has been directed to bring subject before Legislature and promote the passage of an act to settle the question. p. 395

Downing St.,  
Sept. 17.  
Downing St.,  
Sept. 23.

Duplicates of preceding despatch and enclosure (1). p. 400

Glenelg to Colborne. No. 48. (Duplicate.) States Colborne's despatch of June 26 enclosing address of Assembly of April 2 to him on case of Mr. Forsyth was received only on Sept. 10. In deference to judgment of House of Assembly, though opposed to that of the Law Officers of the Crown, H. M. has commanded that full compensation should be made to Mr. Forsyth. Any mode of assessing amount of damage sustained by him which is recommended by Assembly will be acceptable. Expresses hope that Assembly will not prejudice pending judicial inquiry respecting right of Crown to land of which Mr. Forsyth was dispossessed, and that they will concur in thinking that no good object can be promoted by further inquiry into the affair. Requests that a copy of this despatch be communicated to that body. (The original of this despatch is to be found in G. 75, p. 682.) p. 414

**1836**  
Downing St.,  
Nov. 6.

Glenelg to Head. No. 107. Transmitting, with reference to Lieut. Governor's despatch No. 69 of Aug. 20, copy of report from Ordnance respecting proposition that Military Reserves no longer required for military purposes should be sold. Commanding Royal Engineer is to be informed of views of Ordnance, and Lieut. Governor is to co-operate with that officer in regard to disposal of these reserves. (No enclosure.) p. 385

#### G. 75 (1835)

**1835**  
Downing St.,  
Oct. 8.

Glenelg to Colborne. No. 47. Stating that he had received through W. L. Mackenzie duplicate of an application from Daniel Arnot, of Clark, for leave to purchase certain lands, and has learned that original of memorial had been sent to Lieut. Governor. As letter was dated May 27 an explanation of the long delay is requested, with a report on the subject. p. 1

Downing St.,  
Oct. 8.  
Downing St.,  
Oct. 8.

Duplicate of preceding despatch. p. 4

Glenelg to Colborne. No. 48. (The duplicate of this despatch, bearing date of Sept 25, is found in G. 74, p. 414, and is there calendared in its chronological order. On this the original date appears to have been erased, and Oct. 8 replaces it. There is a note above the heading which reads, "In my despatch of the 2<sup>d</sup> of December I have acquainted the Secy: of State for the Colonies, that I should withhold this despatch till he had an opportunity of reconsidering the case of Forsyth, and the documents transmitted with my public despatch of that date. J. Colborne".) p. 682

Glenelg to Colborne. No. 49. Stating that some volumes of the Record Publications, which should have accompanied those sent by Duke of Wellington as mentioned in his despatch of Dec. 1, 1834 are out of print, but copies will be sent as soon as they can be procured, with some numbers recently printed. 1835  
Downing St.,  
Oct. 8.

p. 7

Duplicate of preceding despatch.

p. 10  
Downing St.,  
Oct. 8.

Glenelg to Colborne. No. 50. Transmitting Order in Council of Sept. 30 confirming Act No. 900. (Act—5 Wm. IV, cap. 47—for the relief of the heirs of Peter Desjardins.) (No enclosure.) Downing St.,  
Oct. 8.

p. 13

Duplicate of preceding despatch.

p. 15  
Downing St.,  
Oct. 8.

Glenelg to Colborne. No. 52. Acknowledges despatches Nos. 55 and 56 of Sept. 12 and 16, and address from the Assembly, and the Seventh Report of the Committee on Grievances. The address and Report have been laid before the King. Owing to shortness of period since receipt of the September despatches the King desires arrangements to be made for securing a meeting of Assembly at end of January to receive communications in reference to the subjects of complaint. Therein the desire of H. M. to redress every real grievance brought to his notice will be evident. At first opportunity a copy of this despatch is to be laid before the Assembly. Downing St.,  
Oct. 20.

p. 16

Duplicate of preceding despatch.

p. 145  
Downing St.,  
Oct. 28.

Glenelg to Colborne. (Circular.) Relative to practice which has prevailed of governors of colonies addressing some subordinate member of the Colonial Office privately on matters of a public nature. Directions are given that the practice should cease, and all correspondence on public affairs be addressed to Colonial Secretary. Downing St.,  
Oct. 27.

p. 22

Duplicate of preceding despatch.

p. 24  
Downing St.,  
Oct. 27.

Glenelg to Colborne. No. 51. Acknowledging despatches Nos. 55 and 56 of Sept. 12 and 16, and the Seventh Report of the Committee of Assembly on Grievances. Recapitulates events which took place during the last session of the Provincial Parliament, enumerates official despatches received with respect to them, and dwells on the inadequacy of the information given on proceedings of the Assembly and the public affairs of the province. Considers the arguments by which Lieut. Governor vindicates himself in despatch of Sept. 16, but does not admit the justness of these, or feel that the terms of despatch of July 2 to him were unwarranted. Downing St.,  
Oct. 28.

p. 26

Duplicate of preceding despatch.

p. 80  
Downing St.,  
Oct. 28.

Glenelg to Colborne. (Private and Confidential.) Informing him, with regret, that he may expect to be speedily relieved of the duties of the office of Administrator of the Government of Upper Canada. Downing St.,  
Oct. 28.

p. 151

Duplicate of preceding despatch.

p. 155  
Downing St.,  
Oct. 28.

Glenelg to Colborne. No. 53. Transmitting copies of correspondence with Messrs. Coutts & Co. respecting a bill drawn on their firm by Receiver General Dunn as a trustee for Six Nations Indians. Downing St.,  
Oct. 29.

p. 159

1835

## Enclosures:—

- Strand,  
Oct. 17. (1) Coutts & Co. to Hay. (Copy.) A bill having been received from John Henry Dunn, and the firm having no directions to honour drafts of a single trustee of the Six Nations Indians, they request to be informed if it may be accepted. p. 161
- Downing St.,  
Oct. 24. (2) Stephen to Coutts & Co. (Copy.) As Mr. Dunn is Receiver General of Upper Canada Colonial Secretary desires that the bill be honoured. Precaution will be taken to ensure against loss, or the recurrence of such irregularity. p. 163
- Downing St.,  
Oct. 29. Duplicates of preceding despatch and enclosures. p. 166
- Downing St.,  
Oct. 30. Glenelg to Colborne. No. 54. Acknowledges despatch No. 6 of Feb. 26 with printed copy of Blue Book for 1834. Points out in detail its many omissions and inaccuracies. States the returns are more satisfactory than those in the 1833 Blue Book which had excited the censure of Lord Stanley. p. 173
- Downing St.,  
Oct. 31. Glenelg to Colborne. No. 55. Acknowledges despatch No. 44 of Aug. 19 respecting neglect of Assembly to provide for salaries of certain public officials. States he had received a letter from Chief Justice Robinson, dated Aug. 1, on the same subject, said to be sent with the permission of the Lieut. Governor. This is precluded by the rules of the Colonial Office, neither can a direct reply be sent to Mr. Robinson. Colonial Secretary expresses regret that he cannot accede to request that there should be paid from the Casual and Territorial Revenue amount of allowances or salaries which Assembly had declined to pay the judges, the Attorney General, and other officials of local Government, although from the information he has it would seem reasonable they should be paid. He is convinced that the time has arrived when the whole question of revenue and expenditure of the North American provinces should be reviewed and settled by the Executive Government in concert with the two Houses of Legislature. Instructions on this subject had been conveyed in despatch No. 52, wherein it was requested that arrangements should be made for calling a session of the Legislature for January 1836. On the eve of such proceeding he could not deal with an isolated branch of the general subject. Nothing could be more derogatory to respect due to the administration of Justice than that its officers should appear as appellants from decisions of Assembly to the justice or bounty of the Crown. It also would be unjust to Assembly to assume that with the whole subject before them they would refuse adequate remuneration to the officers of Justice. The experiment of presenting the whole subject for review of the three branches of the Legislature by the express recommendation of the Crown never having been tried before it would be premature to assume its failure. p. 186
- Downing St.,  
Oct. 31. Duplicate of preceding despatch. p. 193
- Downing St.,  
Nov. 2. Glenelg to Colborne. No. 56. Acknowledging despatch No. 41 of Aug. 10 respecting memorial of Col. Givins which had been forwarded in July 1834. Expresses regret that he cannot accede to recommendation that Givins' salary, as Chief Superintendent of Indian Affairs in Upper Canada, be increased. The diminution of salary is nominal, not real, the result of an alteration in the value at which the dollar is now issued. p. 209
- Downing St.,  
Nov. 2. Duplicate of preceding despatch. p. 211

Glenelg to Colborne. No. 57. Acknowledging despatch No. 50 of Sept. 5, and stating that the balances which appeared to have remained in hands of Surveyor General of Woods and Forests in 1830, 1831 and 1832 are now satisfactorily explained. p. 215

Duplicate of preceding despatch.

p. 217  
Downing St.,  
Nov. 3.

