DOMINION OF CANADA

REPORT

OF THE

PUBLIC ARCHIVES

FOR THE YEAR 1933

ARTHUR G. DOUGHTY
Keeper of the Records

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1934

Price, $1.00

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CONTENTS

Page

Deputy Minister's Report.....v

Reports of Divisions.....x

Appendix I.....xxi

Introduction to Appendix I.....xxiii

Appendix II.....83

REPORT OF THE PUBLIC ARCHIVES

FOR THE YEAR 1933

The Hon. C. H. CAHAN, K.C., M.P.,
Secretary of State of Canada.

SIR,—I have the honour to submit to you a report on the activities of the Archives during the last twelve months. An efficient public service was maintained by a small staff at the expense of much unseen though necessary work.

Pressing demands have been made by certain Members of the House, and by students and instructors, for the publication of documents relating to the constitutional history of Canada, following the period already covered in special volumes.[1] The task of selecting and publishing such material would have fallen to the Board of Historical Publications; but on the death of the Chairman, two years ago, that Board was abolished. The Department, however, has selected and printed a number of documents bearing on constitutional affairs during the years 1818 to 1822: these will be found in Appendix I to the present Report. It is proposed to continue this publication next year.

For well over half a century literary inquirers have turned to the Government for historical material to interpret the wonderful story of Canada. The process of collecting records to meet the demand was necessarily slow because financial aid was small. Thirty years ago, as a result of hard work on the part of my predecessor, 3155 volumes of historical material were in the National Archives, 1,062 volumes of which related to military matters of comparatively recent date. A determined effort was then made to prove that the principal function of the Archives is not merely to meet the requests of private individuals or even of educational institutions, but to keep and preserve the records for the proper conduct of public business and the accurate determination of dominion, provincial, municipal and individual rights. The commercial value of the records to the nation and to the business man was recognized and financial support was provided. In the annals of the courts during the last twenty-five years there is abundant evidence that vast sums have been saved to the nation as well as to the public by the timely production of documents, surveys, maps and plans at one time considered worthless. The great monetary value, to the Government and private citizens, of material rescued from destruction is apt to be overlooked by those who use the Archives solely for historical purposes. Nevertheless it is the duty of the Archivist to bear it in mind and to shape his policy, in the acquirement, arrangement and classification of the records, in accord with all the needs which a Department of Public Archives should meet. Few people are aware of the work that is carried on in the Archives, or of the condition that large quantities of records were in a quarter of a century ago. Hundreds of thousands of documents now in an excellent state of preservation, in portfolios or neatly bound volumes, were received in a dirty, dilapidated state, and, before they were safe or fit to handle, had to be cleaned, pressed and repaired. Thousands of maps that seemed fit only for the rubbish heap have been skilfully treated, and with care will last indefinitely. Much of this one-time discarded material is now a most valuable national asset.

The collection of 3,155 volumes of manuscript in the Archives thirty years ago has increased more than a hundred fold. The great problem has been how to make this large mass of material known outside of Government circles, since it is desirable that Canadians, wherever they be, should have access to the sources of their history. Unusual facilities have been offered to students to consult the records in the Archives building, and guides, calendars and collections of documents have been published for their use. But comparatively few persons from a distance can support themselves in Ottawa for weeks and months in order to render themselves better fitted to tell the story of Canada to the

[1] Documents relating to the Constitutional History of Canada, 1759-1791 (Ottawa, 1907).
Documents relating to the Constitutional History of Canada, 1791-1818 (Ottawa, 1914).

future builders of the nation. Calendars of papers serve a useful purpose, but well-edited collections of documents are more welcome to those who seldom have an opportunity to examine the originals. Teachers and students are making a laudable use of the Government records that are in print, and no doubt in time facilities for editing and printing will be increased.

In Appendix II a portion of the calendar, prepared by the late William Smith, of the despatches of Upper Canada found in the "G" Series, is printed. Last year Mr. Smith's calendar of the despatches of Lower Canada was completed.

Some twenty years ago the Department proposed to publish collections of documents relating to Agriculture, Trade, Finance, Exploration, &c. Much of the material has been gathered for the purpose, but editors are lacking. New sources bearing on the early economic history of Canada have been examined in Europe and already a large number of transcripts are in the Archives.

The obligation to publish a report annually prevented the making of an index to each volume. Out of the seventy odd publications the only volumes indexed are the Report for 1904, for 1905, and for 1932; the Constitutional Documents, the Catalogue of Pamphlets, and the Kelsey Papers. An index of the Reports to the year 1887 has been completed and will be published when conditions are more favourable.

This year has been remarkable for the number of valuable donations to the Archives. Madame Hector Prevost presented thirty-one volumes relating to the Fraser Highlanders, the Royal Highland Emigrant Regiment, and the Voltigeurs. The papers consist of accounts, orderly books, strength returns, correspondence, &c., between 1768 and 1784. These are exceedingly interesting for the history of the Scottish regiments in Canada. One noteworthy document is a New Exercise dated 1755. Captain Knox referred to this Exercise when at Louisbourg in 1758. "I flattered myself I should have seen the grenadier companies of this garrison reviewed by General Wolfe, but it was over before I could get there; I was told they went through all their manoeuvres and evolutions with great exactness and spirit, according to a new system of discipline; and his Excellency was highly pleased with their performance. Some Commanding Officers of corps, who expected to be also reviewed in their turn, told the General, by way of apology, that, by their regiments having been long cantoned, they had it not in their power to learn or practise this new exercise; to which he answered,—'Poh! poh!—new exercise—new fiddlestick; if they are otherwise well disciplined and will fight, that's all I shall require of them.'"

The widow of the Honourable William McDougall presented to the Archives six excellent water colours of Fort Garry, Fort William and the vicinity in 1869, and an unusual print of the Fathers of Confederation.

Sir Campbell Stuart has given to the Archives a portrait of the Rev. Dr. Stuart and his wife. Dr. Stuart, the founder of the Canadian branch of the Stuart family, had the distinction of being the first English schoolmaster in Montreal (1781). In 1785 he was missionary priest in Kingston. Portraits of other members of the Stuart family, including the first Chief Justice, were obtained from the family in Scotland through the good offices of the late Sir Edmund Walker.

For a quarter of a century Mr. Berkeley Powell has been a benefactor of the Archives. The latest proof of his generosity is the donation of forty-four framed pictures and two albums of Bytown and Ottawa, and five volumes concerning the military history of Canada. These items have been gathered as the result of persistent research over a long period. There are many items dealing with the earliest history of the Capital that cannot be found elsewhere.

The late J. S. Ewart, K.C., was a familiar figure in the Archives ever since his residence in the Capital. He regarded the institution as his second home, and gave, some years ago, a mass of material he had gathered for a documentary history of Canada. By his will he desired the portrait of himself by Miss Dorothy Vicaji to be offered to the Archives. It bears this inscription:—

"JOHN S. EWART, K.C., LL.D.
1849-1933.
WHO BY HIS WILL OFFERED THIS PORTRAIT BY DOROTHY VICAJI TO THE PUBLIC ARCHIVES HIS FAVOURITE HAUNT FOR INSPIRATION AND HISTORICAL DATA."

Two small paintings, probably the first painted under British rule, were presented to the Archives by a benefactor in England. They were painted in 1760 by Serres and represent the effect of the bombardment of the Upper and Lower Town of Quebec in 1759. At one time they belonged to George Townshend, who signed the Capitulation of Quebec on the 18th of September, 1759. Several engravings framed in oak from a French vessel, raised in the harbour of Quebec many years ago, were received from the same source.

The Department has received as a gift from Sir James Macaulay Higginson a curious painting of the opening of Parliament in Montreal, with Sir Charles Metcalfe occupying the chair. The picture is painted by Andrew Morris. The building of which the interior is here shown was destroyed by fire in 1849, as related in the following extract from the Orders of the Day of the 25th of April in that year. "The House then resolved itself into the said Committee; and, after some time spent therein, their proceedings were interrupted by continued volleys of stones and other missiles, thrown from the streets into the Legislative Assembly Hall, which caused the Committee to rise, and the Members to withdraw into the adjoining passages, for safety,—from whence Mr. Speaker and the other Members were almost immediately compelled to retire, and leave the building, which had been set on fire on the outside, and the flames rushing in at the south gable end."

Two water-colour sketches of Ottawa in 1879 by W. Chesterton were presented to the Archives by Miss Chesterton.

The collection of views of Bytown is becoming very valuable. One of the most highly prized views is the large water-colour from By's house at Frant presented to the Archives by His Grace Archbishop Roper.

The Department has acquired some remarkable documents, of which a detailed list will be prepared in due course. They include a letter-book of the Canadian Legislature for the years 1855 to 1862; an account-book of the same Legislature for 1857; regulations for the fur trade in Montreal, 1718; a manuscript volume of the year 1610, bearing the title *Geographiae Praxis*, which contains references to New France and to Virginia; a grant made by the Company of New France in 1635 to de Lauzon, giving him the sole right of the navigation of the St. Lawrence River; a list of naval Officers serving in Canada, signed by Louis XIV; documents bearing on French encroachments in North America, 1748-1756, prepared for the House of Lords; and documents regarding the administration, resources, etc., of Nova Scotia, 1840 and 1842. There are over one hundred such documents, each of which has a special interest. A Calendar will be prepared during this year.

The gift of Colonel Molson Macpherson of Quebec is in many respects the most outstanding. It consists of some two hundred Canadian prints, water-colours and portraits, letters of Sir John A. Macdonald, journals, several hundred books, &c. A number of rare Canadian books are contained in a beautiful inlaid bookcase which belonged to Sir David Macpherson of Chestnut Park, Toronto. A catalogue will be prepared.

A document of interest to the West is here printed.

NORTH WEST FUR TRADE

Wheras in pursuance of an authority given to that Effect, and with the view of establishing a trading Boundary, and thereby avoiding all collision & dispute between the North west Company, and any company which might

associate for the purpose of carrying on Trade to the Indian Country within that part of the Territory of the United States usually carried on from Michilimacinac—The following Stipulations were made at New York on the Twenty Eighth day of January last, in an agreement made & entered into between Forsyth Richardson & Company and McTavish McGillivrays & Company of Montreal Merchants & their associates, under the firm of the Montreal Company of the one part, The said Firms being represented by William McGillivray—and the American Fur Company on the other part, represented by John Jacob Aster of New York.—To which Stipulations the said William McGillivray for & behalf of the North west Company consented & agreed. The same being in these words and composing the Eleventh & Fourteenth articles of that agreement that is to say—

Article 11th "To remove all causes of collision with the company Trading from Canada called the North west Company, it is hereby agreed that the companies who are parties hereto, shall on no account trade nor Equip any person to Trade after the outfit of the year Eighteen Hundred & Eleven with Indians beyond the Territorial Limits of the United States, unless to such part of Lake Huron as shall not be within the Limits of any Trading post at present Established by the said North west Company—Provided always that the said North west Company shall also agree on their part not to Trade nor Equip any Person to Trade after the said Outfit of the year Eight Hundred & Eleven with Indians within the Territorial Limits of the United States, nor beyond the Limits of any Trading post near Lake Huron now actually Established by the said Company—It being however understood, that for the outfit Eighteen Hundred & Eleven, each company is to conform itself to the restrictions agreed upon between the North west Company and the said late Michilimacimac Company."

Art. 14th "It is hereby expressly agreed upon by and between the Parties hereto, that the North west Company shall after the present year, deliver up to this concern all and every Post of Trade or Trading House, which they at present occupy within the Territories or Limits of the United States of America and shall not hold any Separate Interest in Trade with any other person or persons other than the Present Concern in the Indian Country within the Territories of the United States of America, nor furnish any person or persons with Goods for the purpose aforesaid—And it is further declared and agreed upon that the Limits within which the Trade of this concern shall be carried on has no application whatsoever to any country beyond The Ridge of the Rocky Mountains, nor the River Missouri, nor to the North West Coast, or in the Pacific Ocean, any thing herein contained to the contrary notwithstanding."

It is therefore Resolved—and the Parties subscribing hereto forming a Legal Majority of the North west Company at a General meeting do Resolve, that the clauses in articles above mentioned & composing the 11th & 14th articles of the aforesaid agreement so entered into at New York, & every part of the said clauses & articles, in so far as regards the North west Company be, and the same are hereby ratified, approved, & confirmed—and it is further Resolved that the Agents of the North west Company be, and they are hereby authorised and empowered on behalf of the North west Company to execute any further writing—act or Deed, which may be considered needful, for a more formal ratification thereof—In Testimony wherof the undersigned Partners of the said North west Company forming a Legal majority of the Same, have by themselves or their attornies set their Hands & Seals to these Resolves in order that the same may be produced whensoever requisite—

Dated at Fort William District of Kaministiquia this day of July Fifteenth, in the year of Our Lord one Thousand Eight Hundred & Eleven.

W. McGillivray for self and McTavish McGillivrays & Co
Alex^r McKenzie for self & Sir Alex^r McKenzie & Co
John McDonald
D. McTavish
John Macdonell
Duncan Cameron
James Hughes Junr
H McGillis
John McGillivray
Arch^d McLellan
R. Cameron
R MacKenzie
John D. Campbell

Signed & Sealed in presence of J^s. C. McTavish
Robet Cowie

John A. Macdonald, as a Poll Clerk at the Age of 19.

I John Alexander Macdonald do Swear, that I will at this Present Election of two members to Serve in Parliament for the County of Prince Edward, truly and indifferently take the Poll, and Set down the name of each freeholder, and the place of his freehold, and for whom he Shall Poll, and Poll no freeholder who is not Sworn, or put to his affirmation, if So Legally required.

John A. Macdonald
Poll Clerk

Sworn before me openly at the Court House in Picton this 6th day of October 1834.

S. Washburn
Commissioner

Letter of Hugh John Macdonald, April 7 1870

Toronto April 7th/70

Dear Sir George

As I see by the papers that a rather large force of volunteers is to accompany the regulars to Red River I write to ask you to put in a good word for me with my father, as I am really anxious to go. I wrote him on the subject yesterday, but one word from you would have far more influence with him than a dozen letters from me. I have a Military School certificate, and have been a member of the Queens Own Rifles for some years, besides this I am used to camping and could stand the knocking about, besides I am very fond of that sort of life. All the young fellows of my own set are trying to get commissions, and if I am less eager than the rest, aspersions will be cast on my personal courage, and you, Sir George, as a member of the chivalrous French noblesse know how annoying that would be. If you do manage to persuade my father I will be everlastingly grateful, and if he does I hope you will not forget me when the ensigns are appointed.

I must apologize for taking up your valuable time, but this is a subject in which I feel a deep interest.

I remain
your humble & obedient servant
Hugh J. Macdonald

Sir George Cartier Bart
Minister of Militia
Ottawa.

The Reports of the Divisions here follow.

I have the honour to be, sir, your obedient servant,
A. G. DOUGHTY.

Ottawa, January 15, 1934.

REPORT OF DIVISIONS

MANUSCRIPT DIVISION

MATERIAL FROM FRANCE

Archives Nationales:
Colonies:—Series C^{11A} Carton 126
Canada & Ile Royale, Ile St Jean
Cartes et Plans
Series E no. 18—Dossier Barthélémy
240—Dossier Boularderie
272—Dossier Repentigny
Marine:—Series A^1 Liasse 87-104 Edits 1754-1769
107 - 1776
Series B^3 Vol: 321-335 Correspondance 1728-9
Series B^4 Vol: 33-39 Campagnes 1708-1725
Nationale:—Series E Vol: 285^A-409^B Conseil des Finances 1656-68
Series G^5 Vol: 1-261 Conseil des prises 1695
Series V^7 Vol: 414 Conseil d'Estat 1711
Series Y Vol: 132-160 Châtelet de Paris 1590-1619
Archives Diverses:
Séminaire des Missions Etrangères
Vol: 39-45 Procure 1803-1836
Vol: 215-218 Rome Procure 1726-1773
Vol: 221-225 " " 1798-1850
Vol: 273 Inventaire des Archives 1707
Archives Communales.
Charente Inférieure:
Series B. carton 4 (II) Louisbourg 1727 no. prov: 88-90 La Rochelle No 70-1672.
Series B. Vol: 192 Registre La Rochelle 1645.
193 " " 1646.
199 " " 1654.
252 Conduites payées 1748-57.
267 Registre Louisbourg 1733-39.
268 " " 1731-34.
Archives Notariales—Etudes { Bonniot, Menou, Sacré }
Archives des Ports Maritimes.
Rochefort: Series 2 F. Liasse 13 Louisbourg 1733-34.
Bibliothèque Nationale.
Fonds Francais 4600 Arrêts-Discours.
4616 Familles de Paris.
22692–22803 Collection Dangeau.
27148 Pièces Originales.
9678 Nicolas Delisle.
VIII. Collection Baluze.

Bibliothèque de la Section Technique du Génie.
Série Info. no. 205. Lettres de Franquet 1750-55.
Ministère des Affaires Etrangères.
Correspondance Politique Angleterre Vols. 460-4 Supplément 1764.
Ministère des Colonies.
Series G^2 Vol: 178-Conseil Supérieur 1720.

MATERIAL FROM ENGLAND

Admiralty—
No 51/2248 Log of H.M.S. Centaur 1814 Captain J. C. White
Audit Office—
Series 16 Vol. 150 Extract re Sir Thos. Mills
Colonial Office—
Series 43 Vol: 71-75. Letters from S of S 1828-32.
House of Lords—
Sessional Papers 1840 U.C. Clergy Reserves—Opinion
S.P.G. in F.P.—
Series D. Vol: 42, 44, 46 } Letters received 1875-77.
War Office—
Series 34 Vol: 16-23. Amherst Papers.
Series 55 Bundle 859 Mss. re model of Quebec
Edinburgh—
Advocates Library Vol: CXX- Murray Papers 1814-15

MATERIAL FROM CANADA

Federal—
Department of Marine & Fisheries—
Shipping Register- Dunnville, Ont. 1861-78 (original)
Governor General's Office:—
Despatches:—
Secretary of State for Colonies to Governor General 1876-96.
H.M. Ambassador Washington to Governor General 1876-94.
Governor General to H.M. Ambassador Washington 1885-94.
Correspondence:—
Letters received 1868-1904
High Commissioner for Canada 1880-88
Registers:—
Secretary of State for Colonies 1877-1896
Governor General 1877-95
Governor General's Letter Books 1873-1901
Letters received 1877-1904
From H.M. Ambassador Washington 1886-94
To H.M. Ambassador Washington 1886-94
Provincial—
Manitoba
Memorandum re Bureau of Social Research
Nova Scotia
Land Grant to John Small 1787

Quebec
College of Arms of the Noblesse Inc: Certificates
Montreal Historical Society
Letters Baldwin-Lafontaine 1841-6
Palais de Justice:—
Répertoire des Notaires:—Adhémar, Basset. B.
St. Sulpice Library:—
Baby Collection—Documents divers.
Quebec Archives—
Registre de la Prévôté 1757-9.
Mss. *re* Roussel-Philibert (Chien d'or).
Parish Registers—
Sault-au-Récollet.
St. Eustache-Rivière du Chêne.

LIST OF FRASER PAPERS

1. A New Exercise 1755.
2. Petition for General Assembly 1763.
3. Correspondence 1782-98.
4. 84th Regiment Strength Return 1782.
5. A Form of Prayer 1802.
6. British Military Society Quebec.
7. Royal Highland Emigrants Petition 1777.
8. Royal Highland Emigrants Report 1779.
9. Royal Highland Emigrants Accounts 1775-6.
10. Royal Highland Emigrants Accounts 1775-7.
11. Royal Highland Emigrants Accounts 1775-8.
12. Account Book 1768-70.
13. Account Book 1773-84.
14. Cash Account 1780-2.
15. Provision Account 1783-4.
16. Voltigeur's Day Book 1820.
17. Strength Returns 1776-7.
18. Strength Returns 1777-80.
19. Strength Returns 1780-3.
20. Orderly Book 1775-6.
21. Orderly Book 1776-7.
22. Orderly Book 1777-8.
23. Orderly Book 1778-9.
24. Orderly Book 1779-80.
25. Orderly Book 1780-81.
26. Orderly Book 1781.
27. Orderly Book 1781-2.
28. Orderly Book 1782-3.
29. Orderly Book 1782-3.
30. Orderly Book 1783-4.
31. Exercise Book 1777.

MISCELLANEOUS DOCUMENTS

Centenary Papers relating to Sir George E. Cartier 1919.
Telegraph receipt book 1870.
History of St. Mary's, Marysville Tyendenaga.
Ketchum Journals (2) 1856-64-1898-01.
Letters from Sir John Macdonald to Sir David Macpherson and Commissions of Sir David Macpherson.
Neilson Diary, 1871-1884.
Papers relating to Darcy McGee.

G. T. Railway Papers 1856.
Amendment's Juvenile Delinquents Act 1926-33.
Land Grant 1812.
Indenture 1846.
Notes on early Canada, P.O. papers 1836-40.
Taché Family Papers.
Mss. re Capt. Peter Du Val.
Mss. & newspapers Kingston 1840-1917.
1707 Dame Couillard ratification of sale.
1884 St. Helen's Island Military Cemetery.
Richardson—S. Journal—Labrador 1771.

CLASSIFICATION, INDEX AND INFORMATION DIVISIONS

Ninety-two thousand five hundred files and two hundred and thirty-four letter books, covering the period of 1848 to 1892, were received in May last from the Department of Agriculture. They were moved, sorted, put in 371 portfolios and placed on the shelves in Room 8.

A large number of documents composed of the correspondence, monthly and yearly returns, of the different battalions of Militia of Lower and Upper Canada, from 1800 to 1866, have been classified. This work, begun last year, is not completed yet, owing to the clerk employed being temporarily assigned to other duties.

Classification of Active Militia Pay Rolls of the various units comprising Cavalry, Artillery and Engineers, from 1867 to 1908, has been proceeded with during the year. These are now ready to be placed in portfolios. These documents approximate 12,000.

The Department of National Defence has recently transferred to the Archives the Military Pay Rolls covering the service of all those who served in the Fenian Raids of 1866 and 1870. Accompanying these papers are the applications and awards for the bounty granted by Parliament in 1912. The acquisition of these pay rolls, service rolls and lists, which approximate 45,000 documents, now completes our collections of the records of the Fenian Raids.

LIST OF APPLICANTS FOR THE FENIAN RAID VOLUNTEER BOUNTY WHOSE CLAIMS HAVE BEEN APPROVED

1. List 1 to 695	55 Bundles
2. Disallowed claims Fenian Raid List 1 to 37,000	10 "
3. Claims for grants disallowed, List 1 to 36,000	1 "
4. Data *re* Medals	1 Folio
5. Applications for grant *re* officers, regiments General	3 Bundles
6. Notes on Fenian Raid Bounty	
7. Fenian Raid Bounty applicants received subsequent to July 31st, 1915	1 "
8. Two envelopes together	1 Package
9. List of applicants for bounty approved and disallowed claims	2 Bundles
10. Pay Lists *re* Fenian Raid generally	2 Boxes

RESEARCH AND INFORMATION

The many requests received which necessitated researches in the Military Records are of a general nature, Old Age Pensions, Records and Lists of the early militia, for historical purposes, and anniversary commemorations from County Historical Societies and the present day military units who trace their organization to the earlier local militia companies.

Many requests were received from all parts for records of Military service for genealogical purposes, also the compiling of data and material of a military nature in connection with the perpetuation of historical sites for the Historical Sites Commission.

The work done in connection with the records of the World War was as follows:—

Files examined and prepared for custody	78
Files in circulation	1,228
Researches	337
Requests for information or files not elsewhere noted	194

The greater number of researches and the increased circulation of files has lessened the time available for examination and preparation of files for custody.

Researches from Overseas records has been approximately seventy per cent successful.

The number of requests for information, production of files and copy of documents received since the last report amounts to 1,557.

The fourth centenary of the discovery of Canada, the third, of the founding of Trois-Rivières and the first, of the granting of a city charter to Toronto have occasioned a large number of researches. Much has also been done in furnishing material for a history of Gaspé, of the Eastern Townships (especially for the County of Stanstead), for completing the collections of the archives of the Anglican Diocese of Quebec, and for the history of several counties and parishes.

Much research work has been entailed by family histories and genealogies which continue to be in favour among the public. Among the requests for information, one may mention a few, such as: When was the beaver first used in the Coat of Arms of Canada; the introduction of apples in Nova Scotia; the history of Medicine and Surgery in Canada; the early history, costumes and treaties of the different Indian Tribes; history of the lighthouse at Louisbourg (the first fireproof building in North America); ship-building in Canada; the centenary of the crossing of the Atlantic Ocean by the "Royal William"; the centenary of the political and social emancipation of the Jews in Canada; the exact burial place of Christophe Dufrost de la Jemmeraye; the construction of the Carillon-Grenville Canal and Railway; the history of the Tunker, Quaker and Mennonist Churches in Canada; the use of the French Language in Parliament; the history of the North-West Rebellion of 1870 and 1885; documents respecting the Harbour of Montreal; etc., etc.

These requests come, as usual, from historians, historical associations, universities, students and others from all over the country, the United States and England.

The descendants of the United Empire Loyalists continue to ask for information concerning their ancestors.

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

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

INDEX

The index of the Quebec Gazette is being continued. It now reaches the end of the year 1817. Cards placed in drawers—11,000.

The index of muster rolls of the regiments of Loyalists are being typewritten.

Placed in drawers	10,410
"C" Series	2,400
Researches indexed	4,030
Total	27,840

The work on the catalogue of documents in the Manuscript Room No. 32 is continued.

The index of the Annual Reports of the Public Archives, both English and French, was continued during the year and 12,500 slips have been prepared. They are being arranged alphabetically.

An index of the "Bourgeois du Nord-Ouest," a work often consulted for the history of the Canadian West, is being prepared.

The inventory of the manuscript material relating to the three Eastern Maritime Provinces is being pursued.

The index to our volumes "Documents relating to Currency, Exchange and Finance in Nova Scotia with prefatory documents, 1675-1758" has been completed.

Sixty-one volumes of the "S" Series have been prepared for the bindery and bound.

OTTAWA, 9th December, 1933.

FRANCIS J. AUDET.

HISTORICAL RESEARCH AND PUBLICITY DIVISION

January 1—December 31, 1933

A further reduction of the staff of this division has necessitated the continued suspension of some of its activities. Every effort is being made, however, to meet the immediate requirements of the government service and of the public.

I. RESEARCH

One hundred and forty-eight special investigations were made during the year, in the interest of the federal and provincial governments, municipalities, public and private institutions, and individuals. A large proportion of these called for long and difficult research work.

II. PUBLICATIONS

Work on the Catalogue of Pictures and other proposed publications remains suspended.

III. PAINTINGS, DRAWINGS AND PRINTS

Pictures received, 253.

Volumes received (pictorial collections, including scrap-books which contain over one thousand pictures), 41.

Pictures catalogued, 875.

The above numbers do not include several hundred valuable pictures received with the Macpherson and other collections.

Much work has been done during the year on the manuscript catalogue of pictures, in classification, arrangement, editing, etc.

IV. PHOTOSTATS AND PHOTOGRAPHS

Photostat negatives prepared and indexed, 73.

Photograph negatives prepared and indexed, 121.

During the year, 389 photostatic and 229 photographic prints of material in the Public Archives were supplied by this Division.

V. LANTERN SLIDES

Lantern slides prepared and indexed, 18.

Lantern slides loaned, 335.

January 10, 1934.

JAMES F. KENNY.

MAP DIVISION

The catalogue of maps, plans and charts, has been brought up to date and arranged in drawers.

RESEARCH

One hundred and eleven professors, lawyers, engineers and students consulted maps in the map division during the year and two hundred and forty-eight requests by mail were received. The enquiries came from every section of Canada and from the United States and Europe. The searches made included in addition to those made for students, a large number of searches for information on the boundaries of water lots on the St. Lawrence River and Great Lakes and on the location of concession and township roads in Western Ontario.

LIST OF ACCESSIONS

Acadia. Carte de la Coste de l'Acadie, Depuis le passage de Fronsac Jusques à la Riviere St. Jean. Par la Lanne Escriuain. 1684. Archives Du Service Hydrographique De La Marine—13, Rue de L'Université Portfeuille 132—Div. 4—Pièce 1. Copié par Ch. Baudouin, Novembre 1933. Collationné le 3 Novembre, 1933. Th. Beauchesne.

Alberta Province—

Township	23,	Range	5,	West of	Fifth	Meridian.	
"	31,	"	28,	"	Fourth	"	
"	31,	"	29,	"	Fourth	"	
"	35,	"	8,	"	Fifth	"	
"	38,	"	9,	"	Fourth	"	
"	47,	"	22,	"	Fifth	"	
"	48,	"	22,	"	Fifth	"	
"	52,	"	11,	"	Fourth		
"	65,	"	24,	"	Fourth	"	

Atlas. Monumenta Cartographica Africae et Aegypti par Youssouf Kamal. Tome Deuxième Fascicule IV. Atlas Antiques et Index 1933.

Atlas. Sea-Atlas. Atlas Maritimus Or a Collection of Sea-Charts, describing the Coasts, Capes, Bays, Rivers, Roads & Ports; the Sands, Shoals, & Dangers of the known parts of the Whole World. John Seller.

Baye Verte et la Bay francoise. Carte de l'isthme d'entre la Baye Verte et la Bay francoise—Brigantin Anglois. 1751.

Belleville, Ontario. Topographic Map Ontario Belleville Sheet. Sheet No. 31 C/3. Published by the Geographical Section, General Staff. Department of National Defence. 1933.

Berlin, Ontario. Plan of Lots Drawn from M. C. Schofields Map of the Town of Berlin 1856. Alexander W. Simpson C.I. and P.L.S. over Best & Green's Hamilton, Maclean & Co. Lith. Toronto.

British Columbia. Similkameen District. M.R. Map No. 6. Mineral Reference Map (Showing Surveyed Claims) Covering portions of Grand Forks, Greenwood & Trail Creek, Mining Divisions. Department of Lands, British Columbia. Honourable N. S. Lougheed, Minister. F. C. Green, Surveyor-General.

Pre-Emptor's Map—Lillooet Sheet. Map No. 3K. Revised to 1st April 1932. British Columbia, Department of Lands, Honourable N. S. Lougheed, Minister. F. C. Green, Surveyor General.

Pre-Emptor's Map—North Thompson Sheet. Map No. 3J. Revised to April 2nd, 1932. British Columbia, Department of Lands. Honourable N. S. Lougheed, Minister. F. C. Green, Surveyor General.

Lower Fraser Valley—Preliminary Map. Parts of New Westminster and Yale District. Map No. 4P. Edition Oct. 1, 1931. British Columbia, Department of Lands. Honourable N. S. Lougheed, Minister. F. C. Green, Surveyor General.

British Columbia Province—

Plan of N.E. ¼ Township 25, Range 19, W. of Fifth Meridian.

Buckingham, Quebec. Topographical Map of Buckingham, Quebec—Ontario. (Provisional Edition) National Topographic Series. Sheet No. 31 G/N.W. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada.

Cameron Bay Settlement. Plan of Cameron Bay Settlement, Northwest Territories. Department of the Interior, Ottawa, 9th December, 1933. Approved and Confirmed F. H. Peters, Surveyor General. Compiled from official Surveys by M. Meikle, D.L.S., 25th August, 1933.

Campbellford, Ontario. Topographic Map Ontario. Campbellford Sheet. Sheet No. 31 C/5. Published by the Geographical Section, General Staff. Department of National Defence, 1933.

Canada. Map of Canada. Lines of Equal Magnetic Declination and Annual Change in Canada for 1932. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada. F. H. Peters, Surveyor General.

Map of Canada. Lines of Equal Magnetic Horizontal Force and Annual Change in Canada for 1932. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada. F. H. Peters, Surveyor General.