Glenelg to Colborne. No. 58. Acknowledges despatch of Sept. 3 with petition of Daniel Arnot requesting leave to purchase a certain Clergy Reserve of which he has a twenty-one year lease. This having been refused on the ground of the situation being valuable as a village site he will not interfere with decision adopted, but Arnot must not be disturbed until his lease expires. He is of opinion that should Arnot be willing to give up the tract in order to purchase other lands a generous remission should be made on the price thereof; and that should the reserve in question be sold later he should be given first option. p. 219

Duplicate of preceding despatch.

p. 222  
Downing St.,  
Nov. 4.

Glenelg to Colborne. No. 59. Transmitting Order in Council of Oct. 28 confirming Acts Nos. 856 to 899, passed in Feb. and April 1835. (No enclosure.) p. 225

Duplicate of preceding despatch.

p. 227  
Downing St.,  
Nov. 3.

Hay to Colborne. Enclosing Order in Council which, through an error, was not enclosed in Glenelg's despatch No. 59. p. 229

Downing St.,  
Nov. 3.

Enclosure:—

Order in Council confirming the following Acts:

St. James's,  
Oct. 28.

- No. 856. An Act to prevent the unnecessary multiplication of Law Suits and increase of Costs in Actions on Notes Bonds Bills of Exchange, and other Instruments.
- No. 857. An Act to allow the issuing of Writs of Error from the Court of King's Bench.
- No. 858. An Act to mitigate the Law in respect to Imprisonment for Debt.
- No. 859. An Act to enable Suitors in the District Courts to procure the attendance of Witnesses from any District in this Province, and to authorize certain persons therein named to take Affidavits in the said District Courts.
- No. 860. An Act to continue and amend the Law for attaching the Property of Absconding Debtors.
- No. 861. An Act to provide for the payment of Wages to the Members of the House of Assembly, who represent the different Towns in this Province.
- No. 862. An Act to establish a Standard Weight for the different kinds of Grain and Pulse in this Province.
- No. 863. An Act to reduce to one Act of Parliament the several Laws relative to the appointment and Duties of Township Officers in this Province, except an Act passed in the fourth year of the Reign of William the Fourth, Chapter twelve entitled "An Act to regulate Line Fences and Water Courses" and to repeal so much of an Act passed in the thirty third year of the Reign of His late Majesty King George the third, entitled "An Act to provide for the nomination and appointment of Parish and Town Officers within this Province", as relates to

1835

- the Office of Fence Viewers being discharged by overseers of Highways and Roads.
- No. 864. An Act to prevent the Sale of Spirituous Liquors to Indians.
- No. 865. An Act to promote the public Health and to guard against infectious Diseases in this Province.
- No. 866. An Act to amend and continue for a limited time an Act passed in the eleventh year of His late Majesty's Reign, entitled "An Act to encourage the Establishment of Agricultural Societies in the several Districts of this Province."
- No. 867. An Act to provide for the support of the several Light-houses in this Province at present unprovided for.
- No. 868. An Act to continue the Road Acts of 1833 and 1834.
- No. 869. An Act to incorporate a joint stock Company for the construction of a Harbour at the Mouth of Stoney Creek on Lake Ontario.
- No. 870. An Act to incorporate a joint Stock Company for the Manufacture of Salt, in the Township of Saltfleet, in the District of Gore.
- No. 871. An Act to incorporate certain Persons therein mentioned under the style and title of the President Directors and Company, of the Grimsby Breakwater, Pier and Harbour Company.
- No. 872. An Act to incorporate sundry persons under the Style and Title of the Hamilton and Port Dover Rail Road Company.
- No. 873. An Act for incorporating certain persons therein named and their Associates under the Style and Title of the Cayuga Glass Manufacturing Company.
- No. 874. An Act to incorporate certain Persons therein mentioned under the name and Style of the Erie and Ontario Rail Road Company.
- No. 875. An Act to authorize a New Survey in the Township of King.
- No. 876. An Act to establish the boundary Lines of the Township of Wolford in the District of Johnstown.
- No. 877. An Act to alter the times of holding the Court of Quarter Sessions in the District of Niagara.
- No. 878. An Act to continue and amend an Act passed in the second year of His Majesty's Reign entitled, "An Act for incorporating a Joint Stock Company under the Style and Title of the President Directors and Company of the Port Dover Harbour."
- No. 879. An Act to explain and amend an Act incorporating the Welland Canal Company, and for appointing Arbitrators for certain purposes therein mentioned.
- No. 880. An Act to authorize the levying an increased Tax on the Inhabitants of the District of Prince Edward for the Term of three years.
- No. 881. An Act to appoint Commissioners to settle disputes respecting certain Roads and Lines in the Township of Norwich, in the District of London, and to establish the said Lines and Roads.
- No. 882. An Act to revive and continue an Act passed in the tenth year of His late Majesty's Reign entitled "An Act the better to protect the Missassagua Tribes living on the Indian Reserve at the River Credit, in their exclusive right of Fishing and Hunting therein."

- No. 883. An Act to make good certain Monies advanced for the Contingent expences of the last Session of the Legislature of this Province; and also to make good certain Monies advanced in compliance with an address of the House of Assembly during the present Session. 1835
- No. 884. An Act to provide additional aid in support of Common Schools in the several Districts in this Province.
- No. 885. An Act granting to His Majesty a sum of money for the purpose of a Steam Dredging Machine.
- No. 886. An Act to authorize a Loan to be raised in the manner therein mentioned.
- No. 887. An Act to make good certain Monies advanced by His Excellency to defray the expences incurred by the Cholera in 1834.
- No. 888. An Act to provide for the payment of certain Sums therein mentioned.
- No. 889. An Act authorizing a Loan to the President and Directors of the Desjardin's Canal Company.
- No. 890. An Act for the remuneration of Dean S. Howard, for extra work performed by him in the erection of the Trent Bridge.
- No. 891. An Act to amend and continue the Act granting Militia Pensions.
- No. 892. An Act to increase the Salary of the Keeper of the False Ducks Light-House.
- No. 893. An Act for the promotion of Science by enabling the Mechanic's Institute of the City of Toronto to procure certain Apparatus.
- No. 894. An Act for the erection of a Light House on Hartley's Point, on Lake Erie.
- No. 895. An Act granting a Sum of money to the Kingston Mechanicals Institute.
- No. 896. An Act granting a Sum of money for the erection of a Light House on Gull Island, or such other place as the Commissioners may select.
- No. 897. An Act granting a Sum of Money for the further completion of the Kingston Penitentiary, and for other purposes therein mentioned.
- No. 898. An Act granting a Loan to the Cobourg Harbour Company.
- No. 899. An Act to extend the time of holding the next Election in the County of Leeds. p. 232
- Glenelg to Colborne. Acknowledging despatches Nos. 32 to 37 and 39 to 55, and one of Sept. 25. Downing St.,  
Nov. 5.  
p. 240
- Glenelg to Colborne. (Circular.) Transmitting copies of reports of House of Lords on prison discipline and an Act passed by Parliament on the subject; and requesting a full report under given headings on the state of prisons in the province. (No enclosure.) Downing St.,  
Nov. 28.  
p. 241
- Duplicate of preceding despatch. p. 244  
Downing St.,  
Nov. 28.
- Glenelg to Colborne. No. 60. Acknowledging despatch No. 52 of Sept. 8 with presentment of Grand Jury on death of James Owen McCarthy in gaol of Gore District, and other documents relative to the case and to the gaol establishment. Attention is drawn to the

1835 length of time which elapsed between the death and the Lieut. Governor's report thereon, and to the insufficiency of information contained in that report. Colonial Secretary is deeply concerned by the wretched condition of the gaol, and lack of means of preserving ordinary decencies. A more detailed account of the case of McCarthy is required; also a report on the conditions and rules obtaining in the gaols of Gore District. p. 247

Downing St.,  
Nov. 28.

Duplicate of preceding despatch. p. 272

Downing St.  
Nov. 29.

Glenelg to Colborne. No. 61. With reference to Lieut. Governor's despatch No. 5 of Feb. 12 transmitting requisitions for stationery for Civil Departments sends authority for payment from Crown Revenue into Military Chest. p. 299

Enclosures:—

Treasury  
Chambers,  
Nov. 4.

(1) Stewart to Grey. (Copy.) Transmitting letter from Comptroller of the Stationery Office, and giving authority for payment of account. p. 302

Stationery  
Office,  
Oct. 5.

(2) J. Church to Stewart. (Copy.) States that the expense incurred in filling the Upper Canada requisition received in May was £101-5-6. p. 304

Downing St.,  
Nov. 29.

Duplicates of preceding despatch and enclosures. p. 306

Office of  
Ordnance,  
Oct. 5.

Butler to Stephen. (Copy.) With reference to letter from Colonial Office enclosing despatch of Colborne on question of sale of a Military Reserve westward of Toronto and the erection of a new barracks and a pier in the deep water at that station, inquires for further information on the project, such as the supposed increase in the value of the land on the construction of the pier. The cost of pier could derive from a separate fund than that for the barracks. No action can be taken until the plans and estimates sent by Colborne are examined and reported on by the Commanding Royal Engineer in Canada. (A pencilled note on this letter indicates that it is an enclosure from despatch No. 62 of Nov. 30, which is missing here.) p. 313

Downing St.,  
Nov. 30.

Glenelg to Colborne. No. 63. Acknowledging despatch No. 48 of Aug. 25 transmitting reports on Emigration for 1834 and 1835. Satisfaction is expressed with the result of the efforts made for receiving emigrants and for placing all except the commuted pensioners in positions to be self-sustaining. Lord Gosford has been requested to remove, as far as possible, inconveniences due to quarantine detention at Grosse Isle. With regard to shipwrecks, copy of letter from Treasury is enclosed, signifying that they would apply to Parliament for means to erect lighthouses on Scatarie and St. Paul Islands, provided that colonies to be benefited would engage to maintain them. Copy of a despatch submitting the proposition to Governors of Lower Canada, Nova Scotia, New Brunswick and Prince Edward Island is enclosed. p. 318

Enclosures:—

Downing St.,  
Nov. 4.

(1) Glenelg to Lord Gosford and Lieut. Governors Sir A. Campbell and Sir A. W. Young. p. 324

Treasury  
Chambers,  
Oct. 12.

(2) Stewart to Grey. Transmitting Treasury Minute, report of Commanding Royal Engineer in Nova Scotia, and letter from

Trinity House, all dealing with proposed erection of lighthouses on North American coast. (Report and letter not enclosed.) p. 333

(3) Treasury Minute.

p. 336 Treasury Chambers, Oct. 6.

Duplicate of preceding despatch.

p. 342 Downing St., Nov. 30.

Glenelg to Colborne. No. 64. Stating that memorial had been received from Mr. Daverne, of Adolphustown, applying, as clerk in Commissariat Department during late War, for grant of land, and directing that he be informed that regulations forbid free grants to any person. Mr. Daverne's former memorial respecting grant to his late brother Daniel has been submitted to Col. Cockburn. p. 348

Downing St., Nov. 30.

Duplicate of preceding despatch.

p. 353 Downing St., Nov. 30.

Glenelg to Colborne. No. 65. Acknowledging despatch No. 45 of Aug. 21 with memorials from the Townships of Torah, Lancaster and Lochiel on behalf of Donald Cameron. Directs that memorialists be informed that Colonial Secretary cannot advise interference with decision of Executive Council in the case. The memorials being dated in June and November 1834, requests an explanation of the delay in passing them through Executive Council. p. 358

Downing St., Nov. 30.

Duplicate of preceding despatch.

p. 365 Downing St., Nov. 30.

Glenelg to Colborne. No. 66. Acknowledging despatch No. 47 of Aug. 24 enclosing accounts of Clergy Reserve Fund for six months ending June 30. He has noticed that the annual income is about £6,200 and charges upon it about £6,000; that there is due to it £15,035, of which £11,248 is expected to be recovered within two years; that debt due by it to Receiver General is £6,178; that there is a further sum of £2,035 paid from Casual and Territorial Revenue towards salaries of Church of England missionaries. Approval is expressed of intention that sums received from defaulters will be applied against advances made by Receiver General, and of the hope that Casual and Territorial Revenues will be relieved of charge of missionaries' salaries. p. 372

Downing St., Nov. 30.

Glenelg to Colborne. No. 67. With reference to despatch No. 53 of Sept. 10 enclosing petition of Alexander MacKenzie, regret is expressed that, for reasons given, he cannot recommend his application for 1,200 acres of land in consideration of services in taking out emigrants to Canada. p. 377

Downing St., Dec. 1.

Duplicate of preceding despatch.

p. 386 Downing St., Dec. 1.

Glenelg to Colborne. No. 68. With reference to his private and confidential despatch of Oct. 28 announces the appointment of Sir Francis Bond Head to succeed as Lieut. Governor of Upper Canada. p. 396

Downing St., Dec. 2.

Duplicate of preceding despatch.

p. 398 Downing St., Dec. 2.

Glenelg to Colborne. Acknowledging despatches of July 21, Sept. 10 (separate), and Nos. 57 and 59. p. 400

Downing St., Dec. 3.

Glenelg to Head. No. 1.

"I have the honor, herewith to transmit to you a Commission under His Majesty's Sign Manual appointing you Lieutenant Governor of the Province of Upper Canada. p. 400

Downing St., Dec. 5.

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You have been selected for this Office at an era of more difficulty and importance than any which has hitherto occurred in the History of that part of His Majesty's Dominions. The expression of confidence in your discretion and ability which the choice itself implies would only be weakened by any more formal assurance which I could convey to you.

In the following Instructions I shall presuppose your knowledge of many occurrences the correct understanding of which is essential to the discharge of the duties to which you are called, but which it is unnecessary for me to recapitulate. As, however, a more exact acquaintance with Canadian Affairs is indispensable for your guidance in the Administration of the Government of Upper Canada, I think it right to refer you to those sources of information on which you will be able most safely to rely. Amongst these, the first place is due to the Journals of the Legislative Council and of the House of General Assembly. The Appendices subjoined to the Annual Summary of the Proceedings of the two Houses contain a fund of information on almost every topic connected with the Statistics and political interests of the Province; and to those Reports you will be able to resort with far greater confidence than to any other source of similar intelligence. The Report of the Committee of the House of Commons of the Year 1828, with the Evidence, oral and documentary, to which it refers, will also throw much light on the progress and the actual state of the questions agitated in the Upper Province. The Correspondence of my Predecessors and myself with the Officers who have successively administered the Provincial Government will of course engage your careful attention.

In Upper Canada, as in all Countries which enjoy the blessing of a free Constitution and of a Legislature composed in part of the Representatives of the People, the discussion of public grievances, whether real or supposed, has always been conducted with an earnestness and freedom of enquiry of which, even when occasionally carried to exaggeration no reasonable complaint can be made. The Representatives of the Canadian People, if departing at times from the measured style and exact terms in which the investigation of truth may perhaps be most successfully conducted, have yet, even in the agitation of questions the most deeply affecting the interests of their Constituents, exhibited a studious respect for the person and authority of their Sovereign, and a zealous attachment to the principles of their balanced Constitution. Until the last Session of the Provincial Parliament the remonstrances of the House were chiefly confined to insulated topics of complaint: discussions, indeed, occasionally arose, and discontent was occasionally manifested; but it may be affirmed that, generally, there subsisted a spirit of amicable cooperation between the Executive Government and the Legislature.