Map of Canada and Nova Scotia. Eng^{d} by W. Dussauville, Eding. No. 54.

Cape Breton Island. Carte de L'Isle Royale pour Servir a la connoissance du Memoire de Mr. de Poilly Ingenieur. Ordre du Roy. 1757. Service du Gênie Section Technique 39, rue de Bellechasse Bibliothêque MS. In f° 210b.

Fundy Bay. North Western Coast Bay of Fundy. MSS. J. Hurd, R.N. from St. Johns River to beyond The Brothers Islands. (Endorsed) North Western Coast Bay of Fundy MSS. J. Hurd R.N. Copied by C. Pettigrew at P.R.O. Jan. 1933. C. O. Lib. New Brunswick No. 17.

George Town, P.E.I. Royalty of George Town. P.E.I. Plan of Lot or Township No. 53 shewing the position of the respective boundaries thereof. Those coloured by actual Survey and those not coloured are according to the Plan of said Township on Record—Delineated by Jos^{h} Ball, Asst. Sur. Genl.

Gracefield, Quebec. Topographical Map of Gracefield, Quebec. National Topographic Series. Sheet No. 31K/S.E. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada.

Granville, Manitoba. Topographical Map of Granville, Manitoba. (Provisional Edition) National Topographic Series. Sheet No. 64C. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada.

Harvey and Cork Settlements, New Brunswick. Sketch of the Harvey and Cork Settlements. Tho. Baillie S. Gen. (Endorsed). Plan, Cork and Harvey. Copied by C. Pettigrew at P.R.O. Nov. 1932. C. O. Lib. New Brunswick, No. 21/1.

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

Louisburg. Louisbourg, 1756. Plan des ouvrages projettés sur le front d'entre le—Bastion Princesse cotté, 1, et celey de la Reine cotté, 2. Archives Nationales, Colonies C11A—126—No 63. Copié par Ch. Baudouin, Mars, 1933. collationné le 28 juin 1933. Th. Beauchesne.

Lunenburg, Nova Scotia. A True Copy of a Plan of The Town of Lunenburg Garden Lotts and Commons adjoining Laid out by order of his Excellency Peregrine Thomas Hopson Esq. Captain General & Governor in Chief in & over his Majesties Province of Nova Scotia Etc. Etc. By W. S. Morris D.S.

Manitoba Province—
Township 1, Range 7, West of Principal Meridian.
" 5, " 16, " " "
" 8, " 6, East " "
" 11, " 2, " " "
" 54, " 26, West " "

Maniwaki, Quebec. Topographical Map of Maniwaki, Quebec. (Provisional Edition) National Topographical Series. Sheet No. 31J/S.W. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada.

Mechanic's Settlement, New Brunswick. Sketch of the Mechanic's Settlement. Thos. Baillie, S.Gen. (Endorsed) Plan, Mechanic's Settlement. Copied by C. Pettigrew at P.R.O. Nov. 1932. C.O. Lib. New Brunswick, No. 21/2.

Moncton, New Brunswick. Topographical Map of Moncton, New Brunswick and Prince Edward Island. National Topographic Series. Sheet No 21 I/S.E. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada.

Montreal. Plan de la Ville de Montreal, 22 fevrier 1716. No d'Ordre 470. Ministère des Colonies. D.F.C. No 470. Copié par Ch. Baudouin, Janvier, 1933. Collationné le 16 fevrier 1933. Th. Beauchesne.

Plan de la Ville de Montreal L'Evé En l'année 1704. No d'Ordre 468. Ministère des Colonies. D.F.C. No 468. Copié par Ch. Baudouin, Décembre, 1932. Collationné le 23 Décembre 1932. Th. Beauchesne.

Plan de la Ville De Montreal en Canada Nouuelle France, Pour faire voir Seulement Les Ouurages qui ont été faits cette Année a Lanceinte—20 octobre 1724 No d'ordre, 474. Ministère Des Colonies, D.F.C. No 474. Copié par Ch. Baudouin, Août, 1933. Collationné le 7 novembre 1933. Th. Beauchesne. Chaussegros deLery.

Fort du Costeau de La Ville de Montreal fait en 1693. No d'Ordre 467. Ministère Des Colonies. D.F.C. No 467. Copié par Ch. Baudouin, Juillet, 1932. Collationé le 29 juillet 1932. Th. Beauchesne.

Mudjatik, Saskatchewan. Topographical Map of Mudjatik, Saskatchewan. (Provisional Edition) National Topographic Series. Sheet No. 74B. Topographical Survey of Canada. Department of the Interior.

New Brunswick. Map of New Brunswick. By Mr. Thos. Baillie, 1826. Copied by C. Pettigrew at P.R.O. Oct. 1932. 3G. C.O.Lib. New Brunswick. No 20.

Niagara, Ontario. Topographical Map Ontario Niagara Sheet. Sheet No. 3. Published by the Geographical Section, General Staff, Department of National Defence, 1906.

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

Orillia, Ontario. Topographical Map of Orillia, Ontario. (Provisional Edition) National Topographic Series. Sheet No. 31 D/N.W. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada.

Port Royal, Nova Scotia. Plan du Port Royal M. deMeules 1686. Plan Tres Exact Du Terrain ou sont sçituees les maisons du Port Royal et ou on peut faire une Ville, considerable. Service Hydrographique De La Marine, 13, Rue De L'Université. Portfeuille 133—Div. 8—Pièce 2. Copié par Ch. Baudouin, Mai, 1933. Collationné le 30 Mai 1933. Th. Beauchesne.

Prince Albert, Saskatchewan. Topographical Map of Prince Albert, Saskatchewan. (Provisional Edition) National Topographic Series. Sheet No 73 H. Department of the Interior. Topographical Survey of Canada.

Providence Settlement, Northwest Territories. Plan of Providence Settlement, Northwest Territories. Department of the Interior, Ottawa, 22nd December 1932. Second Edition. Approved and confirmed. F. H. Peters, Surveyor General.

Quebec City. Topographic Map of Quebec. Quebec Sheet No. 21L/14. Published by the Geographical Section, General Staff, Department of National Defence, 1930.

This Plan of the City of Quebec by special permission is respectfully inscribed to the Mayor & Corporation of the City. By their Obedient Servant, Alfred Hawkins, 1845. Corrected to date by Jos. Hamel Esq. City Surveyor.

Plan of the Military & Naval Operations, under the command of the Immortal Wolfe, & Vice Admiral Saunders, Before Quebec. London. Published by Jas. Wyld, Geographer to the Queen, and to H.R.H. Prince Albert, Charing Cross East, May 1st, 1841. For Alfred Hawkins, Esqr. Quebec.

Wolfe's Quebec—Campaign of 1759. For "History of the United States," by Elroy M. Avery. Published by The Burrows Brothers Company. Topographic Map of Quebec. National Topographic Series. Sheet No. 21L/N.W. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada.

Reindeer Lake South, Saskatchewan. Topographical Map of Reindeer Lake South, Saskatchewan. (Provisional Edition) National Topographic Series, Sheet No. 64D. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada. April 1932.

St. Evariste, Quebec. Topographic Map of Quebec St. Evariste Sheet. Sheet No. 21E/15. Published by the Geographical Section, General Staff, Department of National Defence, 1933.

Saskatchewan Province—

Township	21,	Range	14,	West of	Second	Meridian.
"	26,	"	21,	"	Third	"
"	30,	"	30,	"	Principal	"
"	32,	"	16,	"	"	"
"	36,	"	15,	"	"	"
"	36,	"	16,	"	Third	"
"	41,	"	18,	"	"	"
"	46,	"	3,	"	"	"
"	47,	"	26,	"	Second	"
"	51,	"	10,	"	"	"
"	50,	"	15,	"	Third	"
"	52,	"	10,	"	Second	"
"	53,	"	10,	"	"	"
"	53,	"	16,	"	"	"
"	53,	"	17,	"	"	"
"	53,	"	18,	"	"	"
"	53,	"	23,	"	"	"
"	54,	"	15,	"	"	"
"	54,	"	16,	"	"	"
"	54,	"	17,	"	"	"
"	54,	"	18,	"	"	"
"	55,	"	16,	"	"	"
"	55,	"	17,	"	"	"
"	56,	"	16,	"	"	"
"	56,	"	17,	"	"	"
"	57,	"	20,	"	Third	"

Senneterre, Quebec. Topographical Map of Senneterre, Quebec. (Provisional Edition) National Topographic Series. Sheet No. 32 C/S.W. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada. February 1933.

Shelburne, Nova Scotia. Topographical Map of Shelburne, Nova Scotia. (Provisional Edition) National Topographic Series. Sheet No. 20P/N.W. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister, Topographical Survey of Canada.

Sundridge, Ontario. Topographical Map of Sundridge, Ontario. (Provisional Edition) National Topographic Series. Sheet No. 31E/N.W. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada.

Three Rivers, Quebec. Plan des 3 rivieres 1703. No 9e liasse 10e 11. Fonds des Récollets—Série H. Archives Départementales de Seine et Oise, 12, rue Neuve,—Versailles. Copié par Ch. Baudouin, Avril, 1933.

Plan du Couvent des 3 rivieres 1707. No 9e liasse 10e 22. Fonds des Récollets—Série H. Archives Départementales de Seine et Oise, 12, rue Neuve—Versailles. Copié par Ch. Baudouin, Avril, 1933.

Ticonderoga, New York State. A Plan of the Town and Fort of Carillon at Ticonderoga; with the Attack made by the British Army Commanded by Genl Abercrombie, 8 July 1758. Engraved by Thos. Jefferys, Geographer to his Royal Highness the Prince of Wales. Published by Thos. Jefferys, near Charing Cross, London.

Tomasine, Quebec. Topographical Map of Tomasine, Quebec. (Provisional Edition) National Topographic Series. Sheet No. 31K/N.E. Department of the Interior. Hon. Thomas G. Murphy, Minister. H. H. Rowatt, Deputy Minister. Topographical Survey of Canada.

Trenton, Ontario. Topographical Map of Ontario Trenton Sheet. Sheet No. 31/C4. Published by the Geographical Section, General Staff. Department of National Defence, 1932.

Tweed, Ontario. Topographical Map of Ontario Tweed Sheet. Sheet No. 31C/6. Published by the Geographical Section, General Staff, Department of National Defence, 1933.

Wasagaming, Manitoba. Topographical Map Wholly Within Riding Mountain Park Plan of Wasagaming—Township 19, Range 18, West of Principal Meridian. Province of Manitoba. Department of the Interior, Ottawa, 22nd July, 1933. Approved and Confirmed F. H. Peters Surveyor General.

World. Map of the World. 1601. A dieppe Par Guillemme Levasseur Le 12 de Juillet. Service hydrographique de la Marine. Portefeuille 116, pièce 6. Achevé de copier le 29 novembre 1932, par Simone Routier. Achevé de Collationner le 2 décembre 1932, par E. de Cathelineau.

NORMAN FEE.

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APPENDIX I

Constitutional Documents

1818-1822

INTRODUCTION

In 1907[1] the Public Archives issued a volume of constitutional documents dealing with the years 1759 to 1775. This proved to be of such value to teachers and students that in 1914 the series was continued to 1818 when the agitation centring round Robert Gourlay marked the opening of a period of unprecedented bitterness in the discussion of constitutional issues. It is now intended to carry on this work by printing a few documents in each annual report. The documents presented here, begin with the attempt to repress such popular discussion, and terminate in 1822 prior to the widely agitated question of the proposed union of the two colonies.

The struggle for financial control occupies the most prominent place during these years, but many other important developments took place. Bit by bit the spheres of executive, legislative and judicial authority were defined, enlarged or circumscribed, sometimes amid the oratorical tumult of a debate, but just as often by the wording of some despatch that was read only by the Governor to whom it was directed, or by some executive decree to which the Assembly acquiesced in silence. A striking instance of this kind, illustrated here, is to be found in the despatches centring round the definition of the relations between the Governor and the Lieutenant Governors, whereby Dalhousie was frustrated in what seems to be an attempt to centralize the government of all the colonies. Another noteworthy document is Richmond's message to the Assembly, *2 February 1819*, wherein he upheld the power of the Crown, by forbidding legislative interference with the Indians, who were declared to be "for weighty reasons of state, under the immediate superintendence and protection of the Crown."

Other documents have been selected in order to give the student an idea of the workings of the imperial system which is often lost sight of during the years in which the Legislature and Executive were involved in a spectacular struggle. The methods of allowance and disallowance of colonial acts, the duties of the colonial agent, and the distinction between the officers of the Imperial Government and those upon the local establishment, are all points which have been thought worthy of inclusion as throwing light upon the true nature of the disagreement.

Since any study of constitutional history includes those aspects which immediately affect the rights of the subject, thus study has included documents illustrating legal and judicial developments, popular representation and the rights of the Assembly, and the problem of a state church.

While the extension of civil government to unorganized territory has been included, it has been thought advisable to treat developments in the Maritime Provinces in a separate publication. Many important problems were solved in these colonies, but an attempt to treat them concurrently with those of Canada would result in the publication of volumes too unwieldy for the use of students.

In preparing these documents the original spelling has been preserved. The system of footnotes adopted in previous volumes has also been continued.

This selection is not necessarily final as the documents will be published in book form at a later date. To this will be added a table by subject with specific references. The tentative list of subjects for this table are as follows:—

Executive, Legislative, Judicial, Imperial Control, Interprovincial Relations, Rights of Subject, Military, Ecclesiastical.

[1] The State of the Government of Quebec by Murray was published in November 1902, and the Proceedings of the Privy Council, in 1904. These were republished in the Constitutional Documents, in 1907.

THE CASE OF ROBERT GOURLAY.

Third Address to the Resident Land Owners, 1818.[1]

To the Resident Land-Owners of Upper Canada.

Niagara, April 2d. 1818.

Gentlemen,

Your Parliament is broken up!—a second time broken up,[2] from employment of the most vital import to the honor and well-being of the province!!—Good God! what is to be the end of all this?

For my own part, Gentlemen, *I had little hope of satisfaction from the sitting of Parliament, after perusing the Administrator's speech from the throne; and this little was entirely extinguished with the disgusting reply made to that speech by your Representatives.* That a man who had spent the best part of his life in Upper Canada,—whose every interest and affection rested here, should even *read* a speech, not only containing mean sentiments, but notifying a measure provoking in the extreme to the feelings of a large body of his suffering countrymen, was indeed heart-sickening: yet this was not all:— what could we expect—what sensation could swell in our breasts, when we found men, employed and *paid* by these very sufferers to guide their affairs and watch over their interests, bowing down to kiss the rod of affliction, and, in return for a most insulting offer, granting a receipt in full for demands, equally just and well authenticated?

Gracious heaven! Did we, the offspring of early civilization—the first hope of genuine liberty—the favoured wards of divine revelation, come to this new world, only to witness the degradation of our kind, and be humbled beneath the rude savage who ranges the desert woods? Surely, British blood, when it has ebbed to its lowest mark, will learn to flow again, and, yet sustain, on its rising tide, that generous—that noble—that manly spirit, which first called forth applause from the admiring world.

It has been my fate to rest here nearly two months, viewing at a distance the scene of folly and confusion,—by turns serious, and by turns jocular, that the serious might not sink into the melanchody. I have advised—I have in duty offered services, but in vain: on went the sport, till yesterday, when the cannon announced to us that the play was over; and now we have the second speech of the Administrator, who has appropriately sunk down from the throne to the chair!

Gentlemen, *the constitution of this province is in danger, and all the blessings of social compact are running to waste. For three years the laws have been thwarted, and set aside by executive power;—for three sessions have your Legislators sat in Assembly, and given sanction to the monstrous—the hideous, abuse.* A worthy catastrophe has closed this farce of government;—your Commons and your Peers have quarrelled, and, the latter would assert, that the constitutional

[1] Gourlay, *Statistical Account of Upper Canada* (London: 1822), vol. II, pp. 581-587.

[2] The Legislature of Upper Canada was prorogued on April 1, 1818, after a stormy session during which the Council and Assembly fought over the right to initiate money bills. (See Doughty & McArthur. *Constitutional Documents, pp. 540-551.*)

charter of Canada may be trifled with. What is to be done? Do you expect any thing from a new Governor?—you will be disappointed. Do you expect any thing from a new set of Representatives?—here again you will be deceived. Your Members of Assembly are now at home: compare their characters with those around them, and you will find them equally honest—equally wise—equally independent. Now that they are returned to society, as private individuals, I should be the very last man to call in question their worth or their probity: they are probably every way above par. It is not the men, it is the *system* which blasts every hope of good; and, till the system is overturned, it is vain to expect any thing of value from *change* of, Representatives, or, Governors.

It has been the cant of time immemorial to make mystery of the art of Government. The folly of the million, and the cunning of the few in power, have equally strengthened the reigning belief; but, it is false, deceitful, and ruinous. The people of every nation may at any time put down, either domestic tyranny or abuse,—they may, at any time, lay a simple foundation for public prosperity: they have only to be honest, and, in their honesty, bold.

In my last address to you, I said that the British constitution was "that beautiful contrivance by which the people, when perfectly virtuous, shall become all-powerful." Did you mark these words?—did you weigh them?—they are as important as they are true. We, of all men, have least to oppose us in correcting the errors of our constitution. The British constitution has provided for its own improvement, in peace and quietness; it has given us the right of petitioning the Prince or Parliament; and, this right, exercised *in a proper manner*, is competent to satisfy every virtuous desire.

My present purpose is not to dwell on theory; but to recommend and set example in the practice of using this glorious privilege. As individuals, we have a right to petition the Prince or Parliament of Britain: and we have a right to meet for this purpose in collective bodies. My proposal now is, that a meeting be forthwith held in each organized township throughout the province. I shall take upon me to name the day for the meeting of the people of this township of Niagara; and say, that on Monday next, the 13th inst. I shall be ready by 12 o'clock noon, at Mr. James Rogers' coffee-house, to proceed to business with whoever is inclined to join me. The people of each township should, I conceive, at meeting, choose a Representative and Clerk. The Representatives should assemble from the several townships, within each district, on an appointed day, to draw up a petition to the Prince Regent: and, which could, soon after, be got signed by every well wisher to the cause.

The district meetings should, without delay, hold conference by representatives, each respectively choosing one, to meet in a provincial convention,[3] and who should arrange the whole business, dispatch commissioners to England with the petitions, and hold correspondence with them, as well as with the supreme government. Two or three commissioners would suffice; and the necessary cost of carrying the whole ably and respectably into effect, would require but a trifling contribution from each petitioner. It is not going out of bounds to reckon on ten thousand petitioners, and a dollar from each would make up a

[3] This convention met at York in July, 1818. For the action of the House of Assembly see Doughty & McArthur, *Constitutional Documents, pp. 551-552.*

sum adequate for every charge. I should recommend the subscriptions and payments to commence at the first township meetings; the money to be paid to the clerks, who should keep in hand one-seventh for local and incidental disbursements, and pay over the remainder to a treasurer, to be appointed in each district, by the representatives, at their first meeting. Beyond making choice of representatives and clerks, the less that is done at township meetings the better: debate, of all things, should be avoided. The clerks should minute transactions, and keep a list of subscribers, which should immediately be published in the nearest newspaper within the province, and week after week in the same manner, should be reported, additions. The public would thus, at once, see the strength and growth of the cause, as well as have vouchers for the payment of cash. Every transaction should be plain, downright, and open to view or inspection,—every principle should be declared—every proceeding be made known.

The simplicity of all this, and the ease with which it may be accomplished, is obvious: to go into more minute detail, at present, would be wasting time. No man, by joining the cause, can lose more than a dollar, and no responsibility whatever is incurred. As I take upon me to name the day of meeting for this township of Niagara, so that meeting may appoint days for the meetings of other townships, and, for the district meeting; seeing, that it can be matter of no consequence who settles such points, provided the business, thereby, has a fair chance of commencement, and that the whole system of petitioning may proceed without doubt or delay. No man upon such solemn occasion should say, "I am greater than another, and will not be seen acting with him:" no one should say, "I am less, and therefore presume not to set myself forward." On such an occasion, and under such circumstances as the present, every party, and every personal prejudice, should be put down, every eye should be resolutely bent on the one thing needful—a radical change of system in the Government of Upper Canada.

I address myself particularly to land-owners, because their interests are most deeply involved; but every man resident in Canada—every man who is a lover of peace—who desires to see this country independent of the United States—who desires to see a worthy connexion maintained between this province and Britain;—every man, in short, who has a spark of sincerity or patriotism in his soul, has now sufficient cause to bestir himself.

There was a time when Israel was famished with intense drought. Day after day, and week after week, the uncovered sun rose, only to frighten the nation, and open more wide the yawning fissures of the scorched earth:—there was yet however faith in Israel; and the faith of a few brought, at last, salvation to the expiring multitude. Let not the ancient record be lost to these modern days; let not the signs and figures of the material world be thrown aside as vain emblems, illustrations, and manifestations of the will, the power, and the goodness of God. He never deserts his creatures while they are true to themselves and faithful to him,—while they honourably put to use the divine gifts of rationality. The course to be pursued by the people of this province, at the present juncture, is so clear, that he who runs may read: they have only to put trust in the success of their own virtuous endeavours; and, success will as surely follow, as

day succeeds to night—yes, worthy inhabitants of this township of Niagara, you may begin the necessary work with confidence:—the little cloud which rose from the horizon, at first no bigger than a man's hand, gradually expanded—mantled over the relentless face of a burning sky, and at last showered down refreshment on the thirsty land.

The good which may result, not only to this province, but to the general cause of truth, should these proposals be *cheerfully* and *alertly* adopted, surpasses all calculation. It would be needless for me now to descant on the subject. If there is really no public spirit in the country, I have already thrown away too much of my time: if there is, let it now be shown, for never was occasion more urgent. If the people of Canada do not *now* rouse themselves, they may indeed have plenty whereon to exist; but to that "righteousness which exalteth a nation," they will have no claim. The farmer may plod over his fields,—the merchant may sit, drowsy and dull, in his store; but the life, the vigour, the felicities of a prosperous and happy people will not be seen in the land:—the superiority of public management in the United States will bother [sic] all hope of competition: America will flourish, while Canada sinks into comparative decay; and another war will not only bring with it waste and destruction, but ignominious defeat.

In the scheme proposed I will accept of no appointment; but persons acting in it shall have my utmost assistance, and I shall make clear to them every course to be pursued. As soon as matters come to a head, all information, collected by me, shall be at the disposal of the Commissioners; and even better consequences may be expected from this popular movement, than any that could have followed from the parliamentary inquiry, had that been allowed to proceed. It will shew, that though the rights of Parliament may be trifled with, those of the people of Upper Canada are not so easily to be set at defiance.

The Assembly of the Lower Province is to petition the British Parliament as to their trade: your representatives are to petition the Regent as to their privileges: when I found my petition set aside and despised at York, I dispatched one immediately to be presented to the House of Commons in England, to call attention there, to Canadian affairs:—all this will go for little, if something else is not done. You have read in the newspapers of my scheme having been discountenanced by Ministers at home: you have read of speculations upon making the best bargain with the United States for these provinces. I know whence all this proceeds: I know what would open the eyes of the people and Government at home to the true value of the Canadas, and put an end to such unnatural—such disgusting surmises; and all this I shall be happy to explain, as soon as explanation can be useful. One thing I am very sure of, that if the people of Canada will only do their duty as honest men, and as brothers, in unity, not only every just claim may be paid by next Christmas, but a foundation may be laid for this province becoming speedily the most flourishing and secure spot on the habitable globe.

ROBERT GOURLAY.

ORDER TO COMMIT ROBERT GOURLAY, 4 JAN. 1819[1]

Order of Commitment. George the Third by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c.

To our Sheriff of the District of Niagara, Keeper of the Jail therein, or to the Jailor thereof, greeting.

Whereas, by an Act of the Provincial Parliament of Upper Canada, passed in the forty-fourth year of our reign, intituled "An Act for the better securing this Province against all seditious Attempts or Designs to disturb the tranquility thereof," it is enacted that (*here that part of the Act recited which is printed above in Italics.*)[2]

And, Whereas, we William Claus and William Dickson, each a Member of our Legislative Council of the said Province of Upper Canada, duly authorized in and by virtue, of the said Act, did, on the information and complaint of Isaac Swayze, one of the Members of the House of Assembly, on oath made before the said William Dickson, that one Robert Gourlay, now in the Town of Niagara in the County of Lincoln, in said province, who, the said Isaac Swayze, believes to have no particular or fixed place of residence, is an evil-minded and seditious person and that the public tranquility of said Province was endangered by the unrestrained residence of such a person, and that the said Robert Gourlay, by words, actions, writings, and other behaviour, hath endeavoured, and is endeavouring to alienate the minds of our Subjects in this province from our person and Government, and that the said Robert Gourlay, if in his power, from his language words and writings, is endeavouring to raise a rebellion against our Government in this Province, and that Isaac Swayze, verily believes that the said Robert Gourlay has not been an inhabitant for six Months, preceding the date of said Information, and had not, at the time of said information, taken the oath of allegiance, to us; and whereas, a warrant was granted and tested in the name of the said William Dickson and William Claus, dated the 19th day of December, now last past, and directed to the Sheriff of our district of Niagara, requiring him to arrest the said Robert Gourlay, to the end, that he might be brought before the said William Dickson and William Claus or either of them; and whereas the said Robert Gourlay was accordingly brought up before the said William Dickson and William Claus, on the 21st day of December, now last past, and being examined touching the said information, and of, and concerning his words, actions, conduct, and behaviour; he did not give full and complete satisfaction to the said William Dickson and the said William Claus, that his words, action, conduct, and behaviour had no such tendency; on the contrary, that these were intended to promote disaffection to our person and Government; and having given no satisfactory proof that he has been an inhabitant of the said Province for the space of six Months preceding the date of such Warrant, nor did he prove that he had taken the Oath of Allegiance to us, as by the said Act is mentioned; and whereas the said William Dickson and William Claus did thereupon deem it inexpedient under the provision of the said Act, that the said Robert Gourlay should be permitted to remain in this Province; and did adjudge that the said Robert Gourlay should

[1] *Q. 332, pp. 172-176.*
[2] A copy of the Act in full follows this document.

depart this Province of Upper Canada on or before the first day of January next ensuing, thereof, and was required so to depart this province, by an order in writing to that effect, and personally delivered to him, at the Court House for said district, on the said 21st day of December, now last past.

And whereas Information hath been given to the said Robert Gourlay, hath [sic] not departed this Province on or before the 1st day of January instant, the time limited in the said Order in writing, but still abides, and is at large therein. These are therefore in pursuance of the said before recited Acts, to authorize and require you, if the said Robert Gourlay shall be found at large in your district, to commit him to the common jail thereof, there to remain without bail or mainprize, unless delivered therefrom, as the said Act directs.

Witness, William Claus and William Dickson, Legislative Councillors as aforesaid, under the hand and Seal of each this 4th day of January, in the year of our Lord one thousand eight hundred and nineteen, and of our reign the fifty-ninth.

(signed) WILLIAM DICKSON
WILLIAM CLAUS

UPPER CANADA 44 GEO. III CAP. 1[1] (1804).

An Act for the better securing this Province against all Seditious Attempts or Designs to disturb the Tranquility thereof.

(passed 9th March 1804.)

Preamble.

Whereas it is necessary to protect his Majesty's Subjects of this Province from the insidious attempts or designs of evil-minded and seditious persons; and, whereas much danger may arise to the Public Tranquillity thereof, from the unrestrained resort and residence of such persons therein; Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, Constituted and assembled by virtue of, and under the Authority of an Act passed in the Parliament of Great Britain, intituled "An Act to repeal certain Parts of an Act passed in the fourteenth Year of His Majesty's Reign, intituled "An Act for making more effectual Provision for Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the Authority of the same, That, from and after the passing of this Act, it shall and may be lawful, for the Governor, Lieutenant Governor person administering the Government of this Province, for the Members of the Legislative and Executive Councils, the Judges of His Majesty's Court of King's Bench, for the time being, respectively, or for any person or persons authorized in that behalf, by an instrument under the hand and Seal of the Governor, Lieutenant Governor, or person administering the Government for the time being, or any one or more of them, jointly or separately, by Warrant or

Governor, &c. Empowered to authorize certain persons to arrest offenders against this Act.

[1] *Q. 332, pp. 162-171.*

Warrants, under his or their hand and seal, or hands and Seals to arrest any person or persons not having been an inhabitant or inhabitants of this Province for the Space of six months, next preceding the date of such Warrant or Warrants, or not having taken the Oath of Allegiance to our Sovereign Lord the King, who by words, actions or other behaviour or conduct, hath or have endeavoured, or hath or have given just cause to suspect that he, she, or they, is or are about to endeavour to alienate the minds of His Majesty's Subjects of this Province from his person or Government, or in any wise with a seditious intent to disturb the tranquility thereof, to the end that such person or persons shall forthwith be brought before the said person or persons so granting such Warrant or Warrants against him, her or them, or any other person or persons duly authorized to grant such Warrant or Warrants by Virtue of this Act: and if such person or persons not being such inhabitant or inhabitants as aforesaid, or not having taken such Oath of Allegiance, shall not give to the person or persons So granting such Warrant or Warrants so authorized as aforesaid, before whom he, she, or they shall be brought, full and complete Satisfaction, that his, her, or their words, actions, conduct, or behaviour had no such tendency, or were not intended to promote or encourage disaffection to his Majesty's person or Government, it shall and may be lawful for each or any of the said persons so granting such Warrant or Warrants, or so authorized as aforesaid, and he and they is and are hereby required to deliver an Order or Orders, in writing to such person or persons, not being such inhabitant or inhabitants as aforesaid, or not having taken such Oath of Allegiance, requiring of him, her, or them, to depart this Province within a time to be limited by such order or Orders, or if it shall be deemed expedient that he, she or they should be permitted to remain in this province, to require from him, her, or them, good and sufficient security, to the Satisfaction of the person or persons acting under the Authority hereby given, for his, her, or their good behaviour, during his, her, or their continuance therein.

Offenders to depart the province, or give security &c.

II. And be it further enacted, by the Authority aforesaid, That if any person or persons not being such inhabitant or inhabitants as aforesaid, or not having taken such Oath of allegiance, who by any order or orders so delivered to him, her, or them, is or are required to depart this Province, within a time limited by that order, should by sickness, or other impediment, be prevented from paying due obedience to the same, it shall and may be lawful for the person or persons who hath or have issued such order or orders as aforesaid, or for any other person or persons as aforesaid authorized by this Act so to do, (the person or persons acting under the authority hereby given, being first satisfied that such impediment by sickness, or otherwise, ought to be admitted as a reason for such order as aforesaid not having been obeyed) by an indorsement in writing upon the said order or orders, or otherwise in writing to enlarge the time specified

Time for offenders departing the Province may be enlarged.

in the said order or orders, from time to time, as occasion may require; and if any peson or persons so having been required or ordered to quit this Province as aforesaid, and not having obtained an enlargement of such time, in manner herein before Specified, should be found at large therein, or return thereunto, after the time limited by any or either of such orders, without licence from the Governor, Lieutenant Governor, or person administering the Government for the time being in that behalf; or in case any person or persons who shall have been served with any or either of such order or orders as aforesaid, or who shall have been permitted to remain in this Province, upon such security as aforesaid, shall by words, Actions or otherwise endeavour, or give just cause to suspect, that he, she, or they, is or are about to endeavour to alienate the minds of His Majesty's Subjects of this Province from his person or Government, or in any wise with a seditious intent to disturb the tranquility thereof, it shall and may be lawful for any one or more of the said person or persons so authorized by this Act as aforesaid, and he and they is and are hereby required by Warrant or Warrants under his or their hand and seal, or hands and Seals, to commit such person or persons so remaining at large, or returning into this Province without such licence as aforesaid, or so endeavouring or giving cause to suspect that he, she, or they, is or are about to endeavour so to alienate the minds of His Majesty's Subjects of this Province, or in any wise with a seditious intent to disturb the tranquility thereof to the common Gaol, or to the Custody of the Sheriff of the District, in such districts in which there shall be no jail at that time, there to remain, without bail or mainprize, unless delivered therefrom by special order from the Governor, Lieutenant Governor, or person administering the Government for the time being, until he, she, or they can be prosecuted for such Offence in His Majesty's Court of King's Bench, or of Oyer and Terminer and general jail delivery in this Province, or under any Special Commission of Oyer and Terminer to be issued by the Governor, Lieutenant Governor or person administering the Government of this Province for the time being; and if such person or persons, not being such inhabitant or inhabitants as aforesaid, or not having taken such oath of allegiance, shall be duly convicted of any of the Offences herein before described, in either of the said Courts respectively, he, she or they shall be adjudged by such Court forthwith to depart this Province; or to be imprisoned in the Common jail, or be delivered over to the Custody of the Sheriff in such districts in where there shall be no jail at that time for a time to be limited by such Judgment, and at the expiration of that time, to depart this Province; and if such person or persons so convicted as aforesaid, shall remain in this Province, or return thereinto, after the expiration of the time to be limited by the said Judgment, without licence from the Governor, Lieutenant Governor, or person administering the Government for the time being, in that behalf first had and obtained, such person or

If after security given person give cause to suspect, &c.

Such person to be committed.

Punishment if convicted.

persons, on being duly convicted of so remaining or returning, before either of the said Courts, shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of clergy—Provided always, that if, in the Execution of the powers hereby given any question shall arise touching or concerning the space of time during which any person, or persons shall have been an inhabitant or inhabitants of this Province, previous to any warrant or warrants having been issued against him, her, or them, or touching or concerning the fact of any person or persons having taken such oath of allegiance, the proof shall, in all such cases, lay on the party or parties against whom any such Warrant or Warrants shall in virtue of the Powers hereby given, have been granted or issued.

Proof to lay on the person charged.

If any person suing under colour of this act become non-suited, etc.

III. And be it further enacted by the Authority aforesaid, That if any person or persons, at any time shall be sued or prosecuted for any thing by him or them done in pursuance, or by Colour of this Act, or of any matter or thing therein contained, such Action or prosecution shall be commenced within three Calendar months next after the Offence shall have been committed, and such person or persons may plead the general issue, and give the special matter in evidence for his, her or their defence, and if, upon trial, a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become non-suited, or shall discontinue his, her, or their suit, or prosecution, or if Judgment be given for the defendant or defendants, upon demurrer or otherwise, such defendant or defendants, shall have treble costs to him or them awarded against the plaintiff or plaintiffs.[1]

treble costs.

CONTROL OVER INDIANS[2].

RICHMOND TO ASSEMBLY, LOWER CANADA, 2 FEBRUARY, 1819.

GENTLEMEN,

The Title Deeds of the Fiefs of *Sillery* and *Saint Gabriel*, which are now vested in the Crown, being Public Documents, to which all His Majesty's subjects have a right of access, directions shall be given to the Deputy Secretary of the Province, and to the Prothonotaries of the Court of King's Bench, in whose custody those Documents are kept, to lay Copies thereof before the Assembly, whenever required by that House so to do.

Being, however, apprized by the Journals of the Assembly, of the circumstances which have led to the present application, I think it necessary on this occasion to acquaint the House, that the several Tribes of Indians residing within the Province of *Lower-Canada*, are, for weighty reasons of state, under the immediate superintendance and protection of the Crown, and that their

[1] *Repealed, March 26, 1829.*

[2] *Journals of Assembly, Lower Canada, 1819, p. 41.* This document is a reply to the request of the Assembly for documents connected with fiefs of Sillery and St. Gabriel, which was made as a result of a debate in which that body regarded itself as responsible for the welfare of the Indians.

respective claims to lands heretofore held by the late Order of Jesuits in this Province, have long since been fully investigated and determined upon, by Tribunals appointed under the Royal authority for that purpose.

Should circumstances at any time occur, to render legislative interference necessary, of which His Majesty must be the judge, due information will be given thereof to both Houses of the Provincial Parliament.

IMPEACHMENT OF JUDGE BEDARD,[1] 1819[2].

5 February, 1819

Charles Richard Ogden, Esquire, Member for the Borough of Three Rivers, in his place, charged *Pierre Bedard,* Esquire, Provincial Judge for the District of *Three Rivers,* with divers high crimes and misdemeanors, and presented to the House several articles of accusation and impeachment against the said *Pierre Bedard,* Esquire, and the said articles of accusation and impeachment were delivered in at the Clerk's Table, and read, and are as followeth:

First. That *Pierre Bedard,* Esquire, being Provincial Judge for the District of *Three Rivers,* and also one of the Judges of His Majesty's Court of King's Bench for the said District, hath totally disregarded the high and important duties attached to those offices, hath prostituted his judicial authority to the gratification of personal malice, hath infringed the personal liberty of divers of His Majesty's Subjects, and by perverse, obstinate and tyrannical conduct, hath disgraced the elevated judicial situations in which he was placed.

Second. That the said *Pierre Bedard,* Esquire, being Provincial Judge as aforesaid, for the District of *Three Rivers,* and also one of the Judges of His Majesty's Court of King's Bench for the said District, hath in contravention to the Laws in force in this Province, and without any just or reasonable cause or pretext whatsoever, imprisoned divers of His Majesty's loyal subjects, for pretended offences, by them, supposed to have been committed towards him, the said *Pierre Bedard,* Esquire, as such Provincial Judge as aforesaid, and hath exercised an unjust, illegal, and unconstitutional authority, by declaring them guilty of the crime of contempt, in certain cases unauthorized by law, and by imposing upon them fines and disabilities to which they were not liable by the laws of the land.

Third. That the said *Pierre Bedard,* Esquire, being such Provincial Judge as aforesaid, and one of the Judges of His Majesty's Court of King's Bench, for the said District of *Three Rivers,* hath in the discharge of his respective duties as such Provincial Judge, and Judge of the said Court of King's Bench, uttered expressions derogatory to the honour, ability and integrity of the other Judges of the said Court of King's Bench, and also of the Barristers and Practitioners therein, tending to reflect unmerited odium upon the Dispensers and Practitioners of Law, and hath both by actions and words, degraded

[1] Pierre Stanislas Bedard (1762-1829) one of the founders and early editors of *Le Canadien* who was arrested in 1810. (See Doughty and McArthur, *Constitutional Documents, p. 379 ff.*) He was a member of the Assembly from 1792 to 1812 when he was made a judge.

[2] *Journals of the Legislative Assembly, Lower Canada, 1819,* pp. 56-57.

the dignity of his judicial situations, and brought the administration of justice in this Province, and more particularly in the said District of *Three Rivers*, into disrepute and contempt.

FOURTH. That the said *Pierre Bedard*, Esquire, being such Provincial Judge as aforesaid, hath in the discharge of his duties as such Provincial Judge, uniformly conducted himself, towards the Barristers and Advocates practising in the said Court, in a violent and abusive manner, hath at divers times accused many of them of high breaches of moral and professional rectitude, and hath publicly advanced opinions tending to induce a belief that they were deficient in the learning and talents requisite to the conscientious discharge of their professional duties, and generally tending to subvert their characters, and destroy the confidence of their clients and the public, in their professional knowledge and exertions.

FIFTH. That the said *Pierre Bedard*, Esquire, being such Provincial Judge for the said District of *Three Rivers* as aforesaid, did, on or about the third day of June, one thousand eight hundred and sixteen, falsely, wickedly and maliciously, contrary to his own knowledge and the known Laws of this Province, imprison, and cause to be imprisoned in the common Gaol of the said District of *Three Rivers*, *Charles Richard Ogden*, Esquire, then and still being His Majesty's Counsel for the said District, for an alleged Libel and contempt against the said Provincial Court.

SIXTH. That the said *Pierre Bedard*, Esquire, being such Provincial Judge as aforesaid, did on or about the tenth day of October, one thousand eight hundred and sixteen, illegally and in contempt of the known Laws of this Province, and without any reasonable cause or pretext whatsoever, condemn *Pierre Vezina*, Esquire, an Advocate practising in the said Court, to pay a fine of ten shillings, for pretended contemptuous conduct, while in the discharge of his duty to his client, and to be imprisoned until the said fine was paid, to the manifest injury and oppression of the said *Pierre Vezina*, in violation of his liberty as a British subject, and of his privileges as such advocate.

SEVENTH. That the said *Pierre Bedard*, Esquire, being such Provincial Judge as aforesaid, did on the sixth and seventh day of April, one thousand eight hundred and eighteen, and at divers other times, while presiding in the said Provincial Court, and exercising his judicial functions, grossly and unjustifiably attack the professional character of *Joseph Godefroy de Tonnancour*, Esquire, then being an Advocate in the said Court, and falsely and maliciously attributed to him the said *Joseph Godefroy de Tonnancour*, Esquire, an intention to lead the Court into error, by false references and citations, and to surprise thereby a judgement on behalf of his Client; and did also charge the said *Joseph Godefroy de Tonnancour*, Esquire, with other practices dishonourable to himself, and derogatory to his professional character and reputation, to the manifest injury of the said *Joseph Godefroy de Tonnancour*, Esquire, and his Colleagues collectively, tending to bring their character and reputation into contempt and disgrace, and in gross violation of his dignity as such Provincial Judge.

On motion of Mr. *Panet*, seconded by Mr. *Neilson*.

Resolved, That the said Articles of Accusation and impeachment, be referred to a Committee of five Members, to examine the matter thereof, and evidence thereon, and to report with all convenient speed, with power to send for persons, papers and records.[1]

THE STRUGGLE FOR FINANCIAL CONTROL

Resolutions of Assembly, Lower Canada, 27 March, 1819[2]

(Extracts from report of Committee on the Estimate for the Civil List for the year 1819)

An Agent for the Province to reside in London, is an Officer, in the opinion of your Committee, properly of the nomination and appointment of the Legislature of this Province, and your Committee regret, that any person avowedly an Officer of the Representatives of this Province, and amenable to them in the Assembly thereof, should have been appointed and placed upon the Civil List of the Province, without their consent and approbation. Your Committee cannot but remind your House, of the many fruitless constitutional attempts made to appoint such an Officer, and the constant opposition made to it by other Branches of the Legislature. Until this Province shall have a constitutional Agent, your Committee cannot recommend the recognition of such an Officer, appointed as he has been, nor the making any provision for the payment of his Salary.

. . . . . .

From every circumstance connected with the Estimates of the current year, your Committee are of opinion that retrenchment ought to take place. The internal improvement of the Province, is, in the opinion of your Committee, the first duty of its Legislature, and that duty will be most efficiently performed in reducing the overgrown bulk of the Civil List of the Province, the progress of which, in every species of public improvement, seems to have been tardy in the direct proportion of the speed with which the expenses have accumulated. In expressing these sentiments, your Committee turn with confidence to the recent system of rigid economy adopted by the Mother Country whose example in this instance is worthy of the imitation of this Colony, and will lead to the most salutary results.

That those Functionaries, however, whose time and talents are exclusively devoted to the public service, should be liberally remunerated, is but just and equitable. They are precluded from the exercise of that industry which in the common intercourse of society might secure a competence; and it behoves the

[1] This impeachment fell to the ground but not without having caused Bedard much anguish. Writing to Neilson on the subject, 20 July 1819, he said: "j'ai reçu l'enquête du committé à mon sujet, mes accusateurs ont entièrement gagné ce qu'ils voulaient qui est de jetter un ridicule sur moi dont il ne me sera jamais possible de me debarasser et qui me fait beaucoup plus de tort que si j'avais été trouvé coupable de quelque fait grave." *Neilson Papers, Vol. 3, p. 345.*

[2] *Journals of Assembly, Lower Canada, 1819, Appendix L.*

state liberally to provide for its Officers, in order that Offices may be worthy of the acceptance of men of talents, integrity and influence, which otherwise would become the patrimony of an indolent, an inexperienced and supercilious herd of dependants.

Your Committee, upon the whole, are of opinion, that in making a suitable provision for such Offices as are indispensably necessary, this House will at the same time act in conformity with the desire and interests of the Province at large, by making an unqualified reduction of those Sinecures and Pensions, which in all countries have been considered as the reward of iniquities, and the encouragement of vice; which in the Mother Country have been, and still are a subject of complaint; and which in this Province, will ultimately lead to corruption.

The whole, nevertheless, humbly submitted.

AUSTIN CUVILLIER,
Chairman.

RESOLUTIONS OF ASSEMBLY, LOWER CANADA, 17 APRIL, 1819[1].

Mr. M'CORD, from the Committee of the whole House, to whom it was referred to consider of the Supply to be granted to His Majesty, reported, according to order, the Resolutions of the Committee: and he read the Report in his place, and afterwards delivered it in at the Clerk's Table, where the Resolutions were again read, as followeth:

1. *Resolved,* That it is the opinion of this Committee, that a sum not exceeding four thousand five hundred pounds sterling, be granted to His Majesty, towards defraying the Salary of the Governor in Chief, from the first November, one thousand eight hundred and eighteen, to the thirty-first October, one thousand eight hundred and nineteen, inclusive.[2]

. . . . . .

Mr. *Cuvillier* moved,[3] seconded by Mr. *Robitaille,* that the question of concurrence be now put on the said Resolutions.

Mr. *Vanfelson* moved, in amendment, seconded by Mr. *Ogden,* that all the words after "that," be struck out, and the following substituted: "the Message and Estimate transmitted to this House by His Grace the Governor in Chief, for the year one thousand eight hundred and nineteen, have not been proceeded upon, and that the proceedings of the Committee of the whole House, providing for the expenditure of the current year, and now offered to this House for its approbation and concurrence, are unparliamentary, unconstitutional and unprecedented." . . . . .

So it passed in the negative.

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[1] *Journals of Assembly, Lower Canada, 1819, pp. 238-239.*
[2] This extract is given as typical of the manner in which the Assembly discussed and voted the salaries item by item. They proceeded in the same way throughout the list.
[3] *Journals of Assembly, Lower Canada, 1819, p. 252.*

RESOLUTIONS OF LEGISLATIVE COUNCIL, LOWER CANADA, 21 APRIL, 1819.[1]

The Order of the day being read for the second reading of the Bill, intituled, "An Act to appropriate a certain sum of money to defray the expences of the Civil Government of this Province, for the year one thousand eight hundred and nineteen;"

It was thereupon moved to resolve,

That the mode adopted by this Bill for granting a supply to His Majesty to defray the expences of the Civil List, is unprecedented and unconstitutional, and a direct assumption on the part of the Assembly of the most important rights and prerogatives of the Crown; that were this Bill to be passed into a Law it would give to the Commons of this Province, not merely the constitutional privilege of providing the supplies, but the power also of prescribing to the Crown the number and description of its servants, and of regulating and rewarding their services individually as the Assembly should, from time to time, judge meet or expedient, by which means they would be rendered dependant on an elective body instead of being dependant on the Crown, and might eventually be made instrumental to the overthrow of that authority, which, by their allegiance they are bound to support.

It was resolved in the affirmative.

It was then moved,

That this House will proceed no further in the consideration of this Bill.

RICHMOND'S SPEECH ON PROROGUING THE LEGISLATURE, 24 APRIL, 1819[2]

. . . . . .

You, Gentleman of the Legislative Council have not disappointed my hopes, and I beg to return you my thanks for the zeal and alacrity you have shewn in all that more immediately belongs to your Body.

It is with much concern I feel myself compelled to say, that I cannot express to you, Gentlemen of the Assembly, the same satisfaction, nor my approbation at the general result of your labours, (at the expense of so much valuable time), and of the public principles upon which they rest, as recorded on your Journals.

You proceeded upon the Documents which I laid before you, to vote a part of the sum required for the Expenses of the year one thousand eight hundred and nineteen, but the Bill of Appropriation which you passed, was founded upon such principles, that it appears from the Journals of the Upper House to have been most constitutionally rejected: His Majesty's Government has been thus left without the necessary supplies for supporting the Civil Administration of the Province for the ensuing year, notwithstanding the voluntary offer and pledge given to His Majesty, by the Resolve of your House, of the thirteenth of February, one thousand eight hundred and ten.

[1] *Journals of Legislative Council, Lower Canada, 1819, p. 142.*
[2] *Journals of Assembly, Lower Canada, 1819, p. 268.*

Gentlemen of the Legislative Council, and

Gentlemen of the House of Assembly,

I recommended to you by Special Message, the consideration of the Judicature Act, for such amendments as should appear necessary to remedy any inconvenience which time and experience in the course of the administration of justice, may have pointed out as expedient: and I much regret, that this important object has not been brought so far to an issue, as would have enabled me to transmit the result of your proceedings to His Majesty's Ministers, that the opinion and assistance of the Law Officers of the Crown in *England,* might have been obtained, in aid of the local knowledge and practical experience of those characters in this Province, who have had the best opportunity of studying and understanding the subject. I trust, however, that you will be prepared to proceed effectually thereon, at an early day of the next Session.

MAITLAND TO BATHHURST 19 JULY 1819.[1]

York, U. Canada
July 19- 1819

MY LORD,

I have the honor to call your attention to a material alteration in the disposal of the Revenue which I established in the last Session—

The whole Revenue, had, I found, been thrown into one mass, and made subject to the House of Assembly, so that there remained nothing at the disposal of the Crown— The Supply had always been granted with difficulty, and frequently it left some of the Officers salaries unprovided for— These embarrassing circumstances induced me to examine minutely the subject of Revenue, and I found it ought to be divided into three distinct Branches—

1st The King's Rights; arising from the Rents of Crown Reserves, Ferries, Fees from the Great Seal &c &c—

2dly The Revenue that accrues from British Acts of Parliament and is appropriated to defray the charges of the Civil List and administration of Justice. This constitutes a considerable part of the Revenue—

3rdly The Revenue arising from the Provincial Acts, of which the Colonial Legislature has the undoubted appropriation or disposal—

The Revenue arising from the King's rights, tho' at present very small, will rapidly increase—

I sent the Parliament a Message, explaining that I should, in future, render no account of this except to the Lords Commissioners of His Majesty's Treasury. The House of Assembly was given next to understand, that the Revenue produced by virtue of British Acts, must be confined to its destination, and, that instead of placing it with the Revenue arising from Provincial Acts before Parliament, in one sum, and then requesting a supply; it should be appropriated to meet the charges for the Civil List, as far as it would go, and that the House of Assembly should only be called on to provide for the Excess.

[1] *Q. 325, pp. 273-275.*

This new arrangement, which has been concurred in by the Parliament, will, I hope, meet Your Lordship's approbation; and I would suggest, with deference, that no Lieut. Governor of this Province, should in future be permitted to relinquish the King's Rights, nor abandon the appropriation of the Revenue arising from British Acts, to the vote of the House of Assemby—[1]

I have the Honor to be,
My Lord,
Your Lordship's
Most obedient
Humble Servant

P. MAITLAND,
Lt. Govr.

The
Rt. Honble
EARL BATHURST K.G.
&c &c &c

MAITLAND TO ASSEMBLY, UPPER CANADA, 11 JUNE, 1819.[2]

P. MAITLAND.

The Lieutenant Governor, in transmitting the Public Accounts and Estimates for the expenditure and supply for the ensuing year, omitted to notice the proceeds of certain casualties and territorial Revenue, which had on a former occasion been erroneously stated as applicable to defray the charge of the Administration of Justice and the Civil Government of the Province.

The Lieut. Governor herewith transmits, for the information and satisfaction of the Legislature, details of that branch of the Kings Revenue subject exclusively to the signification of His Majesty's pleasure, noting the appropriation already authorized.

11th June, 1819 P.M.

Casualties and Teeritorial [sic] Revenues on an average of the last three years.

1st. Rent of Ferries, &c and Crown Lands.. L	529
2nd. Fines not appropriated by Statute..	371
3rd. Reserved on grants of land..	870
Total..	L1,770

[1] The step taken by Maitland in this matter met with the full approbation of the Colonial Office. Lord Bathurst wrote in reply, 27 September, 1819: "The alteration which has been made also during the last Session in the disposal of the Colonial Revenue is in every respect most desirable and proper, and I so entirely concur with you in opinion as to the necessity of excluding the Assembly from all participation or controul over the acknowledged revenues of the Crown that I shall not fail to submit to His Royal Highness an instruction for more effectually guarding in future against a recurrence of that negligence which originally subjected it to the consideration of the House of Assembly." *G. 59, pp. 184-185.* A similar classification of the Revenue of Lower Canada is to be found in *State Book J., Lower Canada, pp. 88-97.*

[2] *Journals of Assembly, Upper Canada, 1819, pp. 16-17.*

No. 1. These casualties are so exclusively at the disposal of the King that he may grant them for ever at pleasure, without reservation of rent or other consideration, therefore it was obviously improper to submit them to the appropriation of the Legislature as applicable to defray the charges of the Civil Government.

No. 2 This class of casualties is also exclusively dependent upon the prerogative to remit or grant ad libitum without account to the Legislature, and this prerogative His Majesty's Government are sworn to maintain.

No. 3 His Majesty grants lands to whom and on what conditions he pleases, an unquestionable prerogative.

Out of the small fund accumulated from the casualties in this Province, amounting on an average of the last three years to L 1,770, but for the present year probably not amounting to L1,000, His Majesty has made an appropriation of L1,000 to the Lieutenant Governor, in lieu of fees of office, heretofore received by him in detail.

OPINION OF ATTORNEY GENERAL ON FINES AND FORFEITURES JUNE 10, 1819.[1]

SIR

I have considered the question referred to me in Your letter of the 8th Instt "how far any Law subjects the Proceeds of fines imposed by Law and sentences of Courts, and the King's part of forfeitures on penal Statutes to the appropriation of the Provincial Legislature, and beg to report my opinion that there is no law subjecting these ordinary Branches of His Majesty's Hereditary Revenue to the disposition of the Parliament of this Province, but that they stand upon the same footing as the same sources of Revenue did in England before they were thrown into the aggregate fund, and made part of the general Revenue subject to the disposition of Parliament, by the spontaneous assent of His present Majesty, upon the present permanent provision being made for the Civil List soon after his accession to the throne"

I have the honor to be
Sir
Your most Obedient
Humbly Servant

JNO B ROBINSON
Atty Genl

Major HILLIER
Secy to his Excy
The Lieut Governor

[1]*Upper Canada Sundries, 1819.*

CLERGY RESERVES

ADDRESS OF ASSEMBLY, UPPER CANADA TO MAITLAND, 2 JULY 1819.[1]

To His Excellency, Sir Peregrine Maitland, K.C.B., Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces within the said Province.

May it please Your Excellency:—

We, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, most humbly request that Your Excellency would be pleased to direct the proper Officer to lay before this House an account of the Clergy Reserves leased, with the Revenue arising therefrom and its appropriation up to the thirty-first of December last, so far as the same is ascertained.

(Reply of Maitland to the above request, 5 July, 1819)[2]

Gentlemen:—The Clergy Reserves and Revenues arising from them, an account of which you have requested to be laid before you, are placed by the British Parliament under the control of the King. I shall therefore pray for the instructions of His Royal Highness the Prince Regent on the subject of Your Address.

OPINION OF LAW OFFICERS OF CROWN 1819[3]

Doctors Commons
15th November 1819.

My LORD,

We are honored with your Lordships Commands of the 14th September last, stating that doubts having arisen how far under the construction of the Act passed in the 31st year of His present Majesty. /Cap-31/ the dissenting protestant ministers resident in Canada have a legal claim to participate in the Lands by that Act directed to be reserved as a provision for the support and maintenance of a protestant Clergy.[4]

And your Lordship is pleased to request that we would take the same into Consideration and report to your Lordship for the Information of the Prince Regent Our Opinion whether the Governor of the Province is either required by the Act or would be justified in applying the produce of the reserved Lands to the maintenance of any other than the Clergy of the Church of England resident in the Province, and in the event of our being of Opinion that the ministers of dissenting protestant Congregations have a concurrent claim with those of the Church of England—further desiring our Opinion, whether in applying the reserved Lands to the Endowment of Rectories and Parsonages, as required in

[1] *Journals of Assembly, Upper Canada, 1819, p. 99.*
[2] *Ibid. p. 108.*
[3] *Q. 326, pp. 43-46.*
[4] The question had been referred to England in a despatch from Maitland to Bathurst, 17 May 1819. Maitland declared that the Law Officers of Upper Canada were of the opinion that the reserves should be applied only to the Church of England and added—"I beg leave to observe to Your Lordship, with much respect, that your reply to this petition will decide a question which is of much interest, and on which there is a lively feeling throughout the Province." *Q. 325, pp. 197-198.*

the 38th Cause, it is incumbent upon His Majesty to retain a proportion of those Lands for the maintenance of the dissenting Clergy, and as to the proportion in which, under such a construction the Provision is to be assigned to the different classes of dissenters established within the Province—

We are of Opinion that tho' provisions made by the 31st-George 3rd Chap. 31- Sect. 36 and 42 for the support and maintenance of a protestant Clergy, are not confined solely to the Clergy of the Church of England, but may be extended also to Clergy of the Church of Scotland if there are any such settled in Canada (as appears to have been admitted in the debate upon the passing of the Act) yet that they do not extend to dissenting Ministers since we think the terms protestant Clergy can apply only to Protestant clergy recognized and established by Law.

The 37th Section which directs, "that the Rents and profits of the Lands &ca- shall be applicable solely to the maintenance and support of a protestant Clergy-" does not specify by what authority the Rents and profits are to be so applied —Supposing the Governor to be duty authorized by the Act to make such application, We think that he will be justified in applying such Rents and profits to the maintenance and support of Clergy of the Church of Scotland as well as those of the Church of England, but not to the support and maintenance of Ministers of dissenting protestant Congregations.

With respect to the 2nd question The 38th Clause "which empowers His Majesty to authorize the Governor to constitute and erect Parsonages or Rectories according to the Establishment of the Church of England-" provides also "that he may endow every such Parsonage or Rectory with so much of the Lands allotted and appropriateed in respect to any Land within such Township or Parish which shall have been granted, as the Governor with the advice of the Executive Council shall judge to be expedient-"

Under these terms he might endow any particular parsonage or Rectory with the whole Lands allotted and appropriated in that Township or Parish-

It would be inconsistent with this discretionary power that any proportion of such Lands should be absolutely retained for any other Clergy than those mentioned in that Clause, and we think that it is not incumbent on His Majesty so to retain any proportion of such Lands- [1]

We have the Honor to be,
My Lord
Your Lordships,
most obedient
humble Servants

CHRISTr ROBINSON
R. GIFFORD
J S. COPLEY

EARL BATHURST
&c &c &c

[1] In transmitting this decision to Maitland by letter of 6 May, 1820, Lord Bathurst said: "I have therefore to acquaint you that although it would be generally speaking most expedient to make in the first instance a competent provision for the Church of England in the Colony, yet in every Parish in which the members of the Church of Scotland may greatly predominate it appears both adviseable and proper that a proportionate allotment should be reserved for the provision for a Minister of that Church." *Q. 319 A., pp. 234-236.*

IMPERIAL ADMINISTRATION.

Letter from Gordon[1] and Memorandum, 30 March, 1819.[2]

Downing Street
30 March 1819.

Sir,

I have the honor to inclose a Memorandum upon the subject of a Bill passed by the Legislature of the Province of Lower Canada for establishing a Bank at Montreal, and which is now before the Committee of Privy Council for confirmation or disallowance.

If there appears nothing objectionable in the course I have ventured to suggest for giving early operation to this Bill in case any alteration should be deemed advisable by His Majesty's Government,

I trust the measure may be recommended to the consideration of the Committee of Council.

I have the Honor to be
Sir
Your most Obed^t Servt

ADAM GORDON

H. Goulburn Esqr

Memorandum

30 March 1819.

A Bill has been passed in Lower Canada for Establishing a Bank of Montreal which is reserved for the signification of the Royal pleasure.

Mr Stephen has reported that there is no objection to the Bill in point of Law, but has pointed out some alterations which he conceives may be advantageously made in it.

The Bill has been some time under consideration, and a general wish prevails in the Province that no time should be lost in bringing it into operation—Mr Gordon, as Agent for the Province has in consequence been instructed to take any measures which may tend to that Object.

He therefore begs leave to suggest that if the general provisions of the Bill should appear unobjectionable altho' any or all the Amendments suggested by Mr Stephen should be thought proper to be adopted, that such a Communication may be made to the Governor upon the subject, as will enable him to give his Assent to any Bill amended, in order that it may have immediate operation in the Province without incurring the delay of another reference to this Country for confirmation.

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[1] Adam Gordon, a clerk in the Colonial Office and the Agent appointed by the Executive to look after the interests of Lower Canada. This document illustrates the type of work which he was expected to do.

[2] *Q. 154, pp. 59-61.*

DECISION OF THE PRIVY COUNCIL 1819.[1]

Office of Committee of Privy
Council for Trade.
WHITEHALL 18th May 1819.

SIR,

The Lords of the Committee of Privy Council for Trade and Plantations having had under Consideration the Bill (N° 327) Intituled, "An Act for the Establishment of a Bank at the City of Montreal in the Province of Lower Canada." This Bill was transmitted with a Letter from Earl Bathurst to the Lord President of the Council on the 30th Septr last, and has since been referred to Their Lordships by An Order of The Prince Regent in Council.

Their Lordships have likewise had under Consideration the report of Mr Stephen[2] on the said Bill, And I have it in Command to Acquaint you, for the information of Earl Bathurst, that The Lords of the Committee are of opinion that the Governor may be instructed to assent to the said Bill provided the several Amendments suggested by Mr Stephen are therein inserted, excepting the one which relates to the provision of the Bill, contained in the 6th General Rule for the Management of the Affairs of the Company, as it does not appear to their Lordships to be of any moment

I am
Sir,
Your Most Obedt
humble Servant

THOMAS: JACK.

HENRY GOULBURN Esqr
&c &c

ORDER FROM THE ADMIRALTY OFFICE, 1819.[3]

Admiralty Office
3. July. 1819.

SIR,

The Navy Board having on the 21st April last entered into a Contract to be completed by the 25th March 1821, with Messrs Usborne, Benson & Co for the supply of Canada Goods in which it is stipulated that No Yard Mast, or Bowsprit cut in His Majesty's Colonies in North America shall be delivered but such as shall have been cut by Licence from His Majesty's Surveyor General of the Woods in North America, & also, if it should be required under the inspection of his Officers. And that the Articles are to be of the growth of Canada, &

[1] *Q. 154, pp. 88-89.* This document illustrates the imperial supervision of colonial legislation.
[2] James Stephen, later Sir James Stephen (1789-1859). At this time Stephen was permanent counsel for the Colonial Office. In 1834 he became assistant under-secretary of state for the colonies. Two years later he was promoted to secretary of state. His influence was thought to be so great that his enemies referred to him as "King Stephen" or "Mr. Over-secretary Stephen." He was also known as "Mr. Mother-Country."
[3] *Q. 154, p. 6.* This document has been selected as a representative example of the imperial governmental system.

felled above Montreal; I am commanded by my Lords Commissioners of the Admiralty to request that you will move Lord Bathurst to issue the requisite Licences to the Surveyor General to enable the parties to perform the said Contract.