The Cession by His Majesty of the Revenues raised under the Statute 14. Geo: 3. Cap: 88, to the Appropriation of the House of Assembly was a gratuitous and unsolicited act, and was accepted by that Body in a spirit of grateful cordiality.

I will not pause to recapitulate the events which immediately preceded, if they did not produce, the interruption of this mutual good understanding. It is sufficient for my present object to observe that the relations which had formerly subsisted between the Executive Government and the Representatives of the People underwent an entire change immediately after the Elections which took place in the Autumn of 1834. The supporters of the Local Government now

for the first time found themselves in a constant Minority on every Question controverted between them and their political Antagonists. A Committee of Grievances was appointed, by which a Report was made impugning the Administration of Affairs in every Department of the Public Service, and calling for remedial Measures of such magnitude and variety as apparently to embrace every conceivable topic of complaint. Having adopted this Report, and having directed its Publication in an unusual form, the House transmitted through the Lieutenant Governor to the King an Address, in which some of the more considerable of the Claims of the Committee were urged in terms of no common emphasis. It will be your first duty on the assumption of the Government to convey to the House the answer which His Majesty has been advised to return to these representations.

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I cannot proceed to explain the terms of that answer without the preliminary remark with a view to which the preceding Statement has been chiefly made. Whatever may be the justness of the Complaints now preferred respecting the general principles on which the Public Affairs of the Province have been conducted, the Representatives of the People of Upper Canada are at least not entitled to impute to the Confidential Advisers of the King any disregard of their remonstrances. The greater part of the Grievances detailed by the Committee and the House are now for the first time brought by them under His Majesty's notice. My Predecessor, the Earl of Ripon, in his Despatch of the 8<sup>th</sup> November 1832 to Sir John Colborne, was commanded by the King to state, that "there was no Class of the Canadian People, nor any individual amongst them, to whose Petitions His Majesty did not require that the most exact and respectful attention should be given." His Majesty has never ceased to be actuated by the spirit which dictated those Instructions, and of course will not deny to the House of General Assembly that careful investigation of the grounds of their Complaints which He graciously pledged Himself to bestow on the representation of any individual Petitioner. I feel myself, therefore, entitled on behalf of His Majesty's Government to object to any resort on the part of the House to that ulterior measure to which they allude, but which they will feel with me to be justified only by an extreme emergency.

I now proceed to the consideration of the various topics embraced in the Seventh Report of the Committee of Grievances, and in the Addresses of the two Houses to His Majesty. And I shall advert to them in the order in which they are pursued in the Report itself.

In the following Pages if any subject should appear to be passed over without due regard, you will understand that I have at least been guilty of no intentional omission; but have, in obedience to His Majesty's Commands, made it my endeavour to meet every Question which the Committee and the House have thought it necessary or proper to raise.

1<sup>st</sup>—It is stated that "The almost unlimited extent of the Patronage of the Crown, or rather of the Colonial Minister for the time being, and his Advisers here, together with the abuse of that Patronage, are the chief sources of Colonial discontent. Such (it is added) is the Patronage of the Colonial Office that the granting or withholding of Supplies is of no political importance unless as an indication of the opinion of the Country concerning the character of the Government, which is conducted on a system that admits its Officers to take and apply the Funds of the Colonists without any Legislative

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"Vote whatever." The Committee then proceed to an enumeration of the various Public Offices, and the different Departments and Branches of the Public Service over which this Patronage is said to extend; and by bringing the whole into one view they suggest what must be the amount of the authority and influence accruing to the Executive Government from these sources.

The Statement is substantially this—that the number of Public Offices in the Colony is too great; and that the Patronage, instead of being vested as at present in the Crown and the local Representative of the Crown, should be transferred to other hands.

In the long enumeration of places at the disposal of the Executive Government in Upper Canada the Committee have not adverted to one Consideration to which I think that great prominence might justly be assigned. It is perfectly true, as it is quite inevitable, that in Upper Canada, as in other New Countries, the number of Public Employments is, and will be, far larger in proportion than in older and more densely peopled States. The general machinery of Government must be the same in a scanty as in a large and redundant Population. Corresponding Departments of the Public Service, whether Legislative, Judicial, or Administrative, must exist in both. And in a new Country, besides, there will be some Establishments for which in the Settled States of Europe no Counterpart can be found. Such for example, are all which relate to the allocation, surveying and granting of Wild Lands. Nor is it to be forgotten that in the early stages of such a society many duties devolve upon the Government which at a more advanced period are undertaken by the better educated and wealthier Classes as an honorable occupation of their leisure time. Thus in the Canadas, although the mere text of the Law would there, as in England, authorize any man to prefer and prosecute an Indictment in His Majesty's Name, yet, virtually and in substance, the prosecution of all Offences is confided to the Government or its Officers. These Causes have inevitably tended to swell the amount of the Patronage of the Provincial Government, without supposing any peculiar avidity on their part for the exercise of such power.

With respect to the Patronage of the requisite Offices, His Majesty's Government are not solicitous to retain more in their own hands, or in those of the Governor, than is necessary for the general welfare of the People, and the right conduct of Public Affairs. I confess myself, however, unable to perceive to whom the choice amongst Candidates for Public employment could with equal safety be confided. It requires but little foresight or experience to discover that such Patronage, if exercised in any form of Popular Election, or if committed to any popular Body, would be liable to be employed for purposes far less defensible, and in a manner less conducive to the general good. Chosen by irresponsible Patrons the Public Officers would themselves be virtually exempt from responsibility, and all the discipline and subordination which should connect together in one unbroken chain the King and His Representative in the Province, down to the lowest functionary to whom any portion of the powers of the State may be confided, would be immediately broken.

I conclude, therefore, that, as in such a Country as Canada there must exist a number of Public Officers, large in proportion to the present number and wealth of the Inhabitants, so the selection of them must for the most part be entrusted to the Head of the Local Government.

I disclaim, however, on the part of the Ministers of the Crown, every wish to urge these general principles beyond their just and necessary limits. There are cases in which, I think, according to the Analogy of similar cases in this Country, the Patronage now said to be exercised by the Lieutenant Governor might, with perfect safety and propriety, be transferred to others. On this subject, however, it will be more convenient to state the general principle than to attempt the specific and detailed application of it at this distance from the scene of action.

That principle is, to maintain entire, by the nomination and removal of Public Officers, that system of subordination which should connect the Head of the Government with every Person through whose instrumentality he is to exercise the various delegated Prerogatives of the Crown. What is necessary for this end must be retained. Whatever Patronage is unnecessary for the maintenance of this Principle should be frankly and at once abandoned.

It is noticed in the Report as an aggravation of the evils of the Government Patronage that almost every Public Officer holds his Place at the Pleasure of the Crown. I cannot disguise my opinion that the Public Good would be little Advanced if the Subordinate Functionaries held their Places upon a more certain tenure. In practice, indeed, though subject to certain exceptions to be hereafter noticed, no Public Officer is in danger of losing his employment except for misconduct or incompetency. But there are many kinds of misconduct and incompetency which could never be made the subject of judicial investigation, but which yet would be destructive of the usefulness of a Public Officer, and ought, therefore, to be followed by a dismissal from the Public Service. Nor is it necessary to insist on any length on the evils which would arise in the transaction of business if the Subordinate Officers were aware that they were entirely independent of the good opinion of their Superiors, for Continuance in their employments.

It is not difficult to shew, in reference to any conceivable arrangement on the subject of Patronage, that there will be dangers against which it is impossible to take an absolute and perfect security. I know not, however, that any less exceptionable scheme could be devised than that which at present prevails—of giving to the Head of the Local Government the choice of the Subordinate Officers, and of making their Places dependent on His Majesty's Pleasure. To prevent, however, as far as may be possible, the continuance of any well-founded ground of complaint on this head, His Majesty, disclaiming for Himself and for His Representative in the Province all desire to exercise, with the view merely to Patronage, the Power of Appointing Public Officers, is pleased to prescribe for your guidance the following Rules.

*First*—You will at the earliest opportunity enter into a diligent review of the Offices in the Appointment of the Crown and of the Local Government, as detailed in the Report of the Committee and the Appendix, with a view to ascertain to what extent they may, without impairing the efficiency of the Public Service, be reduced, immediately and prospectively. You will report to me the result of your investigation, with such particular information as will enable His Majesty's Government to decide in each case on the expediency of adopting your recommendation.