I am, Sir,
Your very humble Servant

Ja. CROKER

H. GOULBURN Esqr

ADMINISTRATOR FOR UPPER CANADA

GOVERNMENT HOUSE March 8th 1820.[1]

SIR

I am to Communicate to you, for the information of The Honorable Executive Council, that His Excellency The Lieutenant Governor, and Major General Commanding, left this Seat of Government this morning for Lower Canada[2], and will Remain absent for a Period during which it will be necessary to provide for the Administration of the Government of the Province—

I have the honor to be
&c &c

(Signed) GEORGE HILLIER

To
JOHN SMALL Esquire
Clerk Executive Council

The Honorable Lieu^t Colonel Smith took the usual Oaths and was Sworn as Administrator of the Government of the Province, during the absence of His Excellency The Lieutenant Governor.

EXTENTION OF CIVIL JURISDICTION

(Organization of Western Territory)

By His Royal Highness the PRINCE OF WALES, Regent of the United Kingdom of Great Britain and Ireland, in the name and on the behalf of His Majesty.

A PROCLAMATION[3]

J. C. SHERBROOKE.

WHEREAS by an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the forty-third year of His Majesty's reign, intituled, "An Act for extending the jurisdiction of the Courts of Justice in the Provinces of Lower and Upper-Canada, to the trial and punishment of persons

[1] *Upper Canada, State, G., pp. 87-88.*
[2] To assume the government of that Province until such time as Lord Dalhousie should be able to leave Nova Scotia. Sir Peregrine Maitland resumed the Government of Upper Canada 30 June, 1820.
[3] *Quebec Gazette, 18 May, 1820.*

guilty of crimes and offences within certain parts of North America, adjoining to the said Provinces," it is amongst other things enacted, " That all offences committed within any of the Indian Territories, or parts of America, not within the limits of either of the said Provinces, or of any Civil Government of the United States of America, shall be and be deemed to be offences of the same nature, and shall be tried in the same manner, and be subject to the same punishment, as if the same had been committed within the said Provinces of Lower or Upper-Canada."

And whereas by the said Act it is also enacted, " That it shall be lawful for the Governor, or Lieutenant Governor, or person administering the Government for the time being, of the Province of Lower-Canada, by Commission under his Hand and Seal, to authorize and empower any person or persons, wheresoever resident or being at the time, to act as Civil Magistrates and Justices of the Peace for any of the Indian Territories, or parts of America, not within the limits of either of the said Provinces, or of any Civil Government of the United States of America, as well as within the limits of either of the said Provinces, either upon information taken or given within the said Provinces of Lower or Upper-Canada, or out of the said Provinces in any part of the Indian Territories, or parts of America aforesaid, for the purpose only of hearing crimes and offences, and committing any person or persons, guilty of any crime or offence, to safe custody, in order to his or their being conveyed to the said Province of Lower-Canada, to be dealt with accordinng to Law;" and "That it shall be lawful for any person or persons whatever, to apprehend and take before any persons so commissioned as aforesaid, or to apprehend and convey, or cause to be safely conveyed with all convenient speed, to the Province of Lower-Canada, any person or persons guilty of any crime or offence, there to be delivered into safe custody, for the purpose of being dealt with according to Law."

And whereas by the said Act it is also further enacted, "That every such offender may and shall be prosecuted and tried in His Majesty's Courts of the Province of Lower-Canada, in which crimes and offences of the like nature are usually tried, and where the same would have been tried if such crime or offence had been committed within the limits of the Province where the same shall be tried under the said Act; That every offender tried and convicted under the said Act, shall be liable and subject to such punishment as may by any Law in force in the Province where he or she shall be tried, be inflicted for such crime or offence, and that such Court may and shall proceed to trial, judgment and execution, or other punishment, for such crime or offence, in the same manner, in every respect, as if such crime or offence had been really committed within the jurisdiction of such Court; and to proceed also in the trial of any person being a subject of His Majesty, who shall be charged with any offence, notwithstanding such offence shall appear to have been committed within the limits of any Colony, Settlement or Territory, belonging to any European State."

And whereas divers breaches of the peace, and acts of force and violence, have lately been committed within the said Indian Territories and parts of America, mentioned and described in the said Act of Parliament, which have arisen from contentions between certain Merchants, carrying on trade and com-

merce in the said Indian Territories, under the names of the Hudson's Bay Company, and North West Company, respectively, and other persons, their servants, agents, or adherents, of whom some have entered into and seized, and occupied by force, and with strong hand, lands or possessions, therein taking, and by force retaining, divers goods, wares, merchandize, and other property, and obstructing the passage of navigable rivers and other natural passes of the country; and others have met together in unlawful assemblies, formed divers conspiracies and confederacies, committed murders, riots, routs and affrays, and appeared, gone and ridden in companies, in military array, with armed force, and have rescued themselves and others from lawful arrest and custody.

We do, therefore, in the name and on the behalf of His Majesty, publish this Proclamation, hereby calling upon said Merchants, so as aforesaid carrying on trade and commerce in the said Indian Territories, under the names of the Hudson's Bay Company, and the North West Company, respectively, and upon each and every of them, and upon all other persons, their servants, agents or adherents, and each and every of them, to desist from every hostile aggression or attack whatsoever: And in order to prevent the further employment of an unauthorised military force, we do hereby require all persons who have been heretofore engaged in His Majesty's service as Officers or Soldiers, and as such have enlisted and engaged in the service of the said Hudson's Bay Company, or North West Company, or either of them, or of any of their servants, agents, or adherents, to leave the service in which they may be so engaged, within twenty-four hours after their knowledge of this Proclamation, under penalty of incurring our most severe displeasure, and forfeiting every privilege to which their former employment in His Majesty's service would otherwise have entitled them.

And we do, under similar penalties, hereby require of all and every person and persons whomsoever, whom it doth or shall, or may in any wise concern, the restitution of all Forts, Buildings, or Trading Stations, with the property which they contain, which may have been seized or taken possession of, by either party, to the party who originally established or constructed the same, and were possessed thereof previous to the recent disputes between the aforesaid Companies.

And we do hereby require in like manner, of all and every person and persons whomsoever, whom it doth, or shall, or may in any wise concern, the removal of any blockade or impediment, by which any party, person or persons may have attempted to prevent, or interrupt the free passage of Traders, or others of His Majesty's subjects, or of the natives of the said Indian Territories. with their merchandize, furs, provisions, and other effects, throughout the Lakes, Rivers, Roads, and every other usual route or communication heretofore used for the purposes of the Fur Trade, in the interior of North America; and full and free permission for all persons to pursue their usual and accustomed trade, without hindrance or molestation, hereby declaring, that nothing done in consequence of this Proclamation, shall in any degree be considered to affect the rights which may ultimately be adjudged to belong to either or any party, upon a full consideration of all the circumstances of their several claims.

And whereas for the purpose of restraining all offences in the said Indian Territories, and of bringing to condign punishment the perpetrators of all offences

there committed, His Excellency Sir JOHN COAPE SHERBROOKE, Knight Grand Cross of the Most Honorable Military Order of the Bath, His Majesty's Captain General and Governor in Chief in and over the Provinces of Lower and Upper-Canada, Nova Scotia, New Brunswick, and their several dependancies, Lieutenant General and Commander of all His Majesty's Forces in the said Provinces, &c. &c. by and with the advice of His Majesty's Executive Council of and for the said Province of Lower-Canada, hath nominated, constituted, and authorized the Honourable WILLIAM BACHELER COLTMAN, one of the Members of the said Council, a Lieutenant Colonel in His Majesty's Indian Department, and one of His Majesty's Justices of the Peace for the Western District of the said Province of Upper-Canada; and JOHN FLETCHER, Esquire Barrister at Law, one of the principal Police Magistrates and Chairman of His Majesty's Court of Quarter Session for the District of Quebec, a Major in the said Indian Department, and one of His Majesty's Justices of the Peace for the said Western District of Upper-Canada, to act as Civil Magistrates and Justices of the Peace for the said Indian Territories or parts of America aforesaid, as well without as within the said Provinces of Lower and Upper-Canada, under and by virtue of the said Act, and also His Majesty's Special Commissioners for inquiring into and investigating all offences committed in the said Indian Territories, and the circumstances attending the same, with power and authority for such purposes.

And whereas the said William Bacheler Coltman, and John Flether, [sic] are immediately about to proceed to the said Indian Territories, in execution of the trust so reposed in them:

We do therefore hereby strictly charge and command, in the name and on the behalf of His Majesty, all Sheriffs, Bailiffs, Constables and other Officers of the Peace, and all others, His Majesty's Officers, Servants and Subjects, Civil and Military, generally, in their several and respective stations, to make diligent inquiry and search to discover and apprehend all persons who have been or shall be guilty of any such crimes or offences as aforesaid, or any other crimes or offences whatsoever, within the Indian Territories or parts of America, in the said Act mentioned and described, whether without or within the said Provinces of Lower or Upper-Canada, and to cause them to be carried before the said WILLIAM BACHELER COLTMAN and JOHN FLETCHER, or one of them, or such other Magistrates as may hereafter be appointed for the like purposes, or otherwise be invested with competent jurisdiction in that behalf, to be dealt with according to Law, and by all lawful ways and means whatsoever, to repress and discourage all such crimes and offences; requiring and directing them and each of them as well within the said Indian Territories or parts of America, as elsewhere, to be aiding and assisting to the said WILLIAM BACHELER COLTMAN, and JOHN FLETCHER, in the execution of the duties wherewith they are charged as such Magistrates and Special Commissioners as aforesaid, in all their endeavours for the repression and discouragement of all such crimes and offences, wheresoever or by whomsoever perpetrated or committed; for the detection and apprehension of all such persons as have been or hereafter shall be concerned or implicated in the perpetration thereof, and for the maintenance and preservation of the Peace and of the Law.

In faith and testimony whereof, We, by our express command, in the name and on the behalf of His Majesty, have caused the Great Seal of the Province of Lower-Canada, to be hereunto affixed.

Witness our trusty and well-beloved SIR JOHN COAPE SHERBROOKE, Knight Grand Cross of the Most Honourable Military Order of the Bath, Captain General and Governor in Chief of the said Provinces of Lower and Upper Canada, Nova Scotia and New Brunswick, Lieutenant General and Commander of all His Majesty's Forces in the said Provinces, &c. &c. at the Castle of St. Lewis. in the City of Quebec, in the said Province of Lower-Canada, this third day of May, in the year of our Lord Christ, one thousand eight hundred and seventeen, and in the fifty-seventh year of His Majesty's Reign.

J.C.S.

By His Excellency's Command,
JOHN TAYLOR, Dep. Sec'y.

Province of Lower Canada } Signed P. MAITLAND.

By His Majesty GEORGE THE FOURTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith:

A PROCLAMATION.

WHEREAS divers breaches of the peace and acts of force and violence having been committed within those parts of the Continent of North America, commonly called and known by the name of the INDIAN TERRITORIES:—We, for the suppression and prevention of all such breaches of the peace and acts of force and violence, in the name and on the behalf of Our late Royal Father, of glorious memory, did issue Our Royal Proclamation under the Great Seal of our Province of Lower Canada, bearing date the third day of May, in the fifty-seventh year of the Reign of Our said Royal Father. And whereas it appears to Us expedient so to do, We have thought fit to renew, and hereby do renew the prohibitions, commands, and provisions in Our said Proclamation contained, and each and every of them as fully to all intents and purposes as if the same were herein again set forth and repeated; hereby calling upon all persons carrying on trade and commerce in the said Indian Territories, under the names of the Hudson's Bay Company and the North-West Company, respectively, and upon each and every of them, and upon all other persons, their servants, agents or adherents, and generally all persons whomsoever, and each and every of them, to desist from every hostile aggression or attack, and from every act of force and violence, or trespass whatsoever.

And we do hereby further strictly warn all partiees that any infringement of Our former Proclamation, or of this Our present Proclamation, whether by seizing the property or persons of the traders, by obstructing the rivers and portages by which their trade is carried on, or by any incitement of the Indians or others to acts of violence or hostility, or by any other manner whatsoever,

will not fail to be visited with Our severest displeasure, and to draw down upon the parties themselves and the persons under whose authority they act, the heaviest penalties.

In faith and testimony whereof We have caused the Great Seal of Our Province of Lower-Canada to be hereunto affixed: Witness Our trusty and well-beloved SIR PEREGRINE MAITLAND, Knight, Commander of the Most Honorable Military Order of the Bath, Major-General Commanding Our Forces in Our Provinces of Upper and Lower-Canada, President and Administrator of the Government of Our said Province of Lower-Canada, at Our Castle of St. Lewis, in Our City of Quebec, in Our said Province, this twelfth day of May, in the year of Our Lord one thousand eight hundred and twenty, and in the first year of Our Reign.

(Signed) J. READY, Actg. Prov. Secy. (Signed) P.M.

IMPERIAL STATUTES, 1 & 2 GEO. IV, CAP. LXVI.[1]

An Act for regulating the Fur Trade, and establishing a Criminal and Civil Jurisdiction within certain Parts of *North America.*

[2nd *July* 1821.]

'WHEREAS the Competition in the Fur Trade between the Gov-'ernor and Company of Adventurers of *England* trading into *Hud-'son's Bay,* and certain Associations of Persons trading under the 'Name of "The North West Company of *Montreal,*" has been found 'for some Years past to be productive of great Inconvenience and 'Loss, not only to the said Company and Associations, but to the 'said Trade in general, and also of great Injury to the native '*Indians,* and of other Persons Subjects of His Majesty: And Whereas 'the Animosities and Feuds, arising from such Competition, have 'also for some Years past kept the Interior of *America,* to the North-'ward and Westward of the Provinces of *Upper* and *Lower Canada,* 'and of the Territories of the United States of *America,* in a State 'of continued Disturbance: And Whereas many Breaches of the 'Peace, and Violence extending to the Loss of Lives, and consider-'able Destruction of Property, have continually occurred therein: 'And Whereas, for Remedy of such Evils, it is expedient and neces-'sary that some more effectual Regulations should be established for 'the apprehending, securing and bringing to Justice all Persons com-'mitting such Offences, and that His Majesty should be empowered 'to regulate the said Trade: And Whereas Doubts have been enter-'tained, whether the Provisions of an Act passed in the Forty third 'Year of the Reign of His late Majesty King *George* the Third, 'intituled *An Act for extending the Jurisdiction of the Courts of 'Justice in the Provinces of* Lower *and* Upper Canada, *to the Trial 'and Punishment of Persons guilty of Crimes and Offences within 'certain Parts of* North America *adjoining to the said Provinces,* ex-

43 Geo. 3. c. 138.

[1] *Statutes at Large, Great Britain, 60 Geo. III–3 Geo. IV, pp. 422-424.*

'tended to the Territories granted by Charter to the said Governor 'and Company; and it is expedient that such Doubts should be re-'moved, and that the said Act should be further extended:' Be it therefore enacted by The King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, it shall be lawful for His Majesty, His Heirs or Successors, to make Grants or give His Royal Licence, under the Hand and Seal of One of His Majesty's Principal Secretaries of State, to any Body Corporate, or Company, or Person or Persons, of or for the exclusive Privilege of Trading with the *Indians* in all such Parts of *North America* as shall be specified in any such Grants or Licences respectively, not being Part of the Lands or Territories heretofore granted to the said Governor and Company of Adventurers of *England* trading to *Hudson's Bay*, and not being Part of any of His Majesty's Provinces in *North America*, or of any Lands or Territories belonging to the United States of *America;* and all such Grants and Licences shall be good, valid and effectual for the Purpose of securing to all such Bodies Corporate, or Companies, or Persons, the sole and exclusive Privilege of trading with the *Indians* in all such Parts of *North America* (except as hereinafter excepted), as shall be specified in such Grants or Licences; any thing contained in any Act or Acts of Parliament, or any Law to the contrary notwithstanding.

His Majesty may make Grants for exclusive Trade with Indians in certain Parts of North America.

II. Provided always, and be it further enacted, That no such Grant or Licence, made or given by His Majesty, His Heirs or Successors, of any such exclusive Privileges of trading with the *Indians* in such Parts of *North America* as aforesaid, shall be made or given for any longer Period than Twenty one Years; and no Rent shall be required or demanded for or in respect of any such Grant or Licence, or any Privileges given thereby under the Provisions of this Act, for the first Period of Twenty one Years; and from and after the Expiration of such first Period of Twenty one Years, it shall be lawful for His Majesty, His Heirs or Successors, to reserve such Rents in any future Grants or Licences to be made to the same or any other Parties, as shall be deemed just and reasonable, with security for the Payment thereof; and such Rents shall be deemed Part of the Land Revenues of His Majesty, His Heirs and Successors, and be applied and accounted for as the other Land Revenues of His Majesty, His Heirs or Successors, shall, at the time of Payment of any such Rent being made, be applied and accounted for.

For what Periods such Grants may be made.

Reservation of Rents.

III. And be it further enacted, That from and after the passing of this Act, the Governor and Company of Adventurers trading to *Hudson's Bay*, and every Body Corporate and Company and Person to whom every such Grant or Licence shall be made or given as aforesaid, shall respectively keep accurate Registers of all Persons in

Persons to whom such Grants made, to enter into Security,

their Employ in any Parts of *North America*, and shall, once in each Year, return to His Majesty's Secretaries of State, accurate Duplicates of such Registers, and shall also enter into such Security as shall be required by His Majesty for the due Execution of all Processes criminal and civil, as well within the Territories included in any such Grant, as within those granted by Charter to the Governor and Company of Adventurers trading to *Hudson's Bay*, and for the producing or delivering into safe Custody, for Purpose of Trial, of all Persons in their Employ or acting under their Authority, who shall be charged with any Criminal Offence, and also for the due and faithful Observance of all such Rules, Regulations and Stipulations as shall be contained in any such Grant or Licence, either for diminishing or preventing the Sale or Distribution of Spirituous Liquors to the *Indians*, or for promoting their moral and religious Improvement, or for any other Object which His Majesty may deem necessary for the Remedy or Prevention of the other Evils which have hitherto been found to exist.

for the Purposes herein mentioned.

'IV. And Whereas by a Convention entered into between His 'Majesty and the United States of *America*, it was stipulated and 'agreed, that any Country on the North West Coast of *America*, to 'the Westward of the *Stony Mountains*, should be free and open to 'the Citizens and Subjects of the Two Powers, for the Term of Ten 'Years from the Date of the Signature of that Convention;' Be it therefore enacted, That nothing in this Act contained shall be deemed or construed to authorize any Body Corporate, Company or Person, to whom His Majesty may have, under the Provisions of this Act, made a Grant or given a Licence of exclusive Trade with the *Indians* in such Parts of *North America* as aforesaid, to claim or exercise any such exclusive Trade within the Limits specified in the said Article, to the Prejudice or Exclusion of any Citizens of the said United States of *America*, who may be engaged in the said Trade: Provided always, that no *British* Subject shall trade with the *Indians* within such Limits, without such Grant or Licence as is by this Act required.

Such Grants not to interfere with Trade of United States Westward of the Stony Mountains. Proviso.

43 G. 3 c. 138, extended to Territories granted to Hudson's Bay Company.

V. And be it declared and enacted, That the said Act passed in the Forty third Year of the Reign of His late Majesty, intituled *An Act for extending the Jurisdiction of the Courts of Justices in the Provinces of* Lower *and* Upper Canada, *to the Trial and Punishment of Persons guilty of Crimes and Offences within certain Parts of* North America *adjoining to the said Provinces*, and all the Clauses and Provisoes therein contained, shall be deemed and construed, and it is and are hereby respectively declared, to extend to and over, and to be in full force in and through all the Territories heretofore granted to the Company of Adventurers of *England* trading to *Hudson's Bay;* any thing in any Act or Acts of Parliament, or this Act, or in any Grant or Charter to the Company, to the contrary notwithstanding.

Courts of Judicature established in Upper Canada to take Cognizance of Causes in Indian Territories.

VI. And be it further enacted, That from and after the passing of this Act, the Courts of Judicature now existing, or which may be hereafter established in the Province of *Upper Canada,* shall have the same Civil Jurisdiction, Power and Authority, as well in the Cognizance of Suits, as in the issuing Process, mesne and final, and in all other Respects whatsoever, within the said *Indian* Territories, and other Parts of *America* not within the Limits of either of the Provinces of *Lower* or *Upper Canada,* or of any Civil Government of the United States, as the said Courts have or are invested with within the Limits of the said Provinces of *Lower* or *Upper Canada* respectively; and that all and every Contract, Agreement, Debt, Liability and Demand whatsoever, made, entered into, incurred or arising within the said *Indian* Territories and other Parts of *America,* and all and every Wrong and Injury to the Person or to Property, real or personal, committed or done within the same, shall be and be deemed to be of the same Nature, and be cognizable by the same Courts, Magistrates or Justices of the Peace, and be tried in the same Manner and subject to the same Consequences, in all Respects, as if the same had been made, entered into, incurred, arisen, committed or done within the said Province of *Upper Canada;* any thing in any Act or Acts of Parliament, or Grant or Charter, to the contrary notwithstanding: Provided always, that all such Suits and Actions relating to Lands, or to any Claims in respect of Land, not being within the Province of *Upper Canada,* shall be decided according to the Laws of that Part of the United Kingdom called *England,* and shall not be subject to or affected by any Local Acts, Statutes or Laws of the Legislature of *Upper Canada.*

Actions relating to Lands not within Upper Canada decided according to Law of England.

Proceedings of Courts issued as heretofore.

VII. And be it further enacted, That all Process, Writs, Orders, Judgments, Decrees and Acts whatsoever, to be issued, made, delivered, given and done by or under the Authority of the said Courts, or either of them, shall have the same Force, Authority and Effect within the said *Indian* Territory and other Parts of *America* as aforesaid, as the same now have within the said Province of *Upper Canada.*

Justices of Peace authorized by Governor, &c. to act as Commissioners for executing Process, &c.

VIII. And be it further enacted, That it shall be lawful for the Governor or Lieutenant Governor or Person administering the Government for the time being of *Lower Canada,* by Commission under his Hand and Seal, to authorize all Persons who shall be appointed Justices of the Peace under the Provisions of this Act, within the said *Indian* Territories, or other Parts of *America* as aforesaid, or any other Person who shall be specially named in any such Commission, to act as a Commissioner within the same, for the Purpose of executing, enforcing and carrying into Effect all such Process, Writs, Orders, Judgments, Decrees and Acts, which shall be issued, made, delivered, given or done by the said Courts of Judicature, and which may require to be enforced and executed within the said *Indian*

Territories or such other Parts of *North America* as aforesaid; and in case any Person or Persons whatsoever residing or being within the said *Indian* Territories, or such other Parts of *America* as aforesaid, shall refuse to obey or perform any such Process, Writ, Order, Judgment, Decree or Act of the said Courts, or shall resist or oppose the Execution thereof, it shall and may be lawful for the said Justices of the Peace or Commissioners, and they or any of them are and is hereby required, on the same being proved before him, by the Oath or Affidavit of One credible Witness, to commit the said Person or Persons so offending as aforesaid to Custody, in order to his or their being conveyed to *Upper Canada;* and that it shall be lawful for any Justice of the Peace or Commissioner, or any Person or Persons acting under his Authority, to convey or cause to be conveyed such Person or Persons so offending as aforesaid to *Upper Canada,* in pursuance of such Process, Writ, Order, Decree, Judgment or Act, and such Person and Persons shall be committed to Gaol by the said Court, on his, her or their being so brought into the said Province of *Upper Canada,* by which such Process, Writ, Order, Decree, Judgment or Act was isued, made, delivered, given or done, until a final Judgment or Decree shall have been pronounced in such Suit, and shall have been duly performed, and all Costs paid, in case such Person or Persons shall be a Party or Parties in such Suit, or until the Trial of such Suit shall have been concluded, in case such Person or Persons shall be a Witness or Witnesses therein: Provided always, that if any Person or Persons so apprehended as aforesaid shall enter into a Bond Recognizance to any such Justice of the Peace or Commissioner, with Two sufficient Sureties, to the Satisfaction of such Justice of the Peace or Commissioner, or the said Courts, conditioned to obey and perform such Process, Writ, Order, Judgment, Decree or Act as aforesaid, then and in such case it shall and may be lawful for the said Justice of the Peace or Commissioner, or the said Courts, to discharge such Person or Persons out of Custody.

Persons residing in Indian Territories refusing to obey Process.

Committed and conveyed to Upper Canada.

Costs.

Proviso for Recognizance.

Such Recognizance may be assigned,

IX. And be it further enacted, That in case such Person or Persons shall not perform and fulfil the Condition or Conditions of such Recognizance, then and in such case it shall and may be lawful for any such Justice or Commissioner, and he is hereby required, to assign such Recognizance to the Plaintiff or Plaintiffs, in any Suit in which such Process, Writ, Order, Decree, Judgment or Act shall have been issued, made, delivered, given or done, who may maintain an Action in the said Courts in his own Name against the said Sureties, and recover against such Sureties the full Amount of such Loss or Damage as such Plaintiff shall prove to have been sustained by him, by reason of the original Cause of Action in respect of which such Process, Writ, Order, Decree, Judgment or Act of the said Courts

notwithstanding Charter to Hudson's Bay Company.

were issued, made, delivered, given or done as aforesaid, notwithstanding any thing contained in any Charter granted to the said Governor and Company of Adventurers of *England* trading to *Hudson's Bay*.

Appointment by His Majesty of Justices of Peace to determine Causes.

X. And be it further enacted, That it shall be lawful for His Majesty, if He shall deem it convenient so to do, to issue a Commission or Commissions to any Person or Persons to be and act as Justices of the Peace within such Parts of *America* as aforesaid, as well within any Territories heretofore granted to the Company of Adventurers of *England* trading to *Hudson's Bay*, as within the *Indian* Territories of such other Parts of *America* as aforesaid; and it shall be lawful for the Court in the Province of *Upper Canada*, in any case in which it shall appear expedient to have any Evidence taken by Commission, or any Facts or Issue, or any Cause or Suit ascertained, to issue a Commission to any Three or more of such Justices to take such Evidence, and return the same, or try such Issue, and for that Purpose to hold Courts, and to issue Subpoenas or other Processes to compel Attendance of Plaintiffs, Defendants, Jurors, Witnesses and all other Persons requisite and essential to the Execution of the several Purposes for which such Commission or Commissions had issued, and with the like Power and Authority as are vested in the Courts of the said Province of *Upper Canada;* and any Order, Verdict, Judgment or Decree that shall be made, found, declared or published by or before any Court or Courts held under and by virtue of such Commission or Commissions, shall be considered to be of as full Effect, and enforced in like Manner, as if the same had been made, found, declared or published within the Jurisdiction of the Court of the said Province; and at the Time of issuing such Commission or Commissions shall be declared the Place or Places where such Commission is to be opened, and the Courts and Proceedings thereunder held; and it shall be at the same time provided how and by what Means the Expences of such Commission, and the Execution thereof, shall be raised and provided for.

Effect of such Decree, &c.

His Majesty may issue Commissions under Great Seal, empowering Justices to hold Courts of Record for Trial of Criminal and Civil Offences.

XI. And be it further enacted, That it shall be lawful for His Majesty, notwithstanding any thing contained in this Act, or in any Charter granted to the said Governor and Company of Adventurers of *England* trading to *Hudson's Bay*, from time to time, by any Commission under the Great Seal, to authorize and empower any such Persons so appointed Justices of the Peace as aforesaid, to sit and hold Courts of Record for the Trial of Criminal Offences and Misdemeanors, and also of Civil Causes; and it shall be lawful for His Majesty to order, direct and authorize the Appointment of proper Officers to act in aid of such Courts and Justices within the Jurisdiction assigned to such Courts and Justices in any such Commission;

any thing in this Act, or in any Charter of the Governor and Company of Merchant Adventurers of *England* trading to *Hudson's Bay*, to the contrary notwithstanding.[1]

Such Courts constituted as His Majesty shall direct. Power of Court not to extend to Capital Offences; nor to Civil Actions where the Amount in Issue exceeds 200*£*.

XII. Provided always, and be it further enacted, That such Courts shall be constituted, as to the Number of Justices to preside therein, and as to such Places within the said Territories of the said Company, or any *Indian* Territories, or other Parts of *North America* as aforesaid, and the Times and Manner of holding the same, as His Majesty shall from time to time order and direct; but shall not try any Offender upon any Charge or Indictment for any Felony made the Subject of Capital Punishment, or for any Offence or passing Sentence affecting the Life of any Offender, or adjudge or cause any Offender to suffer Capital Punishment or Transportation, or take Cognizance of or try any Civil Action or Suit, in which the Cause of such Suit or Action shall exceed in Value the Amount or Sum of Two hundred Pounds; and in every case of any Offence subjecting the Person committing the same to Capital Punishment or Transportation, the Court or any Judge of any such Court, or any Justice of Justices of the Peace, before whom any such Offender be brought, shall commit such Offender to safe Custody, and cause such Offender to be sent in such Custody for Trial in the Court of the Province of *Upper Canada*.

Appeal.

XIII. And be it further enacted, That all Judgments given in any Civil Suit shall be subject to Appeal to His Majesty in Council, in like manner as in other cases in His Majesty's Province of *Upper Canada*, and also in any case in which the Right or Title to any Land shall be in question.

Proviso for Hudson's Bay Company.

XIV. And be it further enacted, That nothing in this Act contained shall be taken or construed to affect any Right, Privilege, Authority or Jurisdiction which the Governor and Company of Adventurers trading to *Hudson's Bay* are by Law entitled to claim and exercise under their Charter; but that all such Rights, Privileges, Authorities and Jurisdictions shall remain in as full force, virtue and effect, as if this Act had never been made; any thing in this Act to the contrary notwithstanding.

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[1] By the Charter of 1670, the Hudson's Bay Company had been given jurisdiction over all persons within their Territories, with power to make Laws and Ordinances conformable to those of England and to impose reasonable fines and penalties. The above mentioned Act of 1803, however, extended the jurisdiction of the Courts of Upper and Lower Canada, and it was ordered that offences committed "within any of the Indian Territories, or Parts of *America* not within the Limits of either of the said Provinces of *Lower* or *Upper Canada*, or of any Civil Government of the United States of America, shall be and be deemed to be offences of the same nature, and shall be tried in the same Manner and subject to the same Punishment, as if the same had been committed within the Provinces of *Lower* or *Upper Canada*". Such offences were to be tried in the Courts of Lower Canada or, if the Governor should see fit, in those of Upper Canada.

Compare with paragraph *XIV*.

POWERS OF ADMINISTRATOR

BATHURST TO DALHOUSIE.[1]

Downing Street, 20 Jan. 1820

MY LORD,

I have the Honor to transmit to you three dispatches which I have received from the Administrator of the Province of Lower Canada[2] relative to the vacancies which have taken place in the Executive and Legislative Councils of the Province and containing his opinion of the Character and qualifications of the persons whom he would recommend as Councillors— Deeming it in all cases, and more especially in that of Canada, most important that the selection of Members of Council should rest altogether with the Governor[3] I have forborne to submit Mr Monk's recommendation to The Prince Regent nor shall I take any measures on the subject beyond communicating to Your Lordship the information which Mr Monk's letters afford until I shall be favoured with Your Lordships opinion as to the Gentlemen best qualified and possessing the strongest claims to succeed to the vacant situations.

I have the Honor to be
My Lord,
Your Lordship's most obedient
Humble Servant

BATHURST

Lieut General
The EARL OF DALHOUSIE G.C.B.

PROCEEDINGS ON THE DEATH OF GEORGE III, 1820

By the King.

A PROCLAMATION,[4]

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.

George R.

WHEREAS by an Act made in the Sixth Year of the Reign of Her late Majesty Queen *Anne*, intituled, *An Act for the Security of Her Majesty's Person and Government, and of the Succession to the Crown of* Great Britain, *in the Protestant Line;* it was enacted, that no Office, Place, or Employment, Civil or Military, within the Kingdoms of *Great Britain* or *Ireland*, Dominion of *Wales*, Town of *Berwick-upon-Tweed*, Isles of *Jersey*, *Guernsey*, *Alderney* and *Sark*,

[1] *G. 11, pp. 1-2.*

[2] Hon. James Monk, following the death of the Duke of Richmond.

[3] Lord Dalhousie also felt that the Administrator should not have the power to make such recommendations. When he heard of Monk's action, he wrote to Colonel Ready, the Civil Secretary at Quebec: "As to the three others recommended by the President I must say it was hasty—it is an object of the greatest importance to the tranquil Government of the Province, that the Governor should have full confidence in the Members of the Executive, and Judge Monk ought in delicacy, to have left that choice to the Governor, who should be named by His Majesty. I don't suppose Lord Bathurst will confirm the choice without hearing from me; at the same time I am by no means disposed to think that the persons will be objectionable in any respect." *Dalhousie to Colonel Ready, Halifax, 22 January, 1820, Dalhousie Papers, Vol. 3.*

[4] *Quebec Gazette, 18 May, 1820.*

or any of His Majesty's Plantations, should become void by reason of the Demise of Her said late Majesty, Her Heirs or Successors, Kings or Queens of this Realm, but that every Person and Persons in any of the Offices, Places, and Employments aforesaid, should continue in their respective Offices, Places, and Employments for the space of Six Months next after such Death or Demise, unless sooner removed and discharged by the next Successor, to whom the Imperial Crown of this Realm was limited and appointed to go, remain, and descend: And whereas by an Act made in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled, *An Act for the Continuation of all and every Person or Persons in any and every Office, Place, or Employment, Civil or Military, within the United Kingdom of* Great Britain *and* Ireland, *Dominion of* Wales, *Town of* Berwick-upon-Tweed, *Isles of* Jersey, Guernsey, Alderney, Sark, *and* Man, *and also in all and every of His Majesty's Foreign Possessions, Colonies, or Plantations, which he or she shall hold, possess, or exercise during the Pleasure of the Crown at the Time of the Death or Demise of His present Majesty, until removed or discharged therefrom by the succeeding King or Queen of this Realm;* it was enacted, that all and every Person and Persons, who upon the Day of the Demise of His said late Majesty should hold any Office, Civil or Military, under the Crown during Pleasure, should under and by virtue of the said Act, and without any new or other Patent, Commission, Warrant, or Authority, continue and be entitled in all Respects, notwithstanding the Demise of His said Majesty, to hold and enjoy the same: But nevertheless the same should be held or enjoyed only during the Pleasure of the King or Queen who should succeed to the Crown upon the Demise of His said late Majesty; and the Right and Title to hold and enjoy the same under the Authority of the said Act, should be determinable in such and the like Manner by the King or Queen who upon the Demise of His said late Majesty should succeed to the Crown, as the Right or Title to any Office, Place, or Employment granted by such succeeding King or Queen, during Pleasure, would by Law be determinable: We, therefore, with the Advice of Our Privy Council, declare Our Royal Will and Pleasure to be, and do hereby direct and command, That all and every Person and Persons who at the Time of the Demise of Our late Royal Father, of Glorious Memory, duly and lawfully held, or were duly and lawfully possessed of or invested in any Office, Place, or Employment, Civil or Military, within Our United Kingdom of *Great Britain* and *Ireland,* Dominion of *Wales,* Town of *Berwick-upon-Tweed,* Isles of *Jersey, Guernsey, Alderney, Sark,* or *Man,* or any of Our Foreign Possessions, Colonies, or Plantations, do severally, according to their Places, Offices, or Charges, proceed in the Performance and Execution of all Duties belonging to their respective Offices, whilst they shall hold the same respectively during Our Pleasure; And We do hereby require and command all Our Subjects to be aiding, helping, and assisting at the Commandment of the said Officers and Ministers, in the Performance and Execution of their respective Offices and Places, as they and every of them tender Our utmost Displeasure, and will answer the contrary at their Peril.

Given at Our Court at Carlton House, *the Thirty-first Day of* January, *one thousand eight hundred and twenty, and in the First Year of Our Reign.*

GOD SAVE THE KING.

COMMUNICATION FOR THE MONTREAL HERALD.[1]

Various opinions having been expressed relative to the operation of the demise of our late beloved Sovereign Geo. III, upon the present election, and other matters of Provincial polity: I beg leave through the medium of your paper, to give the result of my enquiries into the subject.

1st. All Colonial Commissions continue for six months after the demise of the King, unless superseded in the mean time by his Successor, See 7 and 8 Wm. 3, chap. 27, explained by a subsequent stat. of 1. Q. Anne, chap. 8.—Also see 6 Anne, chap. 7, which continues the Commissions of Governors of Plantations for six months after the demise of the Queen, or her successors, and further, it is the invariable practice of every Successor, on the demise of the preceding Sovereign, to continue all Commissions for six months thereafter.

2d. All Acts of the Colonial Legislature, and other legal authority in a Colony: done before notice (of course official notice) of a demise of the Sovereign, are valid, on the principles of the common law applicable to such cases, and to the principles of sound sense; else upon every demise, a species of anarchy and dissolution of civil society, must ensue; because, otherwise, the exercise of power would be made dependent upon an impossibility, the knowledge of an event unattainable by any human means. The law expects no miracles.

If it be asked, why then were the Statutes of King William and Queen Anne passed? The answer is, it takes time after a Royal demise, to settle the arrangements of Government. The common law only supported all official acts done *before notice*, and therefore those Statutes in continuing all commissions for six months *thus* comprehend as well acts done *after* as before notice, during that period.

Upon the whole, the re-assembling of the old Parliament, where one does not exist at a Royal demise, applies only to Gt. Britain, and that by Special Statute of 37 Geo. 3, chap., 27; whereas in the Colonies such is unnecessary from the foregoing provisions and principles.

And therefore there can be no doubt, that, supposing the Provincial Parliament meets, and proceeds to business upon the return of the late Writs of Election, every Act thereof assented to by the administrator, before the receipt of *official notice* of the demise of His late Majesty, would be valid to all intents and purposes. But it is of course competent to the Administrator, to prevent their meeting and proceeding to business, by prorogation, if he sees fit.

MONTREAL, March 20, 1820.

A.B.

DISCUSSION BY "AN ELECTOR".[2]

SIR,

The attention and curiosity of the public being directed to a point of considerable importance at this moment, the effect that the death of our venerable King will have on the elections now going on; I submit to you the following hasty suggestions on the subject, that you may if you think proper, insert them in your paper.

[1] *Quebec Gazette, 27 March, 1820.*

[2] *Quebec Gazette, 23 March, 1820.* This question continued to be agitated until 1829 when it was set at rest by *9 Geo. IV Cap. 74.* The Governor reserved this act but the Royal Assent was proclaimed 18 January, 1831. This Act became effete upon the Union of the two Canadas but the situation was provided for by the Act *7 Vic. cap. 3* (1843).

The general rule of the Common Law of England undoubtedly is, that the King's death causes the dissolution of Parliament; the statutes of 7th and 8th Will. and 6th Anne, are exceptions to this rule, and only serve to prove it; for if the period of six months, (during which by these acts the Parliament existing at the King's death is continued) were allowed to expire without a new one being summoned, there can be no doubt that the old Parliament would then be at an end, and the preceding demise of the Crown would be the cause of its dissolution; but these acts, do not apply in this case; they were only made, as appears by the very terms of them, for the mother country, and contain no extending clause; except that of Queen Anne, which in its 8th section, provides for the continuance of the commissions of Colonial officers; nor are these acts part of *the law and usage of Parliament* as your Brother Editor supposes, but deviations from the general usage, rendered necessary by local circumstances.

As little can we avail ourselves of 37. Geo. 3. c. 127. (of which your brother Editor appears not to have been informed which points out the course to be pursued *in England* in the case of the demise of the Crown, subsequent to the dissolution or expiration of Parliament, and before the return day of the writs of summons.

There, the old Parliament would meet; but this too is a local law useless to us.

Recurring then, to the general rule, let us first see whether even that extends to us in the Colonies, and next, whether it is applicable to our case.

Every body knows that the common Law of England, as a body, is not in force here; but it may be said that so much of it as relates to Parliamentary institutions may be applied here, by analogy.

This is controverted on very high authority, but, admitting it, it may be doubted whether the analogy holds, whether the reason given for the dissolution of the English Parliament, on the demise of the Crown, exists in the Colonies; that reason (as stated in Sir Henry Vane's case) is *that the Parliament is called to consult with the person of the King who calls it.*

But here, though the form of the writ imports that our Parliament is called to consult with the King, the sense and the meaning of the thing, and the real truth is, that they are called to meet the person administering the Government, who by the Stat. of Anne is, and for six months will be as much the Representative of Geo: IV. as he was of the deceased monarch. Shall the letter of the writ be adhered to, rather than the reason and sense of it, *Qui haeret in literâ haeret in cortice,* says my Lord Coke.

And if the English Parliament had considered this Common Law principle to extend to the Colonies, must they not have seen that it might there produce the same evils as in England, (nay worse, because the remedy would not be at hand) and would they not have provided against it in the act of Anne, in which they evidently did not lose sight of the effects that the demise of the Crown might produce in the Colonies, and deemed it sufficient to provide that the Commissions of the Governors should be in force for six months after such an event. Is it not a forcible conclusion that they meant that all acts done under those commissions should be valid also.

But even if the Common Law principle extends to the Colonies, does it apply to the case existing here.

The assembly is dissolved by an officer holding a Commission, which gives him the authority to do so. The rule of Law is, that all acts done under a Commission, before notice of its revocation and determination are valid; this is a rule of common sense also, and therefore found equally binding in the French Law. Take the Governor in the light of a *mandatory*. "Quoique le mandat s'éteigne par la mort du mandant, néanmoins si le mandataire ignorant la mort du mandant avait, de bonne foi, fait l'affaire, les successeurs du mandant seroient obligés de ratifier ce qu'il a fait.—Poth: cont: de mandat. 106.

Again. "Pour que la révocation du mandat éteigne le mandat il faut que l'acte portant *révocation*, ou les faits qui la font présumer, soient parvenus, ou puissent être censés parvenus à la connoissance du mandataire.—Poth: 121. These quotations only apply as *raison écrites* but the English Law is in point and more applicable.

Under a Commission to examine witnesses the Commissioners began the examination *the day after* the King's demise, but before *notice* of it; the proceedings before notice were held to be good.

Cro: Car: 97.

An attachment sued out in the time of Charles II. and executed at Exeter three days *after* his death, but *before* notice was good.

1. Fern: 400.

Many other similar cases might be cited.

From these however we may safely draw the conclusion, that the proceedings of the Governor in the due execution of his Commission, *before notice* of its determination by the King's demise, would even *before* the Acts of William and Anne have been valid.

How much stronger is the argument made by the passing of these Acts.

The same reasoning will apply to the proceedings of the Returning Officers. If the act of dissolution and summoning a new Parliament, was valid, their appointments must be equally so; and on the principle that has been stated, their proceedings, until *notice given* of the determination of their powers, will be valid.

What notice will be sufficient? are we to be governed by a paragraph in an American newspaper, or in any newspaper. Here too the law furnishes a guide; a Commission is given to Judges of assize, and afterwards the King makes other Judges of assize; those first appointed are superseded on *notice* of the second Commission, but they are not bound to take notice of a Proclamation thereof in the country, *because the law has not provided* that such Proclamation should be made.—Bac: Abr: 99.

We may infer therefore that until notification of the King's death, published in a legal and formal manner—in a manner such "as the law provides;" the proceedings of the Returning Officers and all other proceedings in the King's name, are valid.

Much more might be said to prove the validity and legality of the late Elections; but perhaps I have already spent useless labour in proving what to some may seem to need no proof, the principle of the Common Law that the King's demise disolves the Parliament, does not apply to the present case.

Much more, and more valuable reasoning on this subject may be found in Chalmers's opinion of Eminent Lawyers on points of Colonial Law, vol. 1, p. 238, 246, 312, &c. where the sentiments of men, evidently of no mean ability, are given on points nearly similar to that now under discussion.

I am Sir,
Yours &c.
AN ELECTOR.

QUEBEC, 22nd March, 1820.

FORMAL DISSOLUTION.[1]

LEGISLATIVE COUNCIL
Monday, 24th April, 1820.

This day, at 3. o'clock, His Excellency the Administrator of the Province came down in state to the Legislative Council Chamber, and being seated on the Throne, the Gentleman Usher of the Black Rod was sent to command the attendance of the Assembly, which being come up, His Excellency was pleased to address both Houses as follows.

Gentlemen of the Legislative Council,
And
Gentlemen of the House of Assembly,

I am under the painful necessity of declaring to you, that it hath pleased Almighty God to call to his Mercy, our late Sovereign Lord King George the Third, of blessed Memory, by whose decease the Imperial Crown of the United Kingdom of Great Britain and Ireland is solely and rightfully come to the High and Mighty Prince George, Prince of Wales, who is thus become our only lawful & rightful Liege Lord George the Fourth, by the Grace of God, King of the United Kingdom of Great Britain and Ireland, Defender of the Faith.

And then the Honorable the Speaker of the Legislative Council said

"Gentlemen of the Legislative Council,
And
"Gentlemen of the House of Assembly,

"I am Commanded by His Excellency the Administrator of the Government of this Province, to declare that as it hath pleased Almighty God to call to His Mercy our late Sovereign Lord King George the Third, of blessed Memory, this present Provincial Parliament by his Decease, and by His Excellency's public notice and Proclamation thereof, is dissolved—and this Provincial Parliament is hereby declared to be, and is dissolved from henceforth accordingly."

[1] *Q. 155, pp. 161-162.*

MINUTES OF EXECUTIVE COUNCIL, UPPER CANADA, 2 JUNE 1820.[1]

At a Council holden at York this day—His Honor the Administrator, was pleased to observe, that the period for the legal existence of the late Parliament expired on the 1st of June: and Suggested the propriety of Summoning a New Parliament, to Meet the twenty fourth of July next, without reference, to the Manner in which the last Parliament expired, whether by the Dissolution of his late Majesty George the Third, or by limitation for its existence, enacted by the 31st—George the 3rd

EXPENDITURE OF MONEY, LOWER CANADA.

REPORT OF EXECUTIVE COUNCIL ON PROVINCIAL REVENUE AND EXPENDITURE, LOWER CANADA, 16 JUNE 1820.[2]

May it please Your Lordship

By reference to the 2d May the Committee of the whole of His Majesty's Executive Council was directed to take into consideration The actual State of the Province in consequence of the want of an adequate Parliamentary Provision for the Expenses which His Majesty's Provincial Government may be called upon to pay to the Officers of His Majesty's Government and for other purposes and to Report particularly upon the following Questions Vizt.

1st What are the Charges against His Majesty's Government in the Ordinary and extraordinary Expenditure of the Province which it will be right for your Excellency to pay, and 2d. out of what Funds such Payments ought to be taken.

In obedience to this Reference the Committee have proceeded to the Consideration of the various and important Objects to which it relates and the result of their deliberations they have now the honour of submitting to your Excellency.

The Revenues of this Province are of three Descriptions and proceed.

1st From the Laws in force at the Period of the Conquest

2d From Acts of the Imperial Parliament

3d From Acts of the Provincial Parliament.

The Expenditures of the Provincial Government are of two Descriptions

1st Salaries which are the Sums paid to those who execute the Duties of the several Offices of the Government

2d Expenses which are Sums paid for other purposes.

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[1] *Upper Canada, State Book G., pp. 103-04.*

[2] This report expresses the considered opinion of the Executive on the financial question, and is referred to, time and again, during the ensuing years as the guiding principle of executive action. The appendices are too voluminous to print here. *Lower Canada, State Book J., pp. 88-97.*

The Offices of the Government are of three Classes—

1st Offices constituted by the Legislature.

2d Offices constituted by the Executive Government, and recognized by some Act of the Legislature

3d Offices constituted by the Executive Government and not recognized by any Act of the Legislature

The Expenses of the Government are of two Classes Vizt Ordinary and Extraordinary.

The Ordinary Expenses are those which are incurred incidentally and of necessity in the Execution of the permanent Offices of the Government and in other Matters of permanent establishment.

The Extraordinary Expenses are those which in like manner are incurred incidentally and of necessity but in other respects do not fall within the Description of Ordinary Expenses.

It is the opinion of the Committee

That the entire nett Revenues of the Province (The expense of collecting keeping and paying, being first deducted from the gross Amount (See Appendix A) stand pledged to the payment of the Salaries due to the persons who have executed Offices of the first and second Class being permanent, and of the Expenses properly incurred in the Execution of such Offices either by positive Appropriation or by virtual and implied Appropriation.

That to the payment of the Salaries due to the persons who have executed Offices of the first and second Class which are not permanent but temporary, and of the Expenses properly incured in the Execution of such Offices either by positive Appropriation or by virtual and implied Appropriation.

That to the payment of the Salaries due to the Persons who have executed Offices of the first and second class which are not permanent but temporary, and of the Expenses incurred in the Execution of Offices of this Description the entire Revenues of the Province are not pledged and that the Salaries and Expenses of such Offices must be paid from the positive Appropriations of the Legislature to such purposes, and,

That to the payment of the Salaries due to the Persons who have executed Offices of the Third Class and of the Expenses incurred in the Execution of Offices of this Description The Revenues of the Province are not pledged, And that the Salaries and Expenses of such Offices must be paid from the Military Chest or from the Funds raised in this Province by virtue of the British Acts of Trade and annually remitted to England by the Collector of the Customs of the Port of Quebec.

With respect to other Expenses ordinary and extraordinary not comprehended within the preceding classes of Expenditure (Vide Appendix C.) a determination of the Question whether they respec-

tively do or do not proceed from an Act of the Legislature or from an Act of the Executive Government recognized by the Legislature will determine the Fund from whence payment is to be made.

The Committee having applied the principles above stated to the several Expenditures of the Government have classed them in four Statements vide Appendix D Nos 1.2.3.4) which are hereunto annexed and they beg leave to refer to them and to the other Papers composing the Appendix as part of their Report. They specify the description of each expenditure and the fund from which in the opinion of the Committee the Amount ought to be taken.

In explanation of these Statements and of the principles upon which they are founded the Committee feel it proper to advert briefly to some circumstances which are peculiar to this Province.

Canada became a dependent Province of the Crown of the British Empire by Conquest.— By the effect of the Conquest the King became the sole Legislator of the Colony with the Power of taxing the Colonists by his sole Authority (a)

(a) See the case of Campbell and Hall Cowper's Reports P. 204.

This was the state of Canada until the year 1774 and during this Period many offices were created by the Crown and Salaries affixed to them by the same power.

In 1774 The King permitted the two Houses of the Imperial Parliament to participate in his Right of Legislating for Canada— And by the Statute 14th Geo. III C. 83 a Local Legislature was established in the Province consisting of a Council appointed by the Crown whose Legislative Powers were exercised with the King— The Limits of the Territory subject to this Jurisdiction were designated by the Statute and declared to be the Province of Quebec.

This was the State of the Colony from 1774 to 1791, during which Period other Offices but few in Number were created by the Crown, and Salaries affixed to them by the same power and of these nearly all were recognized by Legislative Acts of the Council of Quebec—

In 1791 upon the Petition of his Canadian Subjects His Majesty was graciously pleased to permit the People of the Province of Quebec to participate with a Legislative Council in his Right of Legislating by Representatives of their own choosing,— Of whose Jurisdiction the Limits were as before designated and the Territory which they included was declared to be the Province of Lower Canada

This has been the State of the Colony from 1791 to the present day during which period but few new Offices have been created and these are principally the Offices appertaining to the Provincial Parliament.

Upon the Commencement of the present Constitution a Message was sent to the Legislative Council and Assembly requiring an Aid for the support of His Majesty's Provincial Government but intimating than [sic] an Aid equal to the Amount of the whole Expenditure was not then expected. And with intent that the two Houses

might officially have knowledge of the Offices which have been constituted and were then established and for which in Salaries and Contingent Expenses The Aid was asked a List of the whole Accompanied the Message.

In consequence of these proceedings new Duties were imposed by the Provincial Statute 35 Geo. III Cap. 9th and by the same Act £5000. Sterling were appropriated towards defraying the Expense of the Administration of Justice and of the support of the Civil Government in this Province generally, as it then stood—

To The Message by which the first Aid was required and to which Reference hast just now been made The Legislative Council returned the Thanks of that House and assured the Governor in Chief (Lord Dorchester) That the Legislative Council would ever be ready to give their concurrence to the raising of all such Aids as the Public Exigency might require for the due support of His Majesty's Government in this Province."

And in the year 1810. By Addresses to the King to the Lords and Commons of the Imperial Parliament and to the then Governor in Chief Sir James Craig, The Assembly unconditionally offered (a) "To pay the Civil Expenditure" And "to defray all the Civil Expenses of the Administration of the Government of the Province."

(a) See Journals House of Assembly Vol. for 1810. Pages 134, 138. to 140, also Page 218.

The Offer made by the Assembly in 1810, In which the Legislative Council had previously by their Answer to Lord Dorchester's Message in the year 1794, assured their concurrence, was accepted by His Majesty in 1818 and his Acceptance thereof was formally announced to both Houses of the Provincial Parliament by His Excellency Sir John Coape Sherbrooke in his speech from the Throne on the 7th of January.

Journals House of Assembly Vol. 27 P. 7

The Sum required for that year (£40,263.8.9) was asked to defray the Expenses of the Civil Government as it then stood, and this sum by the Address of the Assembly of the 26th of March 1818 and the Provincial Statute 59th Geo. III. C. 25 was paid from the Funds of the Province without Diminution of any kind.

From the Facts stated the following Inferences are drawn by the Committee.

1st That all Offices created antecedent to the passing of the Quebec Act 14th Geo. III Cap. 83 were created by the Crown and recognized by the Legislature His Majesty being until that Period not only the Sovereign in Executive Power, but the sole Legislator of the Province.

2d That the Election of Members to serve in Assembly, The Appointment of Members to constitute the Legislative Council in the year 1792, and the cooperation of both in enacting the Statutes passed in the first Session of the Provincial Parliament, was a formal acceptance on the part of all the people of this Province of the Constitution established by the Imperial Statute 31st Geo. III. Cap. 31, And (that Statute having reference to the Government of the Province in future *only*) was an entry by the Legislature on the behalf of

the People of this Province, into the Rights which it gave, without Change of any kind in the Executive Government and consequently a Legislative Recognition of the Offices which constituted the Executive Government at that Period.

That the above Legislative Recognition was confirmed by the address of the Legislative Council in Answer to the Message of Lord Dorchester in the year 1794. By the Provincial Statute 35th Geo.. III. Cap. 9. By the Addresses of the Assembly in the year 1810—And ultimately renewed and confirmed by the Provincial Statute 59th Geo. III Cap. 25.—

That the Address of the Legislative Council in answer to the Message of Lord Dorchester in the year 1794 The Addresses of the Assembly to the King to the Lords and Commons of the Imperial Parliament and to Sir James Craig in the year 1810 and the acceptation of the Engagements therein contained by the Crown in the year 1818 constituted a Contract between the People of this Province and the Crown By which the Assembly having undertaken Voluntarily and consequently being bound to pay all the Civil Expenses of the Administration of the Government, And the Legislative Council having undertaken and consequently being bound to give their concurrence to the raising of all such Aids as the Public Exigency may require for the due support of his Majesty's Government have with the consent of the Crown pledged the Revenues of the Province for the Payment of the Salaries and Expenses of all Offices which the Legislature having either created or recognized—And thus virtually and impliedly appropriated to these purposes all such portions of the Provincial Revenue as are not already especially appropriated to others

The Disposition of the Assembly to diminish the influence of the Crown and to engross power of every kind of which we have too much experience renders it probable that that House may be induced to recede from this unconditional contract to pay all the Civil Expenses of the Government and as there is no tribunal to which a recourse may be had to compel the performance of it. It will remain with his Majesty's Government to enforce it by withholding the Royal Assent to every and any appropriation of the unappropriated Revenue which may be proposed until so much shall be appropriated as shall be sufficient to satisfy the Privileged Claim of His Majesty which has been stated and to which under the peculiar Circumstances of the Case He has an unquestionable Right in preference to all others.

All which is nevertheless humbly and respectfully submitted.

16th June 1820—

By order.
Signed

J. SEWELL
Chairman

LOWER CANADA, CIVIL LIST, 1820

Bathurst to Dalhousie[1]

Downing Street
11 September 1820.

Private and Confidential

My Dear Lord,

In my despatch of this days date I have shortly stated for your instruction and guidance the principles upon which I consider it necessary that your conduct towards the House of Assembly should be regulated.

But wishing to call your attention to the subject rather more in detail than falls within the strict limits of an Official Dispatch I trouble you with this private communication.

The question for Your Lordship to decide, is, whether the Funds which the Crown can appropriate without the assistance of the Legislature are adequate to carry on the Government. By the amount with which The Duke of Richmond furnished me in his private letter of the 18th May 1819,[2] it appeared that the existing expences of the Government or in other words the Civil List was about £40,000 per annum and that the Revenue of which the Crown had the disposal, independent of the Legislature amounted to about £23,000, leaving an unprovided surplus of about £17,000.

To make up this sum, you may consider yourself at liberty to issue to the extent of £12,000 from the Army Extraordinaries, that being the calculated amount of the Revenue of Customs and Post offices which is raised in the Colony and remitted to this Country, and which it appears just, in a moment of emergency to apply to the necessities of the Province. With respect to the remaining £5,000 I should hope, that Your Lordship would have no difficulty in reducing the expenditure of the Civil list by that amount. The success of the struggle with the House of Assembly depends entirely on being able to defray the expences of Government without their assistance, and nothing therefore must during that struggle be paid out of the Civil List, but what is essentially necessary. I shall, under these circumstances certainly consider you perfectly justified in deferring to pay The Lieutenant Governors Salary, and any other which may stand under similar circumstances. The Salaries of The Catholic Clergy might, perhaps, be also postponed, though in doing this much delicacy must be used, and care taken to convince them, and I know no better course than by confidential communication with The Bishop, that it is only the necessity of the moment which leads to the postponement of their acknowledged claims. Care also must be taken, that when-

[1] *G. 11, pp. 70-73.*
[2] In this letter the Duke of Richmond gave a detailed account of revenue and expenditure. He declared that the revenue was sufficient for the necessary expenses and proposed measures for making the Executive independent of the Legislature. *Q. 152, pp. 169-200.*

ever the Assembly meet, the first business submitted to them should always be the vote of a sum of money "to make good the deficiences of the Civil List" and their immediate prorogation be the consequence of their noncompliance.

The Duke of Richmond had looked to this Bill to be passed by the Imperial Parliament for regulating the Trade of the Canadas, as a measure calculated to increase the Revenue of the Crown: But drawn as the Bill is, I confess, that it does not appear to me calculated to effect this object, nor indeed, am I aware how any Bill could be so made to operate effectually, without alarming the jealousy of the Colony, and virtually violating the Pledge given by Parliament in 1778. It was indeed my intention to have submitted the Bill to Parliament during the last Session, but as it had undergone some alterations, and I entertained legal doubts as to the propriety of the Penalties which it imposes upon parties who transgress the Provisions, I preferred postponing it until it should have undergone your consideration. A copy of it is now transmitted to you for that purpose.

I am not aware that it is necessary for me to trouble Your Lordship at any greater length. If it be possible to carry on the Government for a few years, without the aid of the Assembly it will give the best chance of the abandonment on their part, of the principles on which they have latterly acted. And as Your Lordship will agree with me, that if this be not possible the only course to be pursued is one of compromise, I am confident you will use every effort in your power, so to husband your means, as to avoid this latter alternative.

You will observe, that I have proceeded throughout, on the supposition that the Assembly would not vote the Civil List of the Province. I have certainly no hopes of their doing so, but you will not, I am sure, understand me, as in any wise implying that the application is not therefore to be made to them in the manner which you may consider best calculated to ensure it a successful reception.

Believe me
My dear Lord
Yours most faithfully
(Signed) BATHURST

Lt General
The Earl of Dalhousie G C B
&c &c &c

Reply of Assembly, Lower Canada 19 December, 1820.[1]

When the Accounts of the General Expenditure in the administration of the Government, during the last two years, are laid before us, according to Your Excellency's directions, they shall have our earliest and serious attention: and we shall also take into that respectful consideration which is due to every communication on the part of His Majesty's Government, the Accounts which

[1] *Journals of Assembly, Lower Canada, 1820, p. 43.*

Your Excellency is pleased to say that he will lay before us, of the Expenses annually incurred in payment of the Salaries of Civil Offices permanently established for the honour and support of His Majesty's Government in this Province, including such occasional payments as are unavoidable under it.

We should, however, hold ourselves to be wanting in that sincerity which is due to the frankness of Your Excellency's character, in that duty and respect which we owe to our Sovereign, by whose command Your Excellency has submitted the proposal of an additional and permanent appropriation, which, with that already made, would exceed half the usual amount of the whole Provincial Revenue, were we not, even in this early stage of the proceeding, most humbly to represent, that the declared sense of our constituents, the duty which we owe to our posterity, and to that constitution of government which the wisdom and beneficence of the mother country has conferred upon this Province, together with the variable and uncertain future amount of that Revenue, which, as well as our resources, depend on a trade at this moment peculiarly uncertain, will preclude us from making any other than an annual appropriation for the general expenditure of the Province, conformably to the recommendations of His Majesty's Government, as signified to the Parliament of this Province by His Excellency Sir *John Coape Sherbrooke,* late Governor in Chief, in his Speech delivered from the Throne at the opening of the Session, on the seventh January, one thousand eight hundred and eighteen.

We pray that Your Excellency will accept our humble assurance of the unalterable disposition of this House to vote annually, in a constitutional manner, according to that recommendation, and to the solemn offer of the Assembly in the year one thousand eight hundred and ten, all the necessary expenses of His Majesty's Civil Government in this Colony, in the honourable and permanent support of which none are more deeply and sincerely interested than His Majesty's loyal subjects whom we have the honour to represent, or more anxious to merit the continuance of the confidence which His Majesty is graciously pleased to express of our loyalty and duty.

SPEAKER OF ASSEMBLY CALLED TO THE EXECUTIVE COUNCIL.[1]

28 December, 1820.

His Excellency at the same time informed the Board, That " deeming it a Measure that will tend to promote the best Interests of this Province he had resolved to call the Honorable Speaker of the House of Assembly to a seat at the Board of His Majesty's Executive Council—at the same time His Excellency was pleased to state, that in recommending this Measure for His Majesty's approbation, it was his Intention to solicit a special Mandamus for the Speaker Ex officio and that he wished his Reasons for this Measure to be recorded in Council and communicated in the proper manner to the Speaker"—

" His Excellency observed, First, that he thinks it a Distinction due to the Person who is chosen and declared the first Commoner in this Province." Secondly, " That he thinks His Majestys Representative thereby has the Right to consult and advise with the Speaker officially on public Measures" Thirdly, "That he thinks it right that the Speaker ought to have the advantage of

[1] *State Book J., pp. 143-144.*

knowing the Sentiments of His Majesty's Representative on Public Measures, and that cannot be in any other way so fully obtained as in the Character of a Privy Councillor of the Governor."

His Excellency further informed the Board, "That in the same view it was his Intention to recommend to His Majestys Government that the Civil Secretary of the Government [sic] in whom also is to be joined the Duties of Provincial Secretary, should have a seat in the Executive Council Ex officio, and that in virtue of the Powers vested in him he desired that these Gentlemen should be called to the Board until the Pleasure of His Majesty shall be known."[1]

RELATIONS OF LIEUTENANT GOVERNORS AND GOVERNOR IN CHIEF

MAITLAND TO BATHURST.[2]

YORK, UPPER CANADA
December 15th 1820

MY LORD,

Circumstances have hastened the necessity which I have long foreseen, of an appeal to His Majesty's Government, for more explicit Instructions as to the civil relation of the person administering the Government of this Province with the Governor in Chief, when residing in Lower Canada.