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*Secondly.*—If during the reference of that Report to me any occasion occur for the reduction of Offices, either by abolition or by consolidation, you will exercise your own discretion as to waiting for fresh Instructions, or proceeding at once to the reduction. Any Appointment, however, made under such circumstances will be merely provisional. In case of the immediate abolition of any office not required for the efficient discharge of the Public Service you will stipulate for such a Compensation to the present holders, as the disappointment of their reasonable expectations may entitle them to receive.

*Thirdly.*—In the prescribed revision of these Offices you will make it one of your objects to form a judgment what share of the Patronage of the Crown or the local Government may safely and wisely be transferred to other hands. You will report to me on this subject, but will refrain from taking any steps regarding it without further Instructions from me.

*Fourthly.*—In the selection, of Persons to execute Public Trusts you will be guided exclusively by the Comparison of the claims which the different Candidates may derive from past Services, or from personal qualifications.

*Fifthly.*—In general you will not select for any public employment in Upper Canada any person who is not either a Native or a settled Inhabitant of the Province. To this general rule occasional exceptions may be admitted; as in cases where some peculiar art or science is demanded, which no Provincial Candidate may be found to possess in the requisite degree. An exception must also be made in reference to those Officers who are immediately attached to your own Person; in the choice of whom His Majesty does not think it right to subject you to any such restriction.

2300.

*Sixthly.*—As often as any Office shall be vacant which is not to be suppressed, and of which the Annual Emolument shall exceed two Hundred Pounds, you will make the Appointment provisional only, and with the distinct intimation to the Party elected that his confirmation will depend entirely on the estimate which His Majesty may form of his pretensions;—and you will, on every such occasion, signify to me, for His Majesty's information, the grounds on which you have proceeded, and the motives which have directed your choice. If His Majesty should be pleased to issue under His Sign Manual a Warrant authorizing you to make a grant of the Office under the Public Seal of the Province, then, and not till then, the Appointment must be considered as finally ratified.

I trust that in these Regulations the House of Assembly will perceive a sufficient proof of His Majesty's settled purpose to exercise this Branch of His Prerogative for no other end than the general good of His Canadian Subjects, and to prevent its being converted into an instrument of promoting any narrow, exclusive, or party designs.

*2<sup>nd</sup>.*—Pursuing the order observed by the Committee I pass on to the subject of the Provincial Post-Office. Adverting to the measures which have already been taken for the redress of the Grievances which have been alleged to exist in the conduct of this Department, the Committee observe that "the form of a Law such "as the Government would approve is before the House; but its

"Provisions (they add) are so inapplicable and absurd, that no benefit could be derived from their Enactment."

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On the Measure thus characterized I am not called to give an opinion. It is, however, but fair to those by whom it was recommended to the adoption of the Local Legislature, to observe that it had previously undergone a most careful investigation by the Post-Master General.

His Majesty's Government cannot have the slightest wish to urge the adoption of any Measure to which well founded and sufficient objections may exist: they are content that the Bill in question should be withdrawn to make way for any other which the Assembly may be disposed to substitute for it. Perhaps, however, on approaching the question more closely the Assembly may find it encumbered with unexpected difficulties. I fear that this will be the case especially in reference to the intercourse by Post with all Places beyond the limits of the Province itself. You will, however, assent to any judicious and practicable scheme which the House may incorporate in any Bill tendered for your acceptance; regarding as of no weight whatever when opposed to the general convenience of the Public, any considerations of Patronage or of Revenue derivable from this source.

3<sup>rd</sup> Under the Head of Salaries and Fees the Committee have entered into very copious Statements to shew that the Emoluments of the Public Officers in Upper Canada are excessive, and out of all just proportion to the value of the Services rendered. It is unnecessary for me to enter into these details, because as to the general principles on which it will be your duty to act on questions of this nature, there can be no room for controversy. Indeed, those Principles will, I think, be most conveniently considered when divested of topics connected with the interests and the Services of particular Persons.

There is no measure of retrenchment compatible with the just claims of His Majesty's various Officers, and with the efficient discharge of the Public Service and duty, to which The King is not disposed to give a prompt and cheerful assent. To determine what ought to be the Scale of remuneration to Public Functionaries of different Classes would require information too minute and exact to be obtained beyond the limits of the Province itself. This would appear a very fit subject for a Special Enquiry, in which it might be proper to employ Commissioners, to be appointed under the authority of an Act of the Assembly. I have reason to suppose that the subject has never yet undergone a full and fair investigation; and therefore I do not feel myself entitled to assume the non-existence of those Abuses which so readily grow up under a system which is not subjected to a careful scrutiny conducted upon permanent and enlightened views of Public economy. Even if the result of the examination should be only to shew that there is no evil of this nature to be remedied, the labour would be amply repaid, by placing so important a fact beyond the reach of all reasonable suspicion.

In dealing with existing interests the Local Legislature will, I doubt not, be well disposed to adopt the rules which have been uniformly taken by Parliament, for the guidance of their discretion in similar Cases. The saving of Public Money which could arise from the unexpected reduction of Official Incomes would not only

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subject numerous families to extreme distress, but by impairing general confidence in the Public Credit, would weaken the foundations on which all Proprietary Rights must ultimately repose.

The King confidently relies on His faithful Subjects of Upper Canada that they will not reduce His Majesty to the distressing alternative of either abandoning the just interests of any of His Servants, or opposing Himself to Measures having for their object the reduction of Public Expenditure.

4<sup>th</sup> Next in the Order of Complaints is that which relates to the Amount of the Pension List. On this, as on the subject which I have last noticed, I conceive that I shall better discharge my duty by attempting to provide against any future abuse, than by engaging in a minute retrospect of any which may have already occurred. I will not even pause on the Comparison, not perhaps very accurately or necessarily instituted, between the conduct of the Central Government of the United States of America, and that which has been pursued in one of the Provinces of the British Empire, respecting the remuneration of Officers for past Service.—Such Pensions as have already been charged upon the Revenues which were at the disposal of the Crown, constitute a Debt to the payment of which His Majesty's honour is pledged; nor need I state that there is no consideration so powerful as to induce the King to assent to the violation of any engagement lawfully and advisedly entered into by Himself, or by any of His Royal Predecessors.

On the other hand His Majesty is content that the most effectual Security should be taken against any improvident increase of the Pension List, by any future Grants, and is willing that a limit should be fixed by Law to any Charge which may hereafter be imposed upon the Provincial Revenues on this account.

I do not anticipate that the Assembly of Upper Canada would wish to withhold from the King the means of rewarding faithful and zealous public Services, or would think it desirable that no provision should ever be made by His Majesty to solace the declining Years of those who have consumed in laborious public duties in the Colony the larger portion of their lives.

You will, therefore, assent to any Law which may be tendered for your acceptance of which the object shall be to regulate, on a just and reasonable Scale, the amount of the future Pension List of Upper Canada, and to prescribe the principles upon which any Pensions shall be granted.

5<sup>th</sup>—I proceed to the subject of the provision made for Ecclesiastical Establishments, and for the maintenance of the Teachers of Religion of various denominations.

On this head the House of Assembly maintain opinions from which, in their address to His Majesty of the 13<sup>th</sup> April, the Legislative Council have recorded their most entire and earnest dissent. The Report states that "the House of Assembly in several successive Parliaments has expressed its entire disapprobation of the Government in attempting to uphold particular Religious Sects by Money Grants. And in the 10<sup>th</sup> and 11<sup>th</sup> Parliaments has declared that "it recognizes no particular denomination as established in Upper Canada with exclusive claims, powers, or privileges.

It appears that the four Religious Communities whose Funds are aided by Grants from the Hereditary and Territorial Revenue are, those of the Churches of England and Scotland and Rome, and

of the Wesleyan Methodist Society; the last being in two divisions, which respectively take the distinct Appellation of the "Canadian and the British".

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In the last Session of the Provincial Parliament a Bill was passed by the Assembly, the object of which was to enable certain Commissioners to sell the Lands which, under the Constitutional Act of 1791, had been appropriated in Upper Canada to the maintenance of a Protestant Clergy, and to pay over the proceeds to the Receiver General, to be disposed of under the future direction of the Legislature, for the promotion of education, and for no other purpose whatever.