The immediate cause for this appeal, arises out of the Military Settlement in this Province, formed since the late War by Reduced Troops and European Emigrants furnished with provisions and tools of husbandry by the Quarter Master General's Department; and therefore, by an Act of this Government with Your Lordships concurrence subjected to the Supervision of The Commander of the Forces.

When honored by His Majesty with the civil Command in Chief of this Province as Lieutenant Governor, I considered the appointment as distinct from the Government of Lower Canada, responsible to His Majesty's Government, only, and in direct communication with it.

The Earl of Dalhousie's declaration at parting with the Legislature of Nova Scotia; when He removed to Quebec, afforded the first intimation of a direct active superintendence over the Province in His absence, and was the only hint of such a power except a recent appeal from the Legislature of Prince Edward Island.[3]

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[1] This experiment was not a success and on 6 January, 1823, the Governor notified the Council that "Mr. Papineau being no longer in that public situation cannot now be considered as a member of the Council." The Council record continues:

"His Excellency further informed the Board that as the advantages he had expected to result from the presence of the Speaker in the Executive Council have not been realized, it is not his intention to persevere in the Measure of calling the Speaker to a Seat in the Executive Council." *Ibid., p. 100.*

[2] Q. 328, pp. 185-197. See below pp.

[3] A quarrel having arisen between the Lieutenant-Governor and Legislature of Prince Edward Island, appeal was made to the Governor General, the Duke of Richmond. On March 29, 1819, Richmond transmitted the papers to Lord Bathurst without expressing an opinion. *Q. 152, pp. 76-97.*

A request from Lord Dalhousie through the Deputy Quarter Master General to add certain persons to the magistracy of the District in which the Military Settlement is situated was unhesitatingly complied with, and direction given to the Crown Officer to insert their names in a new Commission of the Peace.

Before it could conveniently issue the short delay was noticed in a Communication from the Deputy Quarter Master General; which perhaps would not have appeared so exceptionable had I not received intimation of Lord Dalhousie's design to organize a body of armed Civilians in the Province which had it been sanctioned by the Militia Laws would have been a direct assumption of the Civil Government.

I merely suggested to His Excellency the possibility that His purpose might be obtained without so strong a measure a suggestion prompted by considerations so obvious, that I thought it unnecessary to do more than hint them to His Excellency— I trust they appeared satisfactory, as I received no further communication on the subject.

When the Commission for the Magistrates was re-urged by the Deputy Quarter Master General I was induced to address His Excellency.

I am not aware of habitually laying an undue stress upon Punctilio but I am not ignorant that to a certain point Form and Ceremony are necessary to uphold the order of Society— I was constrained to notice that the usual decorum was not observed in the communications from The Commander of the Forces to me as Civil Commander in Chief of this Province an innovation which after consideration His Excellency seems resolved to adhere to.

I owed something to myself; much to the situation I have the honor to hold; I was fearful to excite dissention, and averse to commit the Rights of others— I adopted a middle course I communicated my doubts to Lord Dalhousie, and begged that His Excellency would condescend to explain the true light in which I was to consider the repeated communications of Colonel Cockburn as Deputy Quarter Master General upon a subject connected with the Civil Administration of this Province.

His Excellency's explanations which are voluntary extended to His views of general control, are communicated in a Letter, which though I am entirely satisfied there is no part of it that His Excellency could wish should be withheld from the eye of Your Lordship; I am not at liberty to treat as official but He has been made aware that I consider myself obliged to state hypothetically certain positions that I may receive thereon the Instructions of His Majesty's Government.

In this situation I feel how much I shall need Your Lordship's indulgence for unless credit be given to me for having other grounds for proceeding besides those which it is in my power at present to exhibit I shall hardly appear justified in entreating Your Lordship's

instructions for my guidance on the unsupported suppositions That His Excellency may open His Commission in the Spring and take the Oaths as Governor in this Province— That I may in the mean time be questioned on such subjects of my administration as His Excellency may think proper to enquire into— That His Excellency may expect that His suggestions with respect to the Government of this Province shall be entertained with a ready compliance claimed from the obligation of Duty rather than looked for from a concurrence of Judgment— And yet I cannot conceal from myself, nor will my duty permit me to conceal from Your Lordship, my conviction that unless what I now submit meets the early consideration of His Majesty's Government I shall be called upon to decide without the aid of Your Lordships instructions upon these important points on which I can find none—

The Commission, or Warrant of Lieutenant Governor evidently supposes the non residence of a Governor in Chief. The Lieutenant appears to have no instructions but to exercise the powers of the Governor's Commission in His absence. Yet I cannot think that the Governor's presence on a visit to the Provinces should interrupt the exercise of the Lieutenant Governor's functions, unless indeed misconduct justified his removal—

It is most certain that if at pleasure The Governor in Chief supersedes the Lieutenant as Civil Commander in Chief, a measure so unprecedented will be accounted for only in that way; and no palliation of the measure will restore that confidence and respect so essentially necessary to the person who is to preside over a jealous and turbulent Legislature. The very surmise that such a power intervenes between His Majesty's Lieutenant Governors and His Majesty's Government will shake the foundations of every system founded on local and personal experience—

When I assumed the administration of this Government I found the Province in a state of approaching Anarchy which it required strong measures to prevent they were instantly adopted, and without the use of force success attended the suitable application of legal Powers—

It were unreasonable, however, to suppose, that a bad leaven so generally diffused as to raise a Convention from all parts of the Province sitting in the Capital, and dictating to the Legislature, could already so entirely have subsided as to leave no remains! There still my Lord exists a certain degree of ferment in the minds of the disappointed which wants only opportunity to spread again through the mass of the Population—

No means can be devised so likely to produce this effect, as the unprecedented measure of a Governor in Chief taking the Oath of Office in this Province without a view to permanent residence.

It may not be known to His Excellency that by such a step He actually assumes the direct administration of the Government, which during His residence must be administered in His name—

The proclamation of His Style, indispensable on such an event, will be the signal to all who have supposed Grievances— This effect and the embarrassment it produces, I have already experienced; as His Excellency has received in this Province and recommended applications the prayer of which, though His Excellency was not aware of it, the people of this Country must have known, I had it not in my power to comply with; and on the subject of which I had ceased to be harassed with fruitless applications.

The Grant of the Waste Lands of the Crown in the dispensation of an Angel would be the fruitful source of imaginary Grievance.

At the period of my Arrival the tide of Emigration from the United Kingdom was rapid, there was no Land surveyed for the accommodation of Settlers nor was there any fund to pay for Surveys without calling upon the Treasury of the Nation I adopted means to procure Surveys without disbursement—

A great proportion of the new Population was indigent, and unable to pay the moderate fee on the Patent— to such, I made the Grant gratuitous; and raised the charge on the Patent to those who could afford it, in order to compensate the Service of the Patent Officers and to meet other Contingencies.

I destined particular tracts to be sold to provide a future Asylum for the Regulars and Militia Forces in the Province—

I have rigidly insisted on the performance of the Settling duties—

An equitable amendment which I procured in the Assessment Law, leaves it no longer at the option of great Landholders not resident on their property, to evade its Provisions—

In conformity to the Policy and indeed to the absolute commands of His Majesty's Government I have resisted all solicitation to encroach on the Crown Reserves.

These things, equitable in themselves, and obviously beneficial to the Province at large, were offensive to many,—and are not the less so because it is now supposed they are not all approved of by the present Governor in Chief.

Every measure projected has been communicated to Your Lordship and with ready and cheerful submission in the slightest disapprobation of His Majesty's Government received but unless so restrained, I hope that I am not to be overruled by the Commands or the requests equivalent to Commands, of The Governor in Chief, whilst He administers the Government of another Colony; or places Himself in a situation to exercise a temporary control in this, without a view to permanent residence—

The conviction that such an interference on the part of the Governor in Chief, if it could be constitutionally exercised, must inevitably neutralize the power of the Lieutenant Governors of this Province to serve His Majesty efficiently, seems to have been so universal; that the administration of the Government by all my Predecessors affords no one instance of a contrary understanding—

This uniform concurrence of Practice proves that I am adopting no new principle in holding myself exclusively and directly responsible in my situation of Lieutenant Governor to His Majesty's Ministers—

I dare not acquiesce without question in an innovation which would place my Successors on a ground altogether new— I think Your Lordship would not approve of my doing so. It is my misfortune that after so many administrations the necessity of this discussion should first be thrown upon me: but now that it has arisen, the perplexity it occasions me makes it clearly my duty not to leave so important a question to embarrass my Successors.

At the same time I entreat Your Lordship to believe, what I trust The Earl of Dalhousie feels equally with myself, that I should have been found as unwilling as any of my predecessors to differ from the Governor in Chief, upon any point that had been sanctioned by usage; or that was not of too great importance to have been conceded from mere facility—

I cannot help repeating my extreme reluctance and regret at being obliged to call Your Lordship's attention to this subject but I fear I shall soon be compelled to decide whether, if my idea of the Civil Administration of this Province shall unhappily differ from His Excellency's; His discretion or mine is to govern— An important question, which no doubt might be set at rest, with least inconvenience in it's present stage—

The necessity of conveying to me immediate Instructions upon the questions I have stated may better appear to Your Lordship, by my declaring explicitly what I shall conceive it my duty to do if the decision be thrown upon me, while I remain without them—

If His Excellency The Governor in Chief should come into this Province and take the Oaths of Office— I shall consider the powers given to me by my Warrant necessarily suspended by the very terms of it, during His presence: and that all Acts of this Government must during that time be performed in His Name—

Conceiving that this willing exercise of courtesy on a point on which there are no Instructions, cannot be disapproved of by Your Lordship, I will continue to communicate freely to His Excellency on the affairs and interests of this Province; so long as His enquiries do not appear in any degree to proceed from a supposed right to question me as to the Policy or System of my Government; or to call me to an account which I acknowledge myself to owe only to His Majesty—

His Excellency's suggestions of any measures to be adopted by me as Lieutenant Governor of this Province shall as suggestions be respectfuly received, but must be acceded to, or rejected, only as I may concur in their wisdom and experience: And I shall consider that my reasons for not adopting them, can only be demanded by His Majesty's Government.

Lastly should His Excellency in any new instance receive petitions from persons within my Government and claim my attention to the prayer of them; I shall confine myself, to transmitting them with my decisions to His Majesty's Government.

I have the Honor to be
My Lord
Your Lordship's
most obedient
Humble Servant
P. MAITLAND

P.S.

Since writing my dispatch, among other communications in my office, from The Governors in Chief, all clearly confirming me in the conviction, that no idea of a direct control or Superintendance over the Government of this Province has been ever before expressed by any Governor in Chief to any of my Predecessors, I have found a Letter from Lt. General Prescott /then Governor in Chief/ to Mr President Russell, at that time only temporary Administrator of the Government of this Province: in which, the idea, indeed the power, of directing in any matter relative to it's Civil Government is disavowed by The Governor in Chief, almost in the very terms in which, before I had seen that Letter, I had expressed my own sense of the existing relation between the two Governments—[1]

No. 7

DALHOUSIE TO BATHURST[2]

QUEBEC 18th January 1821.

MY LORD.

The want of information or regular Official Communication between the Lieutenant-Governors of His Majesty's North American Provinces and the Governor in Chief, has led me to address a Circular letter to those Officers; with the View of collecting in time, Documents of Official Authority, by which to judge of the interests of the Provinces separately, and which are essentially necessary to the person charged with the Command over all of them.

As it is possible that this step may give offence to some of those Officers, I have thought it proper to send a Copy of my letter and questions Contained in it for Your Lordship's information, and to shew my motives in adopting the Measure.

I have the honor to be
My Lord
Your Lordship's
most obedient
Humble Servant
DALHOUSIE

The Right Honble.
The EARL BATHURST
K.G.
&c &c &c

[1] Prescott to Russell, 31 July, 1797, "The Actual administration of the Government of Upper Canada being vested in you I can interfere in this matter no farther than by offering my advice which you will adopt or not as your local knowledge and the circumstances of the case render expedient. *Q. 328, p. 269.*

[2] *Q. 157, p. 38.*

CORRESPONDENCE WITH LIEUTENANT GOVERNORS, 1821[1]

[16 January 1821]

With the intention of Commencing an enquiry into the state, and general system of the Administration of Government in each of the Provinces committed to my charge, & in which I do not actually reside & govern, I hereby instruct The Civil Sec^y. of the Governor in Chief, to make the proper arrangement in his Office, for the conducting this Correspondence as a separate & confidential branch of that office.

D
Governor in Chief

Draft of Circular to the Lt. Governors of Provinces. Upper Canada, New Brunswick, Nova Scotia, Prince Edward's Island.

I address Your Excellency upon a Subject which I deem to be essentially important in the proper discharge of the duties of the Command to which H.M has been pleased to appoint me—but I must in the first place assure Your Excellency, that the enquiries I shall make, are not intended to interfere in any the smallest degree with that Local Administration which is vested by H.M. in you as Lt Govr my enquiries are for information; & to enable me to communicate confidentially with you upon measures for the general welfare and advantage of HM. North American Provinces—

On assuming the Authority entrusted to me, I found, that there does not exist here, any official information to afford me a proper Knowledge of the actual state of these Provinces severally—information which is, in my idea, highly desirable and even necessary, with a view to unite the interests, facilitate the defence, and contribute the resources of each to the protection & safety of all.

A concerted cooperation with the Lt Governors of the Provincial Governments would enable me to combine measures, and act in unison with their advice; on all occasions having the manifest advantage of a fore Knowledge of the wants, & of the means available at every point of this extensive Command—

With these sentiments I have transmitted certain questions upon which I request Your Excell^y will favour me with a full report separately, as soon as may be convenient.

I have the honor

D

Circular to all.

1. What is the Amount of the Annual Revenue & Expenditure—taken upon an Average of the last six years.
2. In what state is The Militia, & what is the number enrolled in each County. What is the formation—& what is your opinion of the Zeal & spirit towards this most important system of national defence

[1] *Lower Canada Sundries, S 151,* Nos. 60-61.

3. In what state are the great leading roads—which of them do you consider fittest for the movement of troops—most important to be attended to—and what others have you in Contemplation to open for the advantage of the Province
5. Can you do me the favor to procure for me, to be deposited in the Office of The Civil Sec^{y} of Government here, copies of the Laws of the Province, and of the Journals of the Legislature
4. What is the system adopted under H.M. instructions for the granting of the waste lands of the Crown; & the expence of obtaining a grant under the various classes that chiefly apply for them—

Upper Canada.

Convey by letter to The Lt Govr my hopes that he will bring under the consideration of the Provincial Parliament in its next Session—the importance of a leading Communication thro' the new Military townships from Richmond landing place on the Ottawa to the village of Perth

As His Majestys Gov^{t} has lately allowed of large Sums of money being expended in aiding a settlement of that district; & as every thing there is advancing with a progress far beyond the most sanguine expectations I trust that The Lt Govr will see the propriety of giving some effectual aid to the object originally contemplated an object which I conceive of the highest importance to the Upper Province—

New Brunswick.

Convey by letter to The Lt Govr my hopes that he will bring under the consideration of the Pro. Par. in its next session, the great importance of improving the Grading line of communication from Fredericton to the line of the Province this way, and assure him of my Anxious desire to promote on my side a more easy intercourse with N. Brunswick by every means in my power—

REPLY OF MAITLAND TO CIRCULAR LETTER.[1]

Government House
York U. Canada Jany 27th 1821

My Lord

I have the honor to acknowledge the receipt of Your Excellency's Letter with an enclosure containing certain questions and I have to assure Your Excellency that I shall answer those questions for Your Excellency's information in as satisfactory a manner and at as early a period as the duties of my Station will permit—

I have the honor to be
My Lord
Your Excellency's
Most obedient
Humble Servant
P. MAITLAND

H.E
The EARL OF DALHOUSIE G.C.B.
&c &c &c

[1] *Lower Canada Sundries, S 151, No. 76.*

BATHURST TO MAITLAND.[1]

Major General
Sir P. MAITLAND

Downing Street
9th Feby 1821

SIR,

I have had the honor of receiving your Dispatch of the 15th December, stating the apprehensions which you entertain that it may be necessary to refer to His Majesty's Government for explicit instructions as to the civil relations of the person administering the Government of Upper Canada with the Governor in Chief, both when residing in the Lower Province and in the event of his proceeding to and assuming the Administration of the Civil Government in the Upper Province. I am perfectly aware that the measure which was adopted in the year 1814 of placing the Military Settlers in the Upper Province under the Supervision of the Commander of the Forces resident at Quebec, might, in some degree raise a doubt as to the exclusive Civil Jurisdiction and Controul of the Lieutenant Governor of Upper Canada over all persons and proceedings within the limits of that Province. These Settlers, however being mostly disbanded Soldiers were regarded more as a military than as a Civil Body; and it was hoped that the advantage which has been found to result from keeping up their Military habits and retaining them for a limited time under the Controul and supervision of their Officers, might be attained without giving any further occasion to the Commander of the Forces to interfere with the Civil Government of Upper Canada than he would have possessed had the same Individuals been stationed there previous to their being disbanded. As the Settlement advanced, it of course lost much of its Military Character, and it is to this that I am disposed to impute the doubt which may have arisen on a point on which otherwise the respective Commissions and Instructions of the Governor in Chief and of the Lieutenant Governor of the North American Provinces seem to me to be sufficiently clear.

In compliance, however, with the wish which you have expressed to receive a distinct instruction on the point, I have to inform you that so long as the Governor in Chief is not resident within the Province of Upper Canada, and does not take the oaths of Office in Upper Canada, he has no Controul whatever over any part of the Civil Administration, nor are you bound to comply with his directions, or to communicate with him on any Act of your Civil Government. To His Majesty you are alone responsible for the Conduct of the Civil Administration, nor can you be relieved of this responsibility otherwise than by the residence of the Governor in Chief within the Province and by his there taking the Oaths and assuming to himself the Administration, of which it will be his duty to give you proper

[1] *Q. 337 A, pp. 8-11.*

notice—In such case your functions as Lieutenant Governor will be altogether suspended; and although you will continue to enjoy, so long as you continue within the Province, all the Salary and Emoluments of your Situation of Lieutenant Governor, you will, until the Governor in Chief quits the Province, be divested of all Civil Authority—Upon his withdrawing from it, your Authority revives to the same extent in which you possessed it previous to his assumption of the Government. If the Governor in Chief does not take the Oaths, and assume the Government of the Province, he cannot, tho' resident therein, be considered as Civil Governor, but must be regarded, as his Predecessors have been when in the Upper Province, under similar circumstances, merely in the capacity of Commander of the Forces.

I am perfectly aware that much inconvenience might result if the Power which the Governor in Chief possesses of assuming the Government of Upper Canada were to be frequently, or unnecessarily, exercised; but I have, on the other hand, such reliance on Lord Dalhousie's judgment, that I am confident his Lordship, who has been himself Lieutenant Governor of one of the North American Provinces, now within his Government, and as such has had full means of appreciating how important it is that the authority of a resident Lieutenant Governor should not lightly be interfered with, will not, without the strongest sense of public duty, avail himself of a Power which might embarrass the System of your Government, and must tend, more or less to diminish the weight of your authority in the Province particularly confided to your Administration.

I have the honor to be &c

BATHURST.

BATHURST TO DALHOUSIE.[1]

Lt. Genl. The Earl
of Dalhousie.

Downing Street
13th March 1821

MY LORD,

I have had the Honor of receiving Your Lordship's dispatch of the 18th January transmitting a Copy of a Circular which you have addressed to the Lieutenant Governors of the several North American Provinces for the purpose of collecting information on some points on which Your Lordship considers it essentially necessary to be accurately informed—

I have so recently had occasion to make known to your Lordship the principles which regulate the relations of the Governor in Chief of His Majesty's North American Possessions with the Lt. Governors of the several Provinces in which he is not resident that

[1] *Q. 155 A., pp. 87-88.*

it does not appear to me necessary to advert again to a subject upon which I should otherwise from some observations in your dispatch be induced to enter into explanations— With respect to the particular enquiries contained in your circular letter I trust that the Lt. Governors will readily afford you all the information which you required. Much of it indeed, is essential to the due Administration of your Military Command and having no reference to the Civil Government of the several Provinces can be liable to no just exception—and although other of your enquiries relate to Subjects which they may truly consider as exclusively pertaining to the Civil Government of Provinces over which Your Lordship while non-resident has strictly speaking no control yet as Your Lordship has judiciously confined yourself to a request that the desired information should be given to you and have expressed yourself in terms sufficiently guarded with respect to the Lieutenant Governor's authority, I have every reason to hope that the Circular letter may procure for Your Lordship the necessary information without giving cause to agitate the question as to Your Lordships right of requiring it.

I have the Honor to be &c—

BATHURST.

ACT TO INCREASE REPRESENTATION, UPPER CANADA, 1821.

GOULBURN TO MAITLAND.[1]

Downing Street
23d Jany 1821

Major
Lieut. General
Sir P. MAITLAND

Private

SIR,—Among the Acts for Upper Canada for the Year 1820 is one Cap. 2 (for increasing the representation of the Commons &c) the provisions of which appear to Lord Bathurst to require some explanation of the reasons on which they rest before submitting the Act for His Majesty's Confirmation. It is with this view therefore that I trouble you with these few lines. If the power of forming Counties rested with the Crown it might give the Crown a power of extending its influence in the House by subdividing particular Counties into more than one—each having the requisite amount of Population. If the power of forming Counties rests elsewhere, it might produce a direct contrary effect; but in either Case the encrease

[1] *Q. 337 A, pp. 3-4.*

of the Representatives is a measure which may be wise or the contrary, according to Circumstances, and the unlimited encrease which the Act seems to allow is certainly objectionable at first sight. Lord Bathurst would therefore be much obliged to you to let him know what were the reasons which led to the passing this Act, and what the Evil, which it was proposed to remedy, as without this he does not feel able to decide how far it may be proper that the Act should be confirmed or disallowed.

Believe me to be &c

HENRY GOULBURN.

I ought to add that in strictness the Act ought to have a suspending Clause.

MAITLAND TO BATHURST, MAY 4, 1821.[1]

The erection of new Counties and the subdivision of those already formed might properly I conceive in the first instance have been effected by the mere exercise of the Royal Prerogative, but the Act of 1798 having passed after being specially referred to His Majesty, and the Province being thereby divided into Counties any deviation from that division as it must interfere with that Statute can only be accomplished by an Act of the Legislature, and any attempt to exercise that power in such manner as will materially increase the representative body, can be either met when it is made, or may be anticipated by a general instruction to His Majesty's Representative here to reserve any such Bill for His Majesty's consideration.

I will only add further that the Acts of 1800,[2] and 1808,[3] by which the number of Members was enlarged, were not specially Reserved for the Signification of His Majesty's pleasure; and that I followed the course of my predecessors, in assenting to the Bill in question without delay as necessarily obliged to have a general Election in a short time after the end of the Session, and the representation as it stood, was evidently inadequate and unequal.[4]

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[1] Q. 329, pp. 154-155.

[2] See, *Doughty and McArthur, Constitutional Documents, pp. 245-246.*

[3] *Ibid*, footnote.

[4] The same problem was solved on different grounds in Lower Canada. A Committee of the whole Council reported, 6 January, 1822, that in order to change the limits of Counties, application should be made to the Provincial Legislature "in consequence of the 14th Clause of the British Statute 31 Geo. III—Cap. 31." *Lower Canada, State, J., p. 403.* For the clause referred to see *Shortt and Doughty, Constitution Documents, II, p. 1036.*

TRADE AND NAVIGATION LAWS.

BATHURST TO MAITLAND[1]

Major General
Sir P. MAITLAND

Downing Street
8th Feby 1821

SIR,

I have had the honor of receiving your Dispatch of the 12th October, representing the inconvenience sustained in consequence of its not having been distinctly ascertained whether the British Navigation Laws apply to the Province of Upper Canada, and requesting instructions for your guidance. In reply, I have to acquaint you that upon the receipt of your dispatch of the 19th of July 1819,[2] a reference was made to His Majesty's Law Officers for the purpose of ascertaining how far you were warranted in Law in considering the British Navigation Laws as applicable to the Trade of the Province carried on by means of the Lakes; but the nature of their avocations has been such as to prevent my having received as yet any report upon this Subject. It has also appeared to me less necessary to press for an opinion in consequence of the intention, which I long since communicated to Lord Dalhousie, of submitting a Bill to Parliament[3] for the permanent regulation of the Trade of the two Provinces; the provisions of which will necessarily solve any doubts which may at present exist as to the mode in which it may be legally carried on.

Under these circumstances His Majesty deems it more adviseable that you should forbear to enforce the Navigation Laws until specially directed; and He has commanded me to instruct you accordingly.

I have the honor to be &c

BATHURST

CONTROL OVER MONEY BILLS

RESOLUTIONS OF LEGISLATIVE COUNCIL, LOWER CANADA, 7 MARCH, 1921.[4]

RESOLVED, That it is the opinion of this Committee, that it is the undoubted constitutional right of the Legislative Council, to have a voice in all Bills of Aid or Supply, or Money of any kind, levied upon the people of this Province by the Legislature thereof, and in all Bills for Appropriations of the same, whatever the purpose may be.

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[1] *Q. 337 A, p. 5.*

[2] In this despatch, Sir Peregrine Maitland declared that some customs officers were making seizures under the Navigation Acts but that considerable doubt existed as to how far these Acts were applicable to Inland Navigation. He, himself, believed that they should be enforced since. "It is to be remarked that the general policy of the navigation Acts applies strongly to this Province, altho' our exclusion from the ocean prevents their direct tendency to increase the Seamen and Shipping of the Empire at large—for our Lakes and Rivers are of that description that a Naval Force upon them is essentially necessary to our defence in time of war,—and if in our Commerce, we are not confined to the employment of our own Ships and Seamen, when a war occurs with America, the Enemy will have an undoubted ascendancy on the waters." *Q. 325, pp. 276-279.*

[3] The Canada Trade Act (see below p. ..) made a considerable modification of the Trade and Navigation Laws. These laws had heretofore been strictly enforced in Lower Canada.

[4] *Journals of Legislative Council, Lower Canada, 1820-21, pp. 105-106.*

RESOLVED, That it is the opinion of this Committee, that the said right extends to the approval or rejection of all Bills of Aid or Supply or Monies aforesaid, and of all Bills of Appropriation for the whole or any part of such Aid or Supply or such Monies, and that no legal appropriation can be made without the concurrence of the three Branches of the Legislature.

RESOLVED, That the Legislative Council will not proceed upon any Bill of Aid or Supply, which shall not, within the knowledge of this House, have been applied for, by the King's Representative in this Province.

RESOLVED, That the Legislative Council will not proceed upon any Bill appropriating public money, that shall not within the knowledge of this House, have been recommended by the King's Representative.

RESOLVED, That the Legislative Council will not proceed upon any Bill of Appropriation, for Money issued in consequence of an Address of the Assembly to the King's Representative, (Addresses of the Assembly for the expenses of that House, excepted,) unless upon some extraordinary emergency, unforeseen at the commencement of a Session, and which unforeseen emergency will not allow of time for passing a Bill of Appropriation for the same, in the Session when the Address shall have been voted.

RESOLVED, That the Legislative Council will not proceed upon any Appropriation of public money, for any Salary or Pension hereafter to be created, or any augmentation thereof, unless the *quantum* of such Salary, Pension or augmentation shall have been recommended by the King's Representative.

RESOLVED, That the Legislative Council will not proceed upon any Bill of Appropriation for the Civil List, which shall contain specifications therein, by Chapters or Items, nor unless the same shall be granted, during the life of His Majesty, the King.

RESOLVED, That nothing contained in these Resolutions shall be construed to prevent or infringe upon freedom of debate and decision in this House, upon the merits of any matter which shall be recommended by His Majesty's Representative or upon any Bill relating to Public Money upon which this House, according to the spirit of these Resolutions, can proceed.

RESOLUTIONS OF ASSEMBLY, LOWER CANADA, 8 MARCH, 1821.[1]

[RESOLVED,] That the Honourable the Legislative Council cannot constitutionally prescribe or dictate to this House, the manner or form of proceeding on Bills of Aid or Supply, nor upon any matter or thing whatsoever, and that every attempt of the Legislative Council for that purpose, is a breach of the rights and privileges of this House.....[2]

RESOLVED, That the right of originating Bills of Aid or Supply belongs solely and exclusively to this House.....

That the right of originating Bills of Appropriation of public Money, belongs solely and exclusively to this House.....

[1] Journals of Assembly, Lower Canada, 1820-21, pp. 331-333.
[2] The names of mover and seconder, and the result of each division has been omitted.

RESOLVED, That this House are astonished that the Honourable the Legislative Council have passed Resolutions and adopted Rules which affect the constitutional rights and privileges of this House, without having heard the reasons to the contrary, which might have been given on the part of this House.....

RESOLVED, That the said Resolutions have been adopted by the Honourable the Legislative Council, without any difficulty or dispute having arisen between the said Legislative Council and this House, respecting the matters therein set forth, and that the said Resolutions, adopted gratuitously and unnecessarily by the said Legislative Council, are of a nature to retard the re-establishment of that harmony and that good understanding between the two Houses, which it is so desirable should prevail for the good government, peace and welfare of the people of this Province.....

RESOLVED, That all Resolutions, by which one branch of the Legislature lay down for themselves before hand and in a general manner, a Rule not to proceed on Bills of a certain form or description which may be offered to them by another branch, is contrary to Parliamentary Laws and usages, to the Constitutional Act, and to the liberties, rights and privileges of the other branches of the Legislature, and even of that branch which adopts such Resolutions.....

RESOLVED, That by constant parliamentary usage, recognized by several Acts of the Parliament of the United Kingdom and the Legislature of this Province, the Commons of the United Kingdom and the Assembly of this Province, have frequently voted by Address, advances of Money, when the exigencies of the State and Country have rendered it necessary, and that this practice, far from being disadvantageous, has been of very great assistance to Government, as the converse would produce incalculable inconvenience and fatal consequences to His Majesty's Government.....

RESOLVED, That it is the duty of this House towards His Majesty and his people of this Province, to take into their consideration all Salaries, Pensions, and augmentations thereof, and to provide for the same with liberality and justice, although the *quantum* be not mentioned in the recommendation made to this House by the King's Representative.....

RESOLVED, That the Honourable the Legislative Council cannot directly or indirectly, abridge or prolong the time fixed by Bill of this House for the collection of any sum of Money, nor change the mode established by Bill of this House, either for the collection or application of the public money.....

EXPENDITURE OF PUBLIC MONEY LOWER CANADA.

REFERENCE TO COUNCIL, 29 MARCH, 1821.[1]

Ways & Means.

"With a view to ascertain the Means which may exist for the "purpose of defraying the Expenses of the Civil Government I wish "that Instructions should be given to the Auditor General of Public "accounts to prepare a Statement of the Monies in the hands of the "Receiver General and now at the disposal of the Crown toward

[1] *Lower Canada, State Book. J.*, p. 160.

"Public Service, specifying the particular Sources from which the "Monies may have arisen and such Charges as are provided for by "appropriation"—

"I wish also an Estimate of the Probable product of the "Revenue, Casual, Territorial or by Statute this year—Specifying "each particular source, appropriated or not, and shewing thus the "amount that will remain disposable as unappropriated"—

"In doing this I wish Mr Coltman to consult with the Inspector "General of public Accounts—The Receiver General, the Inspector "General of the Kings Domain and the Collector of the Customs in "the manner best calculated to obtain the Information required"—

D.

FIRST REPORT OF EXECUTIVE COUNCIL, ON WAYS AND MEANS, 30 MARCH 1821.[1]

First Report on Subjects referred in Council 29 March 1821. Payment of Public Monies.

May it please your Lordship

The Committee in obedience to the Commands of your Excellency, have proceeded to the Consideration of the several Matters which are referred by the Entry made upon the Minutes of Council by your Excellency's Order on the 29th Day of March last.

Upon the Payment of the Public Monies during the ensuing year:

The Committee beg leave to suggest the necessity of having before them some Statement of the Expenditure which will be called for, and of the means which may be applied to meet it, and concurring with your Excellency in what is stated in the latter part of the Entry made on the 29th March they humbly request your Excellency to direct the Auditor General of Public Accounts to prepare a Statement of the Monies in the hands of the Receiver General and now at the disposal of the Crown towards the Public Service specifying the particular Sources from which the Monies may have arisen and such Charges as are provided for by Appropriation with an Estimate of the probable Product of the Revenue Casual Territorial and by Statute in this year specifying each particular source and what is appropriated and the Amount of what is unappropriated—" And the Committee are of opinion That it is highly expedient that the Auditor General of Public Accounts in the Execution of the above Duty should be directed to consult with the Inspector General of Public Accounts. The Receiver General, The Inspector of the Kings Domain and the Collector of the Customs in the manner best calculated to obtain the Information required.

Upon the Payment of the Members of the Board of Audit.

The Committee concurring with your Excellency That it is just that the Members of the Board of Audit should be paid for the Duties performed by them in the years past do humbly recommend that a Warrant do issue in favor of the Honble Mr Duchesnay for

[1] *Lower Canada, State Book J.*, pp. 162-165.

his Services at the Board of audit for such Sum as your Excellency may deem fit to allow from the Date of his appointment 28th October 1817 to the 30th of this Month, and to the Honble Mr Kerr for such Sum as your Excellency may deem fit to allow from the date of his appointment (6 October 1819) to the 30th of the present Month—

Upon the Grenville Canal

The Dispatch from the Earl Bathurst of the 3d April 1818 sanctioned the Payment of a Sum of Money equal to one Half of the Expense to be incurred in the Construction of a Canal from Montreal to LaChine. And the Letter from the Lords of the Treasury to Mr Secretary Goulburn of the 25 May 1819 sanctions the Payment of the one Half of the Expense to be incurred in the Execution of the several Works proposed for the formation of a Communication between the Provinces of Upper and Lower Canada by the Line of the Ottawa River—From these Dispatches it appears (the LaChine Canal and the Grenville Canal being equally parts of the Communication between the Provinces of Upper and Lower Canada by the Line of the Ottawa River) That an Expenditure on the part of the Crown equal to one moiety of the Expense of both is authorized provided the Provincial Legislature should appropriate to them an equal Sum— Therefore as the Sum appropriated by the Province towards the Construction of the LaChine Canal by the late Statute 1 Geo. IV Cap. is £35000, while the Crown according to the Provisions of this act is to pay the sum of £10000 only upon this part of the proposed Communication there appears to be on the part of the Crown a Balance of £25,000 due and applicable, according to its offer to the Completion of the Remainder— But £9000, having been expended by the Crown upon the Ottawa this sum must be deducted, and then there will remain a Sum of £16000 to be expended by the Crown upon that River, upon the Grenville Canal, and such other Works as may be required to complete the proposed Communication.

In obedience to the Directions contained in the Entry made on the Minutes of Council of the 29th of March last, The Committee humbly report that "No arrangements have been made to authorize your Excellency to proceed in the Works of the Grenville Canal out of Monies to be paid by the Province"— And they respectfully beg leave to submit to your Excellency what they have above stated as the probable Reasons why no arrangements have been made—

All which is respectfuly submitted to your Lordship's Wisdom

By order

(signed) J. SEWELL
Chairman.

Committee Room
30th March 1821

SECOND REPORT OF EXECUTIVE COUNCIL ON WAYS AND MEANS, 28 APRIL 1821[1]

Second Report on Matters referred in Council 29th March 1821.

May it please your Lordship

The Committee have again proceeded to the consideration of that part of the Minute of the 29 of March last which relates to the payment of the Officers of Government and the Contingent Expenses of their respective offices—

His Majesty's Officers in the Service of the Civil Government having performed the Duties of the Several Stations in which they have been engaged to serve without any change in the terms of their Service, are of course entitled to their respective Salaries, and to the payment of such Expenses as they may have incurred of necessity and as usual in the execution of their Trust.

The Committee are therefore of opinion that Warrants should be issued as hath been customary to the Receiver General for the payment of the Salaries and Contingencies of the officers of Government as usual to the First of May next.

What proportion of the sum to be so paid is to be charged against the unappropriated Monies in the hands of the Receiver General and what is the course to be adopted to secure the Crown against loss in consequence of the Step now recommended are questions to which the Committee will give their immediate attention and upon which they will not fail to report with all practicable dispatch.

All which nevertheless is respectively submitted to your Excellency's Wisdom

By order

Council Chambers (signed) J SEWELL
QUEBEC 28th April 1821 *Chairman*

THIRD REPORT OF EXECUTIVE COUNCIL ON WAYS AND MEANS, 19 MAY 1821.[1]

Third Report upon the Reference in Council of the 29th March 1821.

May it please your Lordship

In the Second Report upon this Reference the Committee left for future Enquiry the following Questions viz[t]

What Proportion of the sum recommended to be paid to the officers of the Government should be charged against the unappropriated Revenues of the Province? and

What Course ought to be adopted to secure the Crown against Loss in consequence of such Proportion being so taken from the Provincial Revenue.

In the discussion of these two Questions the Committee have had occasion to reconsider their Report of the 16 June 1820, and seeing no cause to depart from the Principles laid down in that Report they humbly beg leave to refer to it as the present.

[1] *Lower Canada, State Book, J., pp. 169-170.*
[2] *Lower Canada, State Book J., pp. 176-178.*

The Revenues of the Province arising from the Acts of the Provincial Legislature not specifically appropriated to any particular Purpose, for the Reasons stated in the Report referred to stand pledged in the opinion of this Committee for the payment of the Salaries and of the necessary Expenses, not actually provided for, of all permanent offices which the Legislature of the Province has either created or recognized and for the Payment of the same Salaries and Expenses.

The Crown Revenues, particularly the Product of the 14 Geo. III Cap. 88—The Casual and Territorial Revenue—The 5000£ granted by the Provincial Statutes 35 Geo. III Cap. 8 and 9—and the Fines and Forfeitures (if any remain after deducting the Charges of the Witnesses in Criminal Cases according to the Directions of the Provincial Statute 39 Geo. III Cap.) are also pledged— It appears therefore to the Committee that the Salaries of the Officers employed and the Expenses incurred in collecting, keeping and paying, the Crown and the Provincial Revenues being first deducted from their gross amount as recommended in the above mentioned Report of the 16 of June 1820, the whole of the remaining Salaries and Expenses, defined as above must in the first instance be charged against the aggregate of the Crown Revenues, and the Balance taken from such Provincial Revenues as may be in the hands of the Receiver General and are not specifically appropriated to particular Purposes—

It will remain with His Majesty's Government to secure the Crown against loss in consequence of Payments so made out of such Provincial Revenues by withholding the Royal Assent to every and any appropriation of the unappropriated Revenues of the Province which may be proposed until all such Payments so made shall be covered by an appropriation, so much of the Provincial Revenues for that purpose as shall be equal to the Sum taken for the discharge of the above stated Balance— and in the opinion of the Committee this will be the best enforced by a Royal Instruction to His Excellency the Governor in Chief to this effect.

The Committee deem it right to add that all offices and Expenses of offices of Legislative Creation, or which are merely temporary must necessarily be paid from the Funds which are specifically appropriated to their support, and that those offices which are solely of the Crown creation and have not been recognized by the Legislature as well as the Expenses of such offices must be charged against the Exchequer of the Imperial Government— The offices respectively comprehended within these several Classes are particularly designated in the Appendix annexed to the above mentioned Report of the 16 June 1820 and to these the Committee humbly beg leave to refer in explanation of this Report.

All which is respectfully submitted to your Lordship's Wisdom.

By order

(signed) J. SEWELL

19 May 1821 *Chairman*

ROMAN CATHOLIC BISHOP

BATHURST TO DALHOUSIE.[1]

Downing Street
2d April 1821

Lt. Genl.
The EARL OF
DALHOUSIE.

MY LORD,

The Roman Catholic Bishop of Quebec when he was last in England brought under my consideration certain points connected with the Administration of the Affairs of the Romish Church in the Province upon which he was anxious of receiving the decision of His Majesty's Government—

Accidental circumstances prevented my communicating to your Lordship at an earlier period the answer which I then communicated to Mr de Plessis and I am afraid that he may have felt some anxiety from the delay which has taken place.

I have however, now to acquaint Your Lordship that His Majesty has been pleased to give permission to the Revd J. Lartigue and the Revd F. Provencheur to assist him in the Spiritual Administration of the District of Montreal and the Countries situated to the North West of Upper Canada. His Majesty has been further pleased to signify His Pleasure that you should cause Letters Patent to pass the Great Seal of the Province for carrying into effect Mr de Plessis' wishes with respect to the establishment of a Roman Catholic Seminary at Nicolet as proposed by the Bishop in his letter to Sir John Sherbrooke of which a Copy is enclosed and recommended by him in his dispatch to me No. 167 of the 16th Novr 1817.

I have &c—

BATHURST.

FINANCIAL ADJUSTMENTS BETWEEN UPPER AND LOWER CANADA.

MAITLAND TO BATHURST.[2]

UPPER CANADA, YORK.
20th August 1821.

MY LORD,

The accompanying papers will shew that there is no longer any prospect of agreement between the two provinces as to the proportion of duties received or to be received at the port of Quebec and paid to the uses of Upper Canada—A circumstance to which I am compelled by the very distressing situation in which it places the Government of this Province, to intreat most earnestly Your lordship's early attention—

[1] *Q. 155 A, pp. 98-99.*
[2] *Q. 329, pp. 296-298.*

The result is that we are without that portion of our Revenue since June 1819; on which and on the probable future receipt under renewed agreements the Legislature of this Province had authorised me to raise Twenty-five Thousand pounds on Debentures, payable in Three years, for the purpose of discharging arrears and growing dues to the Militia pensioners.

The hopes of these Claimants, deferred for more than two years, by the want of funds thus withheld by the Province of Lower Canada has been raised to almost a certainty of gratification at this period—The disappointment will of course be extreme, as many of them have no other means of subsistence.

Although this disappointment is at the present moment the most prominent inconvenience arising from the principles adopted by the Lower Provinces, others are not wanting to perplex the administration of this Government, from pecuniary difficulty, which will drive me most reluctantly to have recourse to the Military Chest to defray the ordinary and current charges of Government—

I have no reason to expect any direct relief from an early call of the Legislature, but I concur in the advice of my Council on the propriety of such a measure, which I should not delay but that the Harvest and the Circuits at this Season will render it almost impracticable to collect the two Houses before the middle of November.

It seems impossible to avoid recourse to the Imperial Parliament, to settle the Amount and mode of Drawbacks on Imports at Quebec, consumed in this Province; and in the prospect of such a measure, I take leave to refer Your Lordship to a Memoir on the subject which I have the honor to enclose, with the references.

I have the honor to be,
My Lord,
Your Lordship's
most obedient
Humble Servant

P. MAITLAND.

The EARL BATHURST K.C.
&c^a &c^a &c^a

MEMOIR[1]

31st Geo. 3rd Ch. 31. Sec. 46 & 47.

By the Constitution of the Provinces of Upper & Lower Canada, a distinct Legislature is given to each Province, but by the 46th Section it is provided that the power of regulation of Commerce should continue to be exercised by His Majesty His Heirs and Succesors and the Parliament of Great Britain, subject to the condition of applying any Duties which may be imposed for that purpose to and for the use of the Colony, Province or Plantation in which the same shall be respectively levied to be appropriated by

[1] This is the best account of the question, *Q. 329, pp. 351-360.*

the respective Legislatures, but regulated as to the payment of Drawbacks of such Duties, by the appointment and Direction of His Majesty in Parliament.

This reservation was indispensable as to the two Provinces which had but one Sea-port or possible access to the Ocean, and which was situated in the Lower Province.

Ch. 10. In 1793 The Legislature of Upper Canada, claiming to exercise a power to impose Duties on Imports into the port of Quebec, did enact that a Duty over and above all other Duties, of four pence per Gallon, on Madeira wine and two pence per Gallon on all other wine should be received by the Collector of that Port and by him paid to the Receiver General of the Province of Upper Canada to be applied to pay the Salaries of the Officers of the Legislative Council, Ch. 9. and Assembly, with the contingent Expences thereof. But the preceding Chapter of the same Statute had authorized the appointment of Commissioners to form a Provisional agreement with Lower Canada on this delicate Subject, and in the next Session ratified an Agreement 35 Geo. 3d. Chap. 8. between the respective Commissioners

1st That Upper Canada should receive as its proportion of Duties on Wines imposed by the Legislature of Lower Canada, in 1793. and 1794. the sum of £333. 4. 2 in full.

2nd That the Legislature of Upper Canada would not impose any Duties whatsoever on any Wines Goods or Merchandize imported into Lower Canada and passing into Upper Canada, but will allow and admit the Legislature of Lower Canada to impose and levy such reasonable Duties on such Goods &c^a as aforesaid as they may judge expedient.

3rd That of such Duties Upper Canada should receive one eighth and Lower Canada retain seven eighths.

This agreement which was limited to 31st December 1796, admits that the Port of Quebec was common to both Provinces, and that Upper Canada might impose Duties on Imports there, for her use, if she had not consented to commit that power, exclusively, to Lower Canada, and it also admits the mutual sense of a fair and equitable adjustment of the proportion by the respective populations then estimated as one to eight—

It was but too obvious that concord could not long subsist on such a basis.

At the expiration of this Agreement the proportion of population was questioned and resort was had to an actual Drawback to be ascertained by a Barrier and Report of dutiable Commodities passing it.

See Statement to Sir J. Sherbrooke by the Commissioners in 1817. This experiment was attended with great expense, and led to disputes which still subsist as to the Drawbacks justly claimable on the consumption in Upper Canada, which from various causes was not included in the Report at the Barrier.

See Stat. U.C. 58. Geo. 3d. Ch. 13.

An appeal to the Mother Country was threatened but was stifled at the moment by a renewed Agreement stipulating the proportion of Upper Canada of all Duties received at Quebec to be one fifth.

The renewal of this Agreement from time to time being necessary to assure to Upper Canada the greater part of her revenue and without which her yearly expenditure could not be met, might reasonably have suggested the propriety of a guarantee, which in the nature of things between two parties independent of each other, but having one and the same Sovereign, could only be that power which could coerce the performance of the contract on either side, the Parliament of the United Kingdom.

The necessity of such a guarantee was enforced upon the notice of Upper Canada by an event which it had not foreseen.

In the fulness of confidence she had not only consented that Lower Canada should provide the means of Revenue, but also that she should direct the mode of payment, so that when the Assembly of Lower Canada separated without a direct appropriation of the one fifth for Upper Canada, which happened for two Years successively, it remained locked up in the Chest of the Lower Province, and no sense of Justice could prevail upon the Executive Governm'. to authorize the payment of the same proportion as the expired agreement allowed, or, indeed, of any other—

There was a fund arising from duties imposed by the Parliament of Great Britain, before the division of the Province of Quebec, for the support of its Civil Government and the administration of justice; not at the discretion of the Legislature, but of the Lords of His Majesty's Treasury— As Upper Canada had been part of the Province of Quebec, the Lieutenant Governor in this dilemma called upon the Governor of Lower Canada for a proportion of that fund, but His Excellency on reference to the Executive Council, by its advice, declined any payment, or advance either from that fund or the general Receipt of Duties.[1]

See Report of Executive Council of L. Canada to Lord Dalhousie in Sir P. Maitland's Dispatch to Lord Bathurst N° 6 of 14th Dec. 1820.

Two Years privation of that Revenue had created an accumulation of Debt by Upper Canada, and especially to Pensioners disabled in the late War— Not doubting but that the Legislature of Lower Canada when it met for business, would repair as much as possible the injury which accrued to Upper Canada, from two Years arrear, but would also continue the same proportion of Revenue until His Majesty's Government should take the sense of Parliament on our case.

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[1] The Executive Council reported on *16* Oct. *1820* that: "The Duties collected under the 14th Geo. III C. 88, being appropriated by the Imperial Parliament to the support of the Civil Government of the Province of Quebec And the Sums which have been raised under this Act and been paid to the Upper Province having been so paid in consequence of a Special Agreement between the two Provinces which no longer exists, and as the Lower Province has been required to pay the Expenses of their own Civil Government while those of Upper Canada have hitherto been and yet are paid by Annual Grants of the Imperial Parliament.

The Committee are humbly of opinion that no part of the Sums levied under 14th Geo. III Cap. 88, should be paid to the Upper Province without the Sanction of the Legislature or the Direction of His Majesty's Ministers." *Lower Canada, State Book, J., p.* 87.

Report of Comm'rs 1821.

The Legislature of Upper Canada authorized the Governor to borrow on the security of that arrear and expected Revenue, where with to discharge the arrears of pension, but the Report of the Commissioners appointed to conclude a new Agreement, or continue the last, shews manifestly that resort to Parliament can no longer be delayed, either to interpose between the two Provinces by the continued exercise of the Authority it has reserved, or by repeating [sic] the double Charter, and resorting to its full operation the 14th of His late Majesty.

The latter measure will not probably be resorted to whilst others can answer the purpose. It is therefore desirable to shew that the objections to a Drawback of Duties proportioned in their Amount to the Population of the respective Provinces, are of no Weight.

Parliament provided for the contingency of a single Port for both Provinces and reserved to itself the regulation of Drawbacks.

Provisional Agreement 1796—1/8th.

The Provinces mutually agreed that the fairest principle to regulate them was the several populations, and after trial of the only other criterion, resorted again to the first, and Lower Canada was constrained to acknowledge an increased proportion in the population as 1/5th to 1/8th between the years 1796 and 1816.

Barrier at the Coteau du Lac.

As the population has more rapidly augmented in proportion in Upper Canada in the last five years than in the twenty years preceding, Upper Canada is now entitled to at least as great if not greater proportion of the Duties than that settled by the last Agreement.

It may well be supposed that a jealousy of the increasing Numbers of the Upper Province in proportion to that of the Lower, may have suggested the means now resorted to of discovering that mode of Drawback, and have given rise to the singular proposition of recurring to ex post facto evidence of purchases, Imports and consumption of dutiable goods in Upper Canada during the interval when, for want of parties an agreement could neither be continued or renewed.

See Report of Commys'rs 1821.

The futility of such a proposition is So evident as to demonstrate that no agreement was contemplated by Lower Canada, and such a supposition is encouraged by the ungracious remark on the dependence of the one Legislature for its Revenue upon the Acts of another, which Upper Canada had acquiesced in because she confided in the reason and justice of the sister Province. That dependance no longer exists, the contract has expired, and the impracticability of a double Legislation on this Subject is so evident that it is hoped it will not be again attempted, but that our future reliance will be on the justice of the Imperial Parliament.

The Port of Quebec is a National and not a Provincial Subject, and, as far as relates to the Receipt of Customs, should be withdrawn from the control of either Province.

The Crisis is pressing, the Province of Upper Canada is in a State of Bankruptcy, whilst its Revenue for two years past is with-

held by the sister Province, and it remains without Provision for the future. The wisdom of Parliament may not think Proper to enforce any change without better information, but there can be no injustice in Continuing the effect of the last Subsisting Agreement, and enforcing the payment of the arrears and growing proportion of one fifth of the Duties received at the Port of Quebec, until upon fuller information it may be Satisfied of the justice of increasing that proportion; and then upon a fixed principle, establish it in future by a triennial Act which shall leave the two Provinces no cause for discord.

To obtain this fuller information it may be expedient for His Majesty under sanction of Parliament, to name a Commissioner who, with one other from each Province, shall ascertain and report the arrears, if any, due to Upper Canada, and the population of either Province by an Actual Census.

Address of Assembly, Upper Canada, on the proportion of duties due from Lower Canada, 8 July 1822.[1]

May it please Your Excellency:—

We, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, having examined the Public Accounts as far as the same have been laid before us, beg leave to represent to Your Excellency that although a large sum was received from Lower Canada during the present year on account of arrears of Provincial Duties due to this Province under the Provisional Agreement, we have reasons to know that large sums are still outstanding on the same account, as well as under an Act of the parliament of Great Britain, passed in the fourteenth year of His Majesty's Reign, intituled "An Act to establish a fund towards further defraying the charges of the administration of Justice and support of the Civil Government within the Province of Quebec in America," no part of the last mentioned duties have been accounted for to this Province prior to the year 1817.

That the authorized demand on the Provincial Treasury for the present year, as well as for the year 1820, cannot, we fear, be met from the ascertained resources at the disposal of the Receiver General; we therefore pray that Your Excellency will adopt such measures for obtaining payment of the outstanding balance, through the medium of Commissioners as may be best adapted to procure that effect.

We respectfully request leave to call your Excellency's attention to the singular situation in which this Province is placed with respect to its revenue, by the expiration of the Provincial Agreement, and the difficulties in which it must be involved should the agreement not be renewed, or any of the laws imposing Duties be suffered to expire. We feel pursuaded that every consideration will be given by Your Excellency to the subject, and that some arrangement may be made with our Sister Province, or through the intervention of the Imperial Parliament, to prevent the evil which must otherwise arise.

[1] *Journals of Assembly, Upper Canada, 1819, p. 132.*

EXPULSION OF BIDWELL[1]

To the Honorable the House of Assembly of the Province of Upper Canada, in Provincial Parliament assembled.

The Petition of the undersigned, Freeholders of the Incorporated Counties of Lennox and Addington, in the Midland District,

Humbly Sheweth:—

That by virtue of a Writ issued in the usual form to John McLean, Esquire, as Returning Officer, the Freeholders of these Incorporated Counties were called on to choose a Member to supply in Parliament the place of Daniel Hagerman, Esq., deceased. That the said election was accordingly held at the village of Bath, on Monday the fifth day of November last, and that the poll was kept open by a contest between Mr. John Church and Mr. Barnabas Bidwell until the succeeding Saturday, when the latter having a majority of forty-nine votes was declared duly elected.

Your Petitioners humbly beg permission to call the attention of Your Honorable body to the qualification of the person thus returned to represent the said Counties of Lennox and Addington.

They Respectfully represent that though the said Barnabas Bidwell may have resided in this Province during the necessary time, and have also become possessed of the amount of property legally required in a candidate, Your Petitioners are induced to believe, and indeed are fully convinced that there are circumstances connected with his character which render him utterly unworthy of the high honor of sitting in your august House. That at the period when the said Barnabas Bidwell first came into this Province, which was about ten years ago, divers reports highly discreditable to his character were in circulation respecting the cause of his quitting the United States. That the said Barnabas Bidwell formerly held the office of Treasurer of the County of Berkshire in his native State of Massachusetts, and that in the discharge of the duties of which office it was asserted in the newspapers of the American Union, without contradiction, and generally believed, that the said Barnabas Bidwell had been guilty of a misapplication of the Public Funds entrusted to his care, and that having unsuccessfully attempted to cover this breach of his public duty, by an erasure in his accounts, he was compelled precipitately to abandon his native State, and, pursued by a Proclamation of the Governor, offering a reward for his apprehension, to flee for refuge beyond the jurisdiction of the Federal Laws into Canada. Your Petitioners fear not to assert that these circumstances are notorious, and that they remain uncontradicted and generally credited, as well in this Province as within the limits of the American Union.

Your Petitioners beg leave further to represent that the said Barnabas Bidwell, though now claiming to be a natural born subject of our Most Gracious Sovereign, remained in the revolted colony during the whole of the Rebellion that terminated in the acknowledgement of their independence and an absolution

[1] *Journals of Assembly, Upper Canada, 1821, pp. 11-13.*

of their allegiance to the British Government, and that he afterwards, as a citizen of the United States, became a Member of Congress, an Attorney General of the State of Massachusetts, and a Treasurer of the County of Berkshire in the same State.

That previously to entering on the duties of any of the above situations he was compelled by the Constitution of the State of Massachusetts to take an oath to the following effect.

"I., A. B., do truly and sincerely acknowledge profess, testify and declare that the Common wealth of Massachusetts is, and of right ought to be, a Free, Sovereign and Independent State; and I do swear that I will bear true faith and allegiance to the said Commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatever, and that I do renounce and abjure *all allegiance, subjection and obedience to the King Queen or Government of Great Britain, as the case may be,* and every other Foreign Power whatsoever; and that no foreign Prince, persons, prelate, State or Potentate, hath or ought to have any jurisdiction, superiority, pre-eminence, authority dispensing or other power in any matter civil, ecclesiastical or spiritual, within this Commonwealth, except the authority and power which is or may be vested by their constituents in the Congress of the United States; and I do further testify and declare that no man or body of men hath or can have any right to absolve or discharge me from the obligation of the oath, declaration or affirmation, and that I do make the acknowledgement, profession, testimony, declaration, denial, renunciation and abjuration heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion or secret reservation whatsoever. So Help Me God."

That when the said Barnabas Bidwell was called on during the late War to take the oath of allegiance to His Brittanic Majesty, he, bearing no doubt in mind his previous oath, remarked, that he did not consider it binding, as it was compulsory, a fact which can be proved by the Magistrates who administered the oath.

Your Petitioners therefore, considering all these circumstances as undeniable, and that they morally incapacitate the said Barnabas Bidwell as a Member of our Provincial Parliament, and considering the disgrace which will justly attach itself to this Province and to your Petitioners in particular, should persons void of reputation or moral character be allowed to intrude themselves into Your respected and Honorable House, beg leave most reverently to call the attention of Your Honorable Body to this case, and intreat, should the statements above made be sustained, as Your Petitioners are convinced they can be by satisfactory proof, Your Honorable House will declare the Election of the said Barnabas Bidwell to be null and void, and thus preserve pure and unsullied the dignity of Your Honorable House.

And Your Petitioners, as in duty bound, will ever pray.

FREDERICKSBURGH, (Signed by) TIMOTHY STORING
Nov. 17, 1821. and 125 others.

2nd January, 1822.[1]

Mr. Nichol seconded by Mr. Horner, moves that it be resolved that the allegations contained in the Petition of Timothy Storing and other Freeholders of the incorporated Counties of Lennox and Addington, respecting certain newspaper reports and certain occurrences in the United States of America, implicating the moral character of Barnabas Bidwell, Esq, one of the sitting Members for the said incorporated Counties, being altogether founded on ex parte statements, and alluding to transactions beyond the jurisdiction of this House, and respecting which no compulsory process for the attendance of exculpatory testimony could issue therefrom, and that as the said reports and occurrences are not, even if true, legal disqualifications for a seat in this House, the same cannot be taken into consideration or decided upon under the Act of this Province for the Trial of Controverted Elections.

In amendment, Mr. Attorney General, seconded by Mr. Jones of Grenville, moves that after the words "counties" in the original motion, the remainder of the Resolution to the words "are not even if true" be expunged, and that after the word "House" the words "and that" be inserted.

On which the House divided, and the yeas and nays being taken were as follows.

. . . . . .

The question was carried in the affirmative by a majority of twenty-seven.

On the original question as amended being put the House divided, and the yeas and nays being taken were as follows:

. . . . . .

The question was decided in the affirmative by a majority of three, and it was resolved accordingly

The House then adjourned till ten o'clock to-morrow.

3 January, 1822[2]

Agreeably to the order of the day, the House proceeded in the trial of the Lennox and Addington Petition.

Mr. McMartin, seconded by Mr. Jones of Grenville moves that it be resolved that the allegations set forth in the Petition of Timothy Storing and others Freeholders of the Incorporated Counties of Lennox and Addington, against the Election of Barnabas Bidwell, Esq. sitting Member for the said Counties, having been proved at the Bar of the House, the said Election is hereby declared to be void.

In amendment, Dr. Baldwin, seconded by Mr. Willson of Prince Edward, moves that after the word " that " the whole of the original motion be expunged, and there be inserted the following words, " it be resolved that the allegations in the Petition of Timothy Storing and others have not been proved in such manner as in the judgment of the House to render the Election of Barnabas Bidwell void."

On which debates ensued.

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[1] *Journals of Assembly, Upper Canada, pp. 212-214.*
[2] *Ibid, p. 215.*

4 January, 1822[1]

Dr. Baldwin's amendment was then put as follows.

Dr. Baldwin, seconded by Mr. Willson of Prince Edward, moves that after the word "that" the whole of the original motion be expunged, and that there be inserted the following words, "it be resolved that the allegation in the Petition of Timothy Storing and others have not been proved in such manner as in the judgment of this House to render the election of Barnabas Bidwell void .....

.....

The question was carried in the negative by a majority of one.

Mr. Gordon in amendment, seconded by Mr. Attorney General, moves that after the words "resolved that" in the original motion all the remainder be expunged and the following inserted "sufficient of the allegations contained in the Petition of Timothy Storing and others, Freeholders of the Incorporated Counties of Lennox and Addington, complaining of the return of Barnabas Bidwell, Esquire, Sitting Member for those Counties, having proved at the Bar of this House to void the Election of the said Barnabas Bidwell, Esq, the same is hereby declared void."

On which the House divided, and the yeas and nays being taken were as follows .....

.....

The question was carried in the affirmative by a majority of one.

The original question as amended was then put and carried.

Mr. Attorney General, seconded by Mr. Ruttan, moves that it be resolved that a new Writ be directed to issue for the election of a Member to represent the Incorporated Counties of Lennox and Addington, in the place of Barnabas Bidwell, Esq, whose election has been declared void.

Which was ordered.

INSTRUCTIONS TO GOVERNORS

ASSEMBLY OF LOWER CANADA TO GOVERNOR, 29 DEC. 1821.[2]

On Motion of Mr. *Cuvillier*, seconded by Mr. *Bureau*,

Resolved, That an Humble Address be presented to His Excellency the Governor in Chief, praying His Excellency will be pleased to cause to be laid before this House:

A Statement of the proper provision for the support of the Government of the Province of *Quebec* as fixed by the Royal Instructions previous to the seventeenth December, one thousand seven hundred and ninety-two.

A statement of ditto for the Province of *Lower-Canada* as fixed by the Royal Instructions at the latest period previous to the thirty-first day of December one thousand seven hundred and ninety-seven.

A statement of ditto as fixed by the Royal Instructions at the latest period before the tenth day of February one thousand eight hundred and ten.

A statement of ditto as fixed by the Royal Instructions at the latest period before the seventh day of January one thousand eight hundred and eighteen.

[1] *Journals of Assembly, Upper Canada, pp. 220-221.*
[2] *Journals of Assembly, Lower Canada, 1821-22, p. 39.*

DALHOUSIE TO ASSEMBLY.[1]

DALHOUSIE, GOVERNOR.

In answer to the Address of the House of Assembly of the twenty-ninth December last, the Governor in Chief feels it his duty to decline to lay the Royal Instructions or any part of them before the House for Public Discussion, considering them to be confidential Instructions from His Majesty to His Representative for the time being.

D. G.

Castle of St. Lewis,
Quebec, 8th January 1822.

EXPENDITURE OF PUBLIC MONEY, LOWER CANADA, 1822

RESOLUTIONS OF ASSEMBLY, LOWER CANADA, 12 JANUARY, 1822.[2]

Resolved, That it is the opinion of this Committee, That the application of any sum or sums of Money already levied, or which hereafter may be levied on His Majesty's Subjects of this Province, otherwise than such application is or may be directed to be made by the express provision of Law, is a breach of the Privileges of this House, and subversive of the Government of this Province, as established by Law.

Resolved, That it is the opinion of this Committee, That this House will hold personally responsible his Majesty's Receiver General of this Province, and every other person or persons concerned, for all Monies levied on His Majesty's Subjects in this Province, which may have legally come into his or their hands, and been paid over by him or them, under any authority whatsoever, unless such payment be, or should be authorized by an express provision of Law.