This Bill was rejected by the Legislative Council on the grounds noticed in the Address from that Body to His Majesty, and in a Report from a Select Committee appointed by them to take the Bill into consideration; which Report is enclosed in Sir John Colborne's Despatch of the 20<sup>th</sup> May, N<sup>o</sup> 20.—

Your Predecessor and the Council agree in the opinion that it is vain to expect the concurrence of the two Branches of the Local legislature in any Adjustment of this Question, and they, therefore, invoke the interposition of Parliament; which interposition the Assembly, on the other hand, deprecate with equal earnestness.

The chief practical question, then, which at present demands consideration is whether His Majesty should be advised to recommend to Parliament the assumption to itself of the Office of deciding on the future Appropriation of these Lands. There are two distinct reasons, both of which appear to me conclusively to forbid that course of proceeding.

*First*—Parliamentary Legislation on any subject of exclusively internal concern, in any British Colony possessing a Representative Assembly, is, as a general rule, unconstitutional. It is a right of which the exercise is reserved for extreme Cases, in which necessity at once creates and justifies the exception.

But important as is the Question of the Clergy Reserves in Upper Canada, yet I cannot find in the actual state of the question any such exigency as would vindicate the Imperial Legislature in transferring to themselves the Settlement of this Controversy. The conflict of opinion between the two Houses upon this subject, much as it is to be lamented, yet involves no urgent danger to the peace of Society, and presents no insuperable impediment to the ordinary administration of Public Affairs. Although a great evil, it is not such as to exclude every hope of mitigation by the natural progress of discussion, and by the influence of that spirit which, in public Affairs, not seldom suggests to parties alike solicitous for the general good some mutual surrender of extreme views, and some compromise on either side of differences which at first sight might have appeared irreconcilable. Until every prospect of adjusting this dispute within the Province itself shall have been distinctly exhausted, the time for the interposition of Parliament will not have arrived,—unless, indeed, both Houses shall concur in soliciting that interposition; in which event there would, of course, be an end to the Constitutional objections already noticed.

The second ground on which I think myself bound to abstain from advising His Majesty from referring this Question immediately to Parliament, is, that the authors of the Constitutional Act have declared this to be one of those subjects in regard to which the

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initiative is expressly reserved and recognized as falling within the peculiar province and the special cognizance of the local Legislature, altho' its ultimate completion is no less distinctly made to depend in addition to the ordinary submission to His Majesty, on the acquiescence of the Imperial Parliament.

It is not difficult to perceive the reasons which induced Parliament in 1791, to connect with a reservation of land for Ecclesiastical purposes, the special delegation to the Council and Assembly of the right to vary that provision by any Bill which being reserved for the signification of His Majesty's Pleasure, should be communicated to both Houses of Parliament for six weeks before that decision was pronounced. Remembering it should seem, how fertile a source of controversy Ecclesiastical endowments had supplied throughout a large part of the Christian World, and how impossible it was to foretell with precision what might be the prevailing opinions and feelings of the Canadians on this subject at a future period, Parliament at once secured the means of making a systematic provision for a Protestant Clergy and took full precaution against the eventual inaptitude of that system to the more advanced stages of a Society then in its infant State, and of which no human foresight could divine the more mature and settled judgment.

In the controversy, therefore, respecting Ecclesiastical endowments which at present divides the Canadian Legislature, I find no unexpected element of agitation the discovery of which demands a departure from the fixed principles of the Constitution, but merely the fulfilment of the anticipations of Parliament in 1791, in the exhibition of that conflict of opinion for which the Statute of that year may be said to have made a deliberate preparation. In referring the subject to the future Canadian Legislature, the authors of the Constitutional Act must be supposed to have contemplated the crisis at which we have now arrived—the era of warm and protracted debate which, in a free Government, may be said to be a necessary precursor to the settlement of any great principle of national Policy. We must not have recourse to an extreme remedy merely to avoid the embarrassment which is the present, though temporary, result of our deliberate Legislation.

I think, therefore, that to withdraw from the Canadian to the Imperial Legislature the question respecting the Clergy Reserves would be an infringement of that Cardinal principle of Colonial Government, which forbids Parliamentary interference except in submission to an evident and well established necessity.

Without expressing any further opinion at present on the general objects of the Bill of last Session, I think the effect of that Bill would, as it appears have been to constitute the Assembly not merely the Arbiters respecting the disposal of the Funds to be raised by the Sale of these Lands, but the active and independent Agents in effecting those Sales, and thus to invest them with the appropriate functions of the Executive Government.

6<sup>th</sup> The Report of the Committee next proceeds to the subject of the Land Granting Department.

Admitting that Lord Ripon's Despatch shews that the grievances under this Head have been in part removed, it is observed that the extent of that relief is not very clearly shewn by the documents before the Committee.

It is difficult, or rather impossible for me to advance further in meeting the views of the Assembly, thus briefly expressed, than by stating that if any ambiguity can be pointed out in Lord Ripon's Instructions respecting the grant of Lands, it shall be immediately removed, and that if His Majesty's Officers in the Province can be shewn to have disregarded those Instructions, it will be your duty to enforce the most prompt and exact obedience to them, to the full extent of their spirit and intention; insomuch that there shall in future be no doubt whether the grievances at which they aimed have or have not been completely removed.

7<sup>th</sup> Respecting the Collegiate Institutions of the Province, the Assembly express their opinion that the Upper Canada College "is upheld at great public expense with high Salaries to its principal Masters, but that the Province in general derives very little advantage from it, and that it might be dispensed with."

His Majesty's Government can have no wish to retain any charge for this Establishment which may be more than adequate to provide for the effective performance of the duties of the Teachers. Any wise retrenchment of that nature may, subject to the principles already mentioned, be immediately introduced. That the Province derives little benefit from this College, is a fact of which the explanation is to be found, not in the principle of the Institution itself, but in some error of management, susceptible, as it should seem, of an easy remedy. It is impossible to believe that in Upper Canada, as in other Countries, advantages the most important would not result from a well ordered School for the education in the elementary branches of Philosophy, Science and Literature, of young men who aspire to fill the highest Offices in Society. Nor can I suppose it a light benefit thus to connect together the preparatory and the final studies of youth in one systematic plan, which, by rendering the initiatory School a careful preparation for the University, may give to their entire education a character of solidity and consistency scarcely attainable by any other method.

I shall, therefore, deeply lament the abolition of a College of which the defects would appear so remediable, and of which it does not seem easy to exaggerate the benefits.

On the subject of King's College an unfortunate difference of opinion exists between the Council and the Assembly which each of those Bodies concurs in pronouncing incurable.

His Majesty commands me to tender through you, His mediation on this subject. With the previous assent of both Houses the King will cheerfully resume the consideration of the question, in what manner a Charter could be most conveniently prepared, so as to promote the interests of Science and Literature, and the Study of Theology and Moral Philosophy, with a due regard to the opinions which seem to prevail in the Province, respecting the proper Constitution and objects of an University. But after having distinctly referred to the local Legislature the duty of giving effect to their own wishes on the subject in the form of an Act of General Assembly, His Majesty cannot at the instance of one only of the two Houses, withdraw it from their cognizance.

8<sup>th</sup> The Committee complain that a very considerable proportion of the sum amounting to £31,728.18.11 expended in aid of Emigration from Europe, was for "Articles or Services not specified, and con-

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"cerning which a Committee of the House of Assembly could know "nothing, unless they were to send for the detailed accounts and "vouchers, which if they had, it would be impossible to examine at "the late period of the Session at which the Government sent down "those Statements." In the Appendices to the Report, numbered 56 and 57, various items of this expenditure are noticed with apparent dissatisfaction. You will direct the public Officers who have had the management of this Fund to communicate to the House of Assembly, with the utmost possible promptitude, the most minute and circumstantial details and explanations connected with it for which the House may be pleased to call.

9<sup>th</sup> Next in order occurs the statement that "the present system "of auditing the public Accounts, is altogether insufficient for ensuring the application of the Revenue to the purposes for which it is "intended to be applied."

The remedy suggested is that of establishing a Board of Audit, of which the proceedings should be regulated by a well considered Statute under a responsible Government.

Deferring at present any remark on the expression "responsible Government," to which I shall more conveniently advert hereafter, I must express my agreement in the position that the establishment of a Board of Audit by Law, is the best remedy in this case. His Majesty will gladly concur in the enactment of any Law which shall be properly framed for constituting such a Board. With a view to aid the deliberations of the Legislature, I transmit to you various documents explanatory of the Constitution and proceedings of the Commission for auditing the public accounts of this Kingdom.

The Assembly express their disbelief that any efficient measure of this kind will obtain the consent of the Legislative Council. I trust that this apprehension will be dispelled by the event. If unfortunately it should be confirmed, you will in the exercise of His Majesty's delegated authority, proceed at once to constitute a Board of Audit, upon the principles of that which at present exists in this Kingdom, so far as the two cases may be analogous: and although I am aware that, unaided by positive Legislation, such a Board would be comparatively inefficient, yet no inconsiderable advance would thus be made towards the introduction of an effective system of Audit.

If you should find it necessary to act on this Instruction, great care must be used to prevent the new Establishment from being converted into the means of any real or seeming abuse in the way of an improvident increase of the Patronage of the Crown. Of a Board consisting of Five or Three Auditors, one alone should at first receive a Salary, because the Institution itself would be provisional only, and liable to revision so soon as a proper Act could be passed for the purpose. I think it highly probable that amongst the gentlemen of the Province most conversant with its financial Interests, a sufficient number would be found who as honorary and unpaid Commissioners would complete the Board, and who, though not engaging in the mere ordinary routine of business, would exercise a general superintendance over the more important proceedings of the Commission. Especially it would be requisite to obtain such aid in determining the number and remuneration of the clerks and other subordinate Officers. But it must not be forgotten, that the effective remedy, as the Report observes, is to be found in a Board established by Law; and I

earnestly hope that a Law to that effect may pass both Houses of the Legislature.

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10<sup>th</sup> The withholding of Public Accounts from the House of Assembly, is the next ground of complaint.

It is proposed that to remedy this evil, a statute should be passed, providing the time and manner of making such Returns, and naming the Officers who should render them to the Legislature: "but", add the Committee, "it is well Known that such an Enactment would fail "in the Council, which has an interest in preventing the enforcement "of practical accountability to the people."

Although I cannot permit myself to believe, that the Council would really oppose themselves to any judicious measure of this kind, I fear that such Legislation would be found to involve many serious, if not insuperable difficulties. I must object to the appointment of individuals for any purpose of this kind by name in a statute, or by any authority other than that of the King. Persons so appointed, would exercise a control over all the functions of the executive Government, and would have a right of inspecting the records of all Public Offices, to such an extent, as would leave His Majestys Representative, and all other public Functionaries, little more than a dependent and subordinate authority. Furthur,—such officers would be virtually irresponsible and independent.

On this subject, however His Majesty commands me to state, that there is no information connected with the receipt and expenditure of any part of the Revenue of Upper Canada, which he wishes to withhold from the Representatives of the Canadian People. You will immediately on your arrival in the Province apprise the Heads of every Public Department by which any such Funds are received or administered, that they must constantly keep in preparation, to be produced to the Assembly, in compliance with any addresses which may be presented to you by that House, copies and abstracts of all Public Accounts; and you will consider in what form these can be drawn up, so as to exhibit all material information, in the most complete and luminous manner. It will perhaps be possible to concert with the House beforehand, some system for preparing such Returns; and as often as they may present to you addresses for such information, you will promptly accede to their wishes, except in the extreme case, which it is difficult to suppose, of any demand of that nature being made in such a form, that the compliance with it would endanger some great Public Interest.

11<sup>th</sup> The Report then passes to the consideration of cases in which Your Predecessor is charged with having failed to show respect, even in subordinate matters, to the wishes of the House of Assembly.

I will not encumber this communication, by entering into a review of the particular transactions noticed by the Committee in illustration of this Complaint. I am not indeed sufficiently in possession of the facts, to enable me to do so; nor do I think it convenient to combine a personal discussion, with a General Statement of the principles by which your conduct is to be governed.

The only general direction that I have to give you on this subject is, that you will always receive the Addresses of the Assembly, with the most studious attention & Courtesy.— As far as may be consistent with your duty to the King, you will accede to their wishes cheerfully and frankly. Should that duty ever compel you to differ from

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their opinion, or to decline compliance with their desires, you will explain in the most direct, and of course in the most conciliatory terms the grounds of your conduct.

12<sup>th</sup> The next topic of complaint is, that many of the recommendations contained in Lord Ripons Despatch of the 8<sup>th</sup> Novem<sup>r</sup> 1832, have not been carried into effect. Amongst these are especially mentioned such as relate to the Amendment of the Election Laws:— the non interference of His Majestys Officers at Elections:— The disclosure to the House of the receipt and expenditure of the Crown Revenue:— The exclusion of Ministers of Religion from the Legislative and executive Councils: The reducing the Costs of Elections:— The Judicial independence:— and the limitation of the number of Public Officers who may sit in the Assembly.

Adhering, without reserve or qualification, to all the Instructions issued under His Majestys commands by Lord Ripon, the King is pleased to direct, that you do adopt that Despatch as a Rule for the guidance of your own conduct; and that you exert your legitimate authority and influence to the utmost possible extent to carry into effect all such of His Lordships suggestions as may still continue unfulfilled.

13<sup>th</sup> The selection of Justices of the Peace, is said to have been made chiefly from persons of a peculiar bias in politics, and to be the means "of extending the power and influence of the Colonial "System." It is not in my power to verify the accuracy of this opinion; and I am happy to feel myself relieved from the necessity of such an Investigation. If any such abuse exists, it cannot be too decisively or promptly remedied. Whenever any increase of the number may appear to you desirable, you will propose to any Gentleman in Upper Canada possessing the necessary qualifications of knowledge, property, and character, and unquestionable fidelity to the Sovereign, the assumption of the Office of a Justice of the Peace, without reference to any Political consideration.

14.—A very considerable part of the Report is devoted to the Statement and illustration of the fact that the Executive Government of Upper Canada is virtually irresponsible; and the conclusion drawn from this Statement is, that under the present system there can be no prospect of a good and faithful administration of Public Affairs.

Without entering on the one hand unnecessarily into a discussion of those general principles to which my attention is thus invited, or digressing on the other hand into personal topics, it is enough for me to observe on the present occasion that experience would seem to prove that the Administration of Public affairs in Canada is by no means exempt from the controul of a sufficient practical responsibility. To His Majesty and to Parliament the Governor of Upper Canada is at all times most fully responsible for his Official acts. That this responsibility is not merely nominal, but that His Majesty feels the most lively interest in the welfare of His Canadian Subjects, and is ever anxious to devote a patient and laborious attention to any representations which they may address to Him, either through their Representatives or as Individuals, is proved not only by the whole tenor of the correspondence of my Predecessors in this Office, but by the Despatch which I am now addressing to you. That the Imperial Parliament is not disposed to receive with

Erased by  
command of  
Lord Glenelg  
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inattention the representations of their Canadian fellow Subjects, is attested by the labours of the committees which have been appointed by the House of Commons during the last few years to enquire into matters relating to those Provinces. It is the duty of the Lieutenant Governor of Upper Canada to vindicate to the King and to Parliament every Act of his Administration. In the event of any representations being addressed to His Majesty upon the subject of your Official Conduct, you will have the highest possible claim to a favorable construction; but the presumptions which may reasonably be formed in your behalf will never supersede a close examination how far they coincide with the real facts of each particular case which may be brought under discussion.

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This responsibility to His Majesty and to Parliament is second to none which can be imposed on a Public man; and it is one which it is in the power of the House of Assembly at any time, by Address or Petition, to bring into active operation.

I further unreservedly acknowledge that the principle of effective responsibility should pervade every Department of your Government; and for this reason, if for no other, I should hold that every public Officer should depend on His Majesty's pleasure for the tenure of his Office. If the Head of any Department should place himself in decided opposition to your Policy, whether that opposition be avowed or latent, it will be his duty to resign his Office into your hands; because the system of Government cannot proceed with safety on any other principle than that of the cordial co-operation of its various members in the same general plans of promoting the public good. The inferior Members of the different Offices should consider neutrality on this great litigated question of Provincial Policy as at once their duty and their privilege. Diligently obeying all the lawful Commands of their Superiors, they will be exempted from censure, if the course which they have been directed to pursue should issue in any unfortunate results.

Some of the Members of the Local Government will also occasionally be Representatives of the People in the Assembly, or will hold Seats in the Legislative Council. As Members of the Local Legislature they will of course act with fidelity to the Public, advocating and supporting no measures which upon a large view of the general interest, they shall not think it incumbent on them to advance. But if any such Person shall find himself compelled by his sense of duty to counteract the Policy pursued by you as the Head of the Government, it must be distinctly understood that the immediate resignation of his Office is expected of him, and that failing such a resignation, he must, as a general rule, be suspended from it. Unless this course be pursued it would be impossible to rescue the Head of the Government from the imputation of insincerity, or to conduct the Administration of Public Affairs with the necessary firmness and decision.

I need hardly say that in the event of any Public Officer being urged into a resignation of his place by his inability to give a conscientious support to his Official Superior, the merits of the question would undergo an investigation of more than common exactness by His Majesty's Ministers, and that His Majesty's decision would be pronounced with a perfect impartiality towards those who had the honor to serve him in the Province, however high, or however subordinate might be their respective stations.

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By a stedfast adherence to these Rules, I trust that an effective system of responsibility would be established throughout the whole Body of Public Officers in Upper Canada, from the highest to the lowest, without the introduction of any new and hazardous schemes, and without recourse to any system of which the prudence and safety have not been sufficiently ascertained by a long course of practical experience.

14.—I next advert to two subjects of far more importance than any of those to which I have hitherto adverted. I refer to the demand made partly in the Report of the Committee, and partly in the Address from the Assembly to His Majesty, for changes in the mode of appointing Legislative Councillors, and for the control by the Assembly of the Territorial and Casual Revenues of the Crown.

On these subjects I am to a considerable extent relieved from the necessity of any particular investigation, because claims precisely identical have been preferred by the Assembly of Lower Canada, and because in the Instructions to the Commissioners of Enquiry who have visited that Province, I have already had occasion to state the views which have received His Majesty's deliberate sanction. The principles of the Government in the two Sister Provinces must I am well aware be in every material respect the same. I shall, therefore, annex for your information as an Appendix to this Dispatch so much of the Instructions to the Earl of Gosford and his Colleagues, as applies to these topics.

In the prosecution of the enquiries of the Commissioners in Lower Canada, they will be instructed to enter into full and unreserved communication with you upon these questions, and to frame their Report in such a manner as may enable His Majesty to adopt a just and final conclusion upon the course to be pursued respecting them in both the Canadas. For this purpose you will supply the Commissioners with all the information which you may think necessary for them to receive, and with every suggestion which you may think it expedient to make for their assistance in comparing the state of these questions in the two Provinces. If it should ultimately appear desirable, the Commission may perhaps be directed to resort to Upper Canada there to pursue in concurrence with yourself, a more exact enquiry into these subjects than they could institute at Quebec, in reference to the Affairs of the Upper Province.

In general the Earl of Gosford and his Colleagues will be directed to enter into unreserved communication with you, not only on the points just mentioned, but on every subject of common interest to the two Provinces. You, on your part will conduct yourself towards them in the most cordial spirit of frankness and co-operation.

I have thus in order adverted to every subject to which the Assembly of Upper Canada have called the attention of His Majesty's Government. You will communicate to the Legislative Council, and to that House the substance of this Dispatch, as containing the answer which His Majesty is pleased to make to the Addresses and representations which I have had the honor to lay before him from the two Houses in their last Session. I trust that in this answer they will find sufficient Evidence of the earnest desire by which His Majesty's Council are animated to provide for the redress of every grievance by which any Class of His Majesty's Canadian Subjects are affected.

I close this communication with the expression of my earnest hope, and I trust not too confident belief, that the Representatives of the People of Upper Canada will receive with gratitude and cordiality this renewed proof of His Majesty's paternal solicitude for the welfare of His Loyal Subjects in that Province, and that laying aside all groundless distrusts they will cheerfully co-operate with the King, and with you as His Majesty's Representative, in advancing the prosperity of that interesting and valuable portion of the British Empire." p. 401

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Glenelg to Head. No. 2. Transmitting duplicate of despatch No. 1 and drawing attention to an alteration to be made in the original. In section 14 the word "sufficient" shall be omitted from the phrase reading "exempt from the control of a sufficient practical responsibility". p. 506

Downing St.,  
Dec. 21.

Enclosure:—

Duplicate of despatch No. 1 as amended. p. 512

Downing St.,  
Dec. 5.

Duplicate of preceding despatch (No. 2). p. 509

Downing St.,  
Dec. 21.

Glenelg to Head. No. 3. Transmitting copy of petition from W. L. Mackenzie, as executor of the late Robt. Randal, requesting copy of memorial to the Prince Regent, dated in 1815 or 1816, from Hon. Thomas Clark soliciting grant of Bridgewater Works between mouth of Welland River and Niagara Falls, with correspondence and record of proceedings relating thereto. Waiving regulation requiring all petitions to be sent through Lieut. Governor, Colonial Secretary directs that Mr. Mackenzie may be permitted to make copies of all such material, at his own expense if for his own use, or if required by Assembly that copies be made in usual manner. Mackenzie's memorial would have been equally effectual if he had abstained from the use of some expressions impugning certain official bodies of the Province. p. 617

Downing St.,  
Dec. 22.

Enclosure:—

Petition of W. L. Mackenzie. (Copy.) In requesting copies of documents reviews briefly the case of Robt. Randal. p. 628

Toronto,  
U.C.,  
Sept. 15.

Duplicate of preceding despatch and enclosure. p. 637

Downing St.,  
Dec. 22.

Glenelg to Head. (Circular.) Transmitting extract from Treasury Minute requiring certain returns of pensions to be made; the return is also to be made annually in month of November. p. 656

Downing St.,  
Dec. 22.

Enclosure:—

The Treasury Minute. p. 657

Oct. 13.

Glenelg to Head. No. 4. Acknowledging Colborne's despatch No. 60 of Nov. 3 on subject of Executive Council. Expresses satisfaction at Archdeacon Strachan's declaration of unconditional resignation of his seat in that body when successor shall be appointed. Mr. Dunn had been promised office by Lord Aberdeen, but circumstances had undergone so marked a change that the public interest renders that promise inoperative. Lieut. Governor is to make provisional appointment of the best qualified person under all the circumstances, and if his choice should be Mr. Dunn it will be satisfactory. Dr. Strachan is to be thanked for relieving Government from embarrassing situation. p. 658

Downing St.,  
Dec. 23.

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Downing St.,  
Dec. 30.

Glenelg to Head. No. 5. Transmitting correspondence with War Office on subject of allowing Lieut. Governor the services of a military officer as an aide-de-camp with expense paid by Home Government. p. 665

Enclosures:—

Downing St.,  
Dec. 18.

(1) Grey to Sullivan. (Copy.) Colonial Secretary is of opinion that lieutenant governors of important colonies require the services of a military officer under title of aide-de-camp or Military Secretary. p. 667

War Office,  
Dec. 26.

(2) Marshall to Grey. (Copy.) Secretary at War gives sanction to a temporary appointment with expense borne from Army Extraordinaries. The charge should be upon Colonial Revenue if permanent. p. 673

Downing St.,  
Dec. 30.

Glenelg to Head. (Circular.) Transmitting a handbill describing robbery stated to have been committed upon Ashley & Son by George Jackson, who was supposed to have taken refuge in one of the colonies. Desires that every publicity be given to contents. p. 676

Enclosure:—

The handbill. (Printed.)

p. 676A

Downing St.,  
Dec. 30.

Glenelg to Head. Transmitting copy of a work by Sir Henry Parnell on construction and improvement of roads. p. 677

Downing St.,  
Dec. 31.

Glenelg to Head. No. 6. Acknowledging Colborne's despatch No. 42 of Aug. 15 announcing he had appointed Mr. Hepburn as clerk in Indian Department. Regret is expressed that, owing to necessity for reducing expenses of that Department, the appointment cannot be confirmed. p. 678