Resolved, That it is the opinion of this Committee, That it is expedient to grant an Act of Indemnity for all Expenditures of Public Monies made by and under the authority of His Majesty's Executive Government in this Province, for and during the years one thousand eight hundred and nineteen and one thousand eight hundred and twenty-one, to the extent of the sums voted by this House for the Expenditure of the said years respectively.

Resolved, That it is the opinion of this Committee, That the sums of Money which this Province was liable to contribute towards the payment of Interest on Army Bills, under the Provincial Statute of fifty-second *George* III. intituled, "An Act to facilitate the circulation of Army Bills;" at the rate of fifteen thousand pounds per annum, have been paid and discharged by this Province, up to the seventh December one thousand eight hundred and fifteen, the day on which the Interest on the said Bills ceased and determined, in virtue of the Proclamation of His Excellency the Administrator of the Government, issued for calling in the said Army Bills, in pursuance of and agreeably to the provisions of the said Statute.

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[1] *Journals of Assembly, Lower Canada, 1821-22, p. 65.*
[2] *Ibid, pp. 84-85.*

Resolved, That it is the opinion of this Committee That this Province is not indebted in the sum of twenty-five thousand nine hundred and seventeen pounds twelve shillings and four pence sterling, nor in any other sum of Money whatever, for arrears of Interest on Army Bills.[1]

Resolved, That it is the opinion of this Committee, That the sums granted and appropriated for any special service should be applied, by the Executive Power, only to defray the expenses of that service, and that the application of any surplus of funds to uses for which they were not appropriated, is a misapplication of the public Money, a daring breach of public Trust, a violation of the Rights and Privileges of this House, and subversive of the Government of this Province, as established by Law.

Resolved, That it is the opinion of this Committee, That it is expedient to grant an Act of Indemnity for the Disbursements made and incurred by the Executive Government of this Province, for and during the year one thousand eight hundred and twenty, not exceeding the sums of money voted by this House, for the expenditure of the year one thousand eight hundred and nineteen.

Resolved, That it is the opinion of this Committee, That the Acts of Indemnity which this Committee are of opinion should be granted, shall not form nor be drawn into precedent for the future.

Dalhousie to Assembly, Lower Canada, 6 February, 1822.[2]

DALHOUSIE, Governor.

The Governor in Chief, at the close of the last Session, pointed out the difficulties which would follow from the want of the usual appropriations of public Monies to meet the public Expenditure, and particularly stated that the Government would be left without the pecuniary means which its exigencies would indispensably require, if he did not advance them on his own personal responsibility.

Accordingly the Governor in Chief did so advance the difference between the amount of the Royal Revenue which was placed at his disposal, and the total amount of the civil Expenditure of the Province, and he called upon the Assembly by Message of the eighth of January last to make good this difference.

The Governor in Chief therefore has not put in question the constitutional principle which directs the application of public Monies, by the Governor in Chief, to the purposes for which they are appropriated; he has relied with confidence upon the faith of the Assembly, which was pledged to pay the civil

[1] These were the Army Bills which were issued during the War of 1812. The Assembly had appropriated £15,000 annually to pay interest, but on December 7, 1815 the Government declared itself willing to redeem the bills and that interest would therefore cease. In the public accounts for 1815 a charge of £20,301.7.4 was made to pay the interest from 1 August 1814 to 7 Dec. 1815, showing that the account was closed. None the less the Bills were not turned in and in 1818 the Hon. John Young, Chairman of the Board of Audit, declared that the grant of £15,000 per annum still held good. The Assembly refused to agree and their stand was upheld by W. B. Coltman who succeeded Young in 1819. The British Treasury laid a claim for this against the Province but relinquished it in 1823. See *Davidson to Wilmot Horton, 22 August 1823, Q. 167, pp. 367-369.* For a memorandum on this subject see also *Q. 163, pp. 315-317.*

[2] *Journals of Assembly, Lower Canada, 1821-22, pp. 155-156.*

Expenditure of the Province, and in the firm belief that he should act in conformity to the wishes of the Legislature, he took upon himself this great responsibility in order to prevent consequences equally distressing to individuals and ruinous to the general interests of the Province.

By the proceedings of the present Session, circumstances are materially changed. It will not now be in the power of the Governor in Chief to make further advances, nor will it be consistent with his duty to venture a greater stretch of responsibility. He therefore informs the Assembly that he will apply the Territorial and Casual Revenues, Fines, Rents, and profits which were reserved to and belonged to His Most Christian Majesty before and at the time of the conquest and surrender of *Canada* to His late Majesty the King of *Great Britain*, the monies raised by Statutes of the Imperial Parliament, and the sum of Five Thousand Pounds sterling, raised by the Provincial Statute, thirty fifth *George* the Third, Chapter nine, towards defraying the Expenses in support of His Majesty's Civil Government and of the administration of Justice in this Province, according to the appropriations of the said Statutes.

Should there be any surplus remaining after the payment of these Expenses, the Governor in Chief will then apply that surplus towards defraying the expenses of such local Establishments and objects of public charge as form no part of His Majesty's Civil Government, and are not connected with the administration of Justice.

The Governor in Chief does not, however, flatter himself that there will be any such surplus; he therefore calls upon the Assembly for the Supply necessary for defraying the several Expenses of those different local Establishments and objects of public charge to which he has referred, and which appear by the Expenditure of last year, which he has caused to be laid before the Assembly in this Session, will amount to about Thirty-five thousand pounds, including the Expenses of the Legislature and of the Collection of the public Revenues.

The Governor in Chief deems it to be his indispensable duty to add that, if these Supplies are not granted, he will have no means to defray the Expenses of these local establishments and objects of public charge, except where payment has been provided by specific appropriations.

Castle of St. Lewis,
Quebec, 6th Feby. 1822. } D.G.

DALHOUSIE'S SPEECH ON PROROGATION OF ASSEMBLY, 18 FEBRUARY 1822.[1]

On a full consideration of the situation of affairs, and of the peculiar circumstances which have led to it, I am satisfied that no benefit to the Public can be expected from a continuance of this Session, and I have therefore determined to prorogue the Provincial Parliament.

I deeply regret, that it should have been thought proper to have recourse to the unusual practice of withholding the necessary Supplies. Whatever may have been the intention of that measure, I am happy to state, that it will not at all affect the Administration of His Majesty's Civil Government, or of Justice,

[1] *Journals of Assembly, Lower Canada, 1821-22, pp. 189-190.*

or the Officers employed in either of those departments. The effects will fall entirely upon the local Establishments, and will be felt highly injurious to the interests of His Majesty's loyal and faithful Subjects in this Province.

The Proceedings which have led to this measure, have afforded me the greatest satisfaction of knowing that the Legislative Council of this Province duly appreciate the important duties of their elevated station.

Their conduct has assured me that His Majesty may rest confident of their firm support in maintaining the true principles of the Constitution, and the just Rights of the Crown, so also it will be the object of my constant study to maintain these, and to employ the powers intrusted to me by His Majesty to the only end for which they were given—the good of his Subjects.

PETITION TO ASSEMBLY FROM EASTERN TOWNSHIPS 1822[1]

A Petition of divers Inhabitants of the Eastern Townships, whose names are thereunto subscribed, was presented to the House by Mr. *Davidson,* and the same was received and read, setting forth, That the Inhabitants of the Eastern Townships again approach the Legislature to state the grievances under which they continue to suffer, notwithstanding the reiterated representations made in their numerous Petitions for relief. The Petitioners submit in the first place, as the most serious and unconstitutional grievance that from the great extent of the Counties and the absolute impossibility of attending the places of Election (which are all remote from the Townships,) the people are deprived of their just and undoubted right of equal and virtual representation in the Legislature of the Province. To this evil they attribute the numerous discouragements under which they labour; and the neglect of their former supplications for redress. The unprotected situation of Persons and Property, arising from the distance of the Courts of Civil and Criminal Judicature, from the want of means of securing Offenders, and from the ruinous expenses attending Trials in the Courts of the Districts as at present laid out. The uncertainty and hazard attending the purchase of Landed Property, and the consequent litigation and inducements to fraud, proceeding from the want of Offices for enregistering the transfers and mortgages of real Estates. The general want of Internal Communications, and of Roads to the Capital and to the Markets of the Province, arising altogether from the inefficiency of the existing Road Laws, inapplicable in the present state of Property in this Country, expensive to establish, and oppressive in operation. The want of local Regulations of Police, for adjusting Weights and Measures, and other minor objects interesting the Internal Traffic of the Country. The discouragement to the Agriculture and Commerce of the Province, arising from the unrestricted introduction of Cattle and Manufactures into the Townships from the United States. The Petitioners most earnestly entreat the attention of the House to apply such remedy as may appear expedient, to the grievances complained of, and they would with all due

[1] *Journals of Assembly, Lower Canada, 1821-1822, pp. 73-74.* A similar petition was sent to the Council. For the deliberations upon it, see *Lower Canada, State Book, J., pp. 240-242.*

deference to its superior wisdom, suggest the following measures for the consideration of the House, viz. First, the imposition of a Duty of Seventeen and a half per Cent on all Cattle imported from the United States into the Province, and the erection of a Port of Entry and Custom House in a Central Part of the Townships. Second, the establishment of Police Regulations and of Sworn Meters in each Township. A modification of the existing Road Act, or preferably, a new Law accommodated to the peculiar tenure and circumstances of the Lands in this Country. Fourth, the Establishment of a Registry Office for each District or County, comprehending all Sales, Transfers and Mortgages of every description of Landed Property, the expenses of the same to be defrayed by the fees on enregisterments. Fifth, A new division of the Country, by the erection of one or more new Districts,[1] the erection of correspondent Gaols and Court Houses, and the establishment of Courts of Justice within the reach of all the Inhabitants of the Townships. And lastly, the Petitioners implore the House to adopt immediate measures for admitting the People of the Townships to the exercise of their imprescriptible rights as British Subjects, in the election of Representatives to the Legislature, by assigning to the Townships such number of Members as may be proportionate to the importance of the Country, and the extent of its population.

[1] The Judicial District of St. Francis was erected in 1823.

Calendar of State Papers, Addressed by the Secretaries of State for the Colonies to the Lieutenant Governors or Officers Administering the Province of Upper Canada, 1796—1820

G. 53, Pt. I

Duke of Portland to Major General Simcoe. No. 14. Stating that he had referred to Law Officers, Lieut. Governor's despatch No. 34 and enclosures respecting difficulties which had arisen as to titles to land granted prior to Constitutional act, which required reservations from all grants for Crown and Clergy, and enclosing their opinion. (Enclosure.) p. 1 **1796** Whitehall, April 22.

Portland to Simcoe. No. 15. Respecting provision for clergymen and school masters in province. He had before him letter from Bishop of Quebec with enclosure from Simcoe. He was not disposed to agree with Bishop's recommendation that provision should be made for four clergymen at £150 a year each, exclusive of Mr. Addison. The latter being stationed at Niagara, he would be released from duty on surrender of that post to United States, and should be included in the four clergymen for whom provision was being considered. Secretary of State of opinion that £100 would be ample salary with such additional sum as S.G.P. would be disposed to grant. £400 per annum would therefore be placed in Estimates as temporary provision until Clergy Reserves became sufficiently productive for maintenance of clergymen. Attention of Governor bespoken for clergyman accompanying Chief Justice Elmsley. The £500 allocated for building of churches to be held out, in accordance with Simcoe's views, as gift or premium to such inhabitants as should first set about building of churches. Would stay further action till it is seen how plan worked. Allowance to clergymen must be considered merely temporary, as it was expected parishioners would provide for their maintenance until Reserves would be sufficiently productive. As all ideas of tithes were abandoned, measures must be taken to secure provision for clergymen's maintenance. Some provision would be proposed to Parliament for schoolmasters, who should be competent to teach reading, writing, accounts and mensuration. Stipends should be moderate, and to be supplemented from scholar's fees. As for classical instruction, it would seem Quebec or Montreal would be most suitable in present condition of Upper Canada. p. 39 Whitehall, June 22.

Portland to Simcoe. Enclosing copy of explanatory article to treaty between Great Britain and United States, signed in Philadelphia on May 4. (Enclosure.) p. 44 Whitehall, July 7.

Portland to Simcoe. No. 16. Acknowledging despatches Nos. 36, 37 and 39. As Simcoe was expected home very soon, subjects would be discussed between them. There was only one point, as to which an observation seemed necessary. The proposed additional clause in Clergy Revenue bill in despatch of Feb. 1, would be unnecessary in view of remarks in despatch of April 22. That is, that these remarks extended to grants to be made thereafter in townships settled before the Constitutional Act. p. 51 Whitehall, Aug. 3.

Portland to Simcoe. (Circular.) The proceedings of the Court of Spain being so equivocal as to demand the attention of Government, Governor was admonished to be on guard as regards hostile action on part of that power. p. 55 Whitehall, Aug. 27.

Portland to Simcoe. (Circular.) With reference to circular of August 27, proofs of hostile intentions on part of Spain, had determined His Majesty to attack the Spanish fleets either singly or united Whitehall, Sept. 7.

1796 with those of France or Holland, and to strike any other practicable blows against Spain. British subjects notified to be on guard against attacks, and to do their utmost to distress or annoy them by capture of ships or destruction of commerce. p. 56

Whitehall, Oct. 27. Portland to Lieut. Governor. (Circular.) Notice of opening of hostilities between Great Britain and Spain. Letters of marque or commissions of privateers would be issued. But, in any event, owners of all armed vessels might be assured of their share of prizes from Spanish ships and property. p. 58

Whitehall, Dec. 13. Portland to President Russell. No. 1. Transmitting sign manual, directing appointment of Mr. McGill to Legislative Council, which was due to very favorable mention of that gentleman by Simcoe. p. 60

1797 Whitehall, March 10. Portland to Russell. Acknowledging despatches Nos. 2, 3, 4 and 5. As regards the meagreness of the military force left in Upper Canada, General Prescott was instructed on Dec. 13, to consider attentively the effect of the recent evacuation of the forts on the minds of the Indians and to re-arrange the forces in such a way as should remove suspicions of intentions on part of Government to withdraw accustomed protection of Indians. The next point (mentioned in No. 5) related to disposal by Indians of lands granted to them on Grand River. Terms of grant made it clear that although the lands belonged to Indians, they were precluded from disposing of them to any persons whatsoever. As river leads into most important part of province, the wisdom of this restriction was evident. This fact should be represented to Indians, as showing regard for their welfare as well as for that of whole province. While impressing Indians with parental regard of H.M. towards them, Russell was instructed to learn particulars of transactions begun between them and intending purchasers of land, with view of meeting wishes of Indians by substituting for lands in question, such an equivalent as might be equally beneficial to them. Jarvis' petition would receive attention. p. 62

Whitehall, May 10. Portland to Russell. No. 3. With reference to despatch of Jan. 28, relative to lands granted to Indians, subject was gone into in despatch of March 10, and Russell's reply was awaited. Surprise and dissatisfaction expressed for dilatory course of Indian Department in furnishing information desired. Additional Instruction enclosed conveying control over this department to Lieut. Governor, subject to special orders from Governor General. (Additional Instruction enclosed.) p. 68

Whitehall, July 13. Portland to Russell. No. 4. Transmitting for consideration a proposition from Governor General Prescott, which met with approbation of H.M., and asking whether it would be adapted to Upper Canada, with or without modification. p. 76

Quebec Dec. 24, 1796. Enclosure:

Prescott to Portland. (Extract.) On question of imposing additional fee on all grants of land, with view to raising revenue towards defraying public expenses. As matters stood, there was great difficulty in obtaining accurate information.

1797

There were more than 1000 applications reported upon by Land Committee before he came to government, and only one grant completed. But he was convinced that had a reasonable fee been exacted when the granting of the Crown lands began, the Government might have collected several hundred thousand pounds, without dissatisfaction on part of grantees. He could see no possible objection to imposing additional fees on all future grants. Had the fees from the first been at rate of £15 per 1000 acres, instead of £3-6-8, the only result would have been to improve the character of the grantees. At the present time fees might be higher than in 1792, and after a few millions of acres had been granted and settled, there might be a further enhancement. It had been suggested to him that all the lands (Crown and Clergy Reserves excepted) should be put up to auction. This would produce larger sums than would be got from fees. The Secretary of State would be best judge as to whether this mode of disposal would be consistent with dignity of Government. If it should be decided to adopt the system of fees, he would suggest (1) that each grantee should, if he desired, have 1200 acres (2) that applicants might petition, either singly or in associated companies and have thus grants in severalty or as tenants in common. (This would prevent speculators from taking undue advantage of associates). (3) that fees should be £25 per 1000 acres. (4) that persons having special claims on H.M.'s benevolence should be required to pay one half suggested fee. Of these fees, he would allocate £6- 5 on each 1000 acres granted, to pay officers of Land Department. It was further suggested that all minerals should be included in grants, except gold and silver.
p. 78

Portland to Russell. (Secret and confidential.) From some communications he had with Simcoe in consequence of a speech he enclosed (not here), he calls attention to Chippewas for purpose of fomenting jealousies which existed between them and Six Nations and of preventing any good understanding between the two tribes. He suggested the best line would be to keep them separate and unconnected with one another. Russell was authorized to appoint agent, if necessary, at moderate salary for Indians resorting to York, and to distribute presents to those Indians at York. Lieut. Givens was recommended for appointment. Whitehall, Sept. 11.
p. 83

Portland to Russell. No. 5. Acknowledging despatches Nos. 8 & 9. With reference to salary of Rev. Mr. Addison, despatch of June 23, would explain intentions of Government respecting salaries and provision towards church building. Hope expressed that removal of capital to York would not prove inconvenient enough to impede administration of justice. Authority given to have built a small armed vessel for exclusive use of civil governor. On subject of disposal of Crown Lands, administrator was referred to letter of July 10, and directed to communicate with Governor General as to mode adopted in Lower Canada, as it was desirable same procedure should be adopted in both provinces. Governor General would instruct him as to subjecting grants of land to additional fees. Grants would include all minerals except gold and silver. Whitehall, Sept. 11.
p. 85

1797 Estimate of charge etc.

Salary of the Lieutenant Governor	£2000	–	–
Chief Justice	1100	–	–
Attorney General	300	–	–
Solicitor General	100	–	–
Two Judges of the Common Pleas—each £500	1000	–	–
Clerk of the Crown and Pleas	100	–	–
Two Sheriffs—at £100 pr annum each	200	–	–
Secretary and Register	300	–	–
Clerk of the Council	100	–	–
Receiver General of the Revenues	200	–	–
Five Executive Councillors each £100	500	–	–
Naval Officer	100	–	–
Salary of the Bishop's Commissary	150	–	–
Temporary Allowance for 4 Clergymen	400	–	–
Allowance on Account of Fees, on the receipt and Audit	250	–	–
Agent	200	–	–
	£7,000	–	–

p. 97

Whitehall, Nov. 4.

Portland to Russell. No. 6. Acknowledging despatches Nos. 12, 13, 14, 15 & 16. Regret expressed for situation created for Six Nations and Captain Brant, not merely in regard to step Brant obliged administrator to take, but to allowing Brant or any other person to interfere with system adopted by Government. This could only be due to not pursuing proper line of conduct towards Indians who should be made to understand that they owe warmest gratitude to Government. Every measure should be taken to prevent united action by the several nations, and to keep them dependent upon Government. This should be done in the distribution of presents. Superintendent and agents should be masters of Indian languages, and should be able to impress the Indians with their confidence and consequence, to check machinations of an evil-disposed chief. The growth of settlement will make task easier. The acts mentioned in No. 13 were all approved. Act to confirm and make valid certain marriages would be submitted for H.M.'s pleasure. Act for better ascertaining appropriation of lands to be allotted to use of Protestant Clergy objectionable in respects mentioned and would not be approved. Regarding petition from Legislature, H.M. authorized grammar schools in districts calling for them and when the time was ripe, the establishment of seminaries for promotion of religious and moral learning and the study of arts and sciences. Administrator to consult his council and the judges and law officers and to report to what extent Crown lands might be appropriated and rendered productive towards creation of fund for those purposes. Respecting memorial of Grey, Solicitor General and of Mrs. Grey. In postscript further directions are given respecting bill on appropriations for Protestant Clergy. (Enclosure. To Simcoe March 3, 1796). p. 98

1798

Whitehall, Jan. 9.

Portland to Russell. (Separate.) Replying to letter of April 18, requesting permission to make larger grants of land to Chief Justice and other members of Council than was authorized, Secretary of State pointed out objections to such grants being made ex officio. They should be made for meritorious and distinguished services. He would recommend case of Chief Justice on those grounds. p. 110

Whitehall, Jan. 10.

Portland to Russell. No. 7. Acknowledging despatches Nos. 16 to 21 both exclusive. As regards his salary and fees as administrator, they would be one half those of the Lieut. Governor, who would receive

the other half. Russell not to execute, or receive salary for executing office of Puisne Judge as this circumstance would create impression of connection between executive and judicial authority, which must be preserved separate and distinct from one another. Decision of Executive Council as to number forming quorum of Council approved. In answer to No. 18, no time should be lost in making Reserves productive. Crown lands not to be longer granted *gratis*, but subject to a fee, to be devoted to Provincial expenses. Administrator in forming plan for dealing with lands to keep in communication with Governor General. Whether these lands should be leased on rack rent for 21 years or on leases for three lives cannot be determined until further information was available. Governor or administrator and Executive Council should be constituted conservators and stewards of this species of property, and half yearly accounts should be rendered to Treasury, in order that proceeds may be allocated to requirements of province. Injunction impressed on administrator to see that affairs of Indian Department are carried on efficiently. p. 113 **1798**

J. King to Russell. Circular. Calling attention to letter enclosed from one of the Magistrates appointed to regulate the Metropolitan police, respecting the circulation of counterfeit dollars manufactured in London and Birmingham. (Enclosure.) p. 120 Whitehall, Jan. 18.

J. King to Russell. Transmitting Order in Council of Dec. 27, 1797, confirming act entitled "An act to extend the provisions of an act passed in the second session of the first Provincial Parliament of Upper Canada, entitled an Act to confirm and make valid certain marriages heretofore contracted in the country now comprised within the Province of Upper Canada and to provide for the future solemnization of marriage within the same. (No enclosure.) p. 122 Whitehall, Feb. 10.

J. King to Russell, Requesting that regular returns be made respecting the Executive Council. p. 124 Whitehall, March 10.

Portland to Russell. (Circular.) Requesting that a printed collection of the acts of the province be sent by first opportunity, and that they be sent regularly as soon as issued. p. 125 Whitehall, April 23.

Portland to Russell. (Circular.) Notifying him, in connection with the letter respecting counterfeit coins, that a bill would be laid before Parliament preventing export of base copper coin to colonies. p. 126 Whitehall, May 26.

Portland to Russell. (Most secret.) Transmitting copies of correspondence from Mr. Liston, British Minister to United States, in which some evidence is furnished of hostile intentions of Six Nation Indians against Great Britain. Administrator was instructed to adhere to earlier directions in transactions with Indians. It might be expedient to temporize with Brant, and, if necessary, apply to Prescott for additional forces, to strengthen seat of government and other posts. If Brant should contemplate visit to England, as he intimated to Liston, he should not be discouraged but be assured of anxiety of Administrator to give effect to any arrangements concluded between him and Government. In view of threat upon Lower Canada by French agents in United States, special vigilance would be required in watching movements between Upper Canada and the Mississippi. p. 128 Whitehall, June 7.

1798

Enclosures:

Philadelphia, April 4.

(1) Robert Liston to Lord Grenville. Expressing regret and alarm at Brant's dissatisfaction as to restriction on disposal of Indian lands. Liston temporized with Brant, instead of informing him abruptly of Government's attitude and subject. Letter from Brant was enclosed. Information on good authority reached Minister that a black belt, the emblem of war was sent from Six Nations to their brethren in United States territories. p. 132

Philadelphia, April 2.

(2) Liston to Grenville. (Extract.) Stating French agents have not abandoned project of overrunning Canada. Letters received from Adet in Paris seem to confirm this news. Mr. Coutteulx, a merchant in Albany connected with bankers of same name in Europe, was enthusiastic partisan of plans. He was said to have distributed literature and some arms in Canada. Minister was in correspondence with Prescott. p. 134

Philadelphia, April 3.

(3) Liston to Capt. Jos. Brant. Congratulated him upon Upper Canada Government having confirmed sales of land made by him, and expressing opinion that intervention of Crown in sales would be proper measure. Undertook to transmit to England any representations Brant chose to make, and assured him of good will of British Government. Rather deprecates Brant's plan to go to England, as unnecessary. Hoped to see Brant in Upper Canada during summer. p. 137

Grand River, Dec. 29, 1797.

(4) Brant to Liston. Expressing indebtedness to him for having communicated to Home Government the substance of his representations, but disappointment in the answer from the Government, though he still trusts to H.M.'s regard for justice and equity. He combats the opinion that, in the original settlement, there was any idea of restriction upon disposal of lands, which were held as an absolute and indefeasible estate. Had the suggestion of restrictions been made, the Indians would never have accepted the grant. He dismissed the idea of the territory being alienated without H.M.'s assent, the steadfast loyalty of the Indians being sufficient assurance on that head. They were willing to continue the constant practice of surrendering the lands to the Crown, by whom they would be transferred to purchasers, whereby they necessarily became subjects. The people surrounding the Reserves were introduced by Simcoe, and were good subjects. Strong hope expressed that Minister would make further representation to Home Government, but if not deemed proper, he (Brant) would acquiesce. Advice asked as to whether personal representation of claims in England would be necessary. Government of Upper Canada agreed to confirm sales under negotiation. p. 140

Quebec, Dec. 16, 1797.

Prescott to Portland. No. 67. (Copy.) Lengthy statement of regulations proposed for the disposal of Crown Lands. p. 146

Whitehall, June 8, 1798.

Portland to Prescott. (Extract.) Instructions as to disposal of Crown Lands. With respect to claims of old petitioners, Governor was referred to Secretary of State's despatch No. 15 of Feb. 9. Line of proceeding in favor of disbanded Loyalists in former instructions should on no account be departed from. Furthermore, where persons entitled to grants died without receiving them, their widows and children, if applicants, should stand in their place. Table of fees to be formed on following scale: (1) Fees to be paid on grants should be £25 on every 1000 acres; (2) those entitled to grants under former

Instructions should be charged £12-10 per 1000 acres; (3) Public officers concerned in making out and passing grants to receive according to a table of fees, a total of £5-11 on every 1000 acres. This would leave on ordinary sales £19-9 for Public Service of Province. Where only £12-10 per 1000 acres was paid, the officers would receive £2-15-6, leaving £9-4-6 for Public Service. Practice in Nova Scotia. Instructions to defeat speculators—sell in lots of no more than 5000 or 6000 acres, require 2 shillings and 6 pence in pound of purchase money and rest in 3 years. Compensation to departmental officers to be same for sales as for grants. Care to be taken not to put up for sale more land than there is demand for, better to put up rather less. p. 161 **1798**

Enclosure:—

Proposed fees to Governor and departmental officers. p. 170

Portland to Russell. No. 9. Transmitting memorial from Benedict Arnold, praying for grant of 13,400 acres for himself and family and stating that, in view of his services in the American War and at Guadaloupe, H.M. had acceded to the petition with the special favor that residence in Canada would not be required. (Arnold's petition enclosed.) p. 171 Whitehall, June 12.

Portland to Russell. No. 10. Informing him that a number of French Loyalists were going out to settle in Upper Canada (40 besides the commander Comte de Puisaye), and directing that they be given lands according to the scale applied in case of U.E. Loyalists. They would be supplied with funds and necessaries in England. The Government were considering question of sending out considerable number of French emigrants then in England, and Administrator was directed to consider plans for their reception, in consultation with De Puisaye. p. 175 Whitehall, July 5.

Portland to Russell. No. 11. Acknowledging despatches Nos. 24-27. The Order-in-Council confirming Marriage Act was transmitted. (Not here.) The bill respecting reserves for Protestant Clergy would require amendment. The Act for securing titles to land in Upper Canada seemed well adapted to purpose. Referring to previous correspondence respecting principles on which future land grants should be made, (on June 8), the question is discussed as to who should be regarded as coming within pledge given by Government. There should not come within this class loyalists or disbanded soldiers not residing in the province nor their descendants. Reasons for decision. Further, except to extent of land allowed under Royal Instructions, neither loyalists nor disbanded soldiers were to be exempt from standing fees. In case of grants to be made to loyalists residing within province, which should be free of all expense, only one half the usual compensation to officers of Government were to be allowed. Regulations should be made to secure the taking out of the proper title deeds and the payment of the fees by all grantees. For this purpose a moiety of the fees should be required to be paid on taking out the warrant of survey. p. 179 Whitehall, July 28.

J. King to Russell. Enclosing list of French Loyalists mentioned in despatch of July 5. (List enclosed.) p. 186 Whitehall, July 31.

Prescott to Russell. Giving a detailed explanation of the regulations adopted by him in making grants of land. p. 189 Quebec, Oct. 3.

1798 Enclosures:—

(1) Regulations with observations thereupon. p. 196

(2) Abstract of regulations for administering redress to applicants for Crown Lands, who had embarked upon settlement and cultivation, in consequence of encouragement given by Executive Government. p. 201

(3) Distribution of fees among officers of Government on future grants of land. p. 207

(4) Observations respecting means of preventing depredations on reserved lands in new townships, and rendering them productive. p. 208

Whitehall, Nov. 5. Portland to Russell. No. 12. Acknowledging despatches Nos. 28-34. On question of purchasing the lands of the Mississaguas between the head of Lake Ontario and the Etobicoke, the opportunity for which would doubtless not be long deferred, Indians should not be approached on subject. They should be impressed by concern of H.M. for their welfare, as shown by the regular donation of presents. They should manifest gratitude for the favors they received, by promoting to the utmost of their power the interests of His Government. Enclosed so much of letter to Governor Prescott as related to removal of Capt. Elliott as a superintendent of Indians in Upper Canada. Instructions given to assist in rebuilding jail and court house in Western District, which were destroyed by fire. Attention called to defective returns of militia. Plan to secure Crown and Clergy Reserves and render them productive approved, but suggesting that the rents be paid at rates fixed by the price of corn. Approval given to recommendation that lands to extent of 6000 acres each be given to present members of Executive Council, including amounts granted previously. These grants were made as compensation for losses and inconvenience due to removal of capital from Niagara to York, and were not to be taken as precedents. Gratification of H.M. at address from Legislative Council and Assembly transmitted in despatch No. 34, and at attention given by those bodies to subject of education. p. 212

Enclosure:

Whitehall, June 8. Portland to Prescott. (Extract.) Explaining that the object of placing the officers of the Indian Department in Upper Canada under Government of that province was to make them more immediately and directly responsible to the Executive authority in that province. Mr. Elliott's dismissal seemed to have been highly necessary. p. 221

Whitehall, Dec. 6. Portland to Russell. No. 13. Transmitting two Royal Instructions, one relative to payment of fees on grants of land, the other directing that except in cases mentioned mines of gold and silver only were to be reserved on all future grants of land, also, copy of letter to Prescott as to initial payments on purchases of land, and of another letter to Prescott relating to Indian department, and to completion of 1st and 2nd battalions of Royal Canadian Volunteers. (Four enclosures.) p. 223

Whitehall, Dec. 8. Portland to Russell. (Circular.) Notifying him, in order to correct erroneous impression gathered from circular of May 26, that no authority was given to raise the nominal value of gold and silver coins. It simply recommended that the coins in those metals circulating in province should be weighed, and that the proclamation on subject should state what weight such coins should be, allowance being made for reasonable wear. p. 236

1798

Portland to Russell. (Secret.) Transmitting copy of letter from Col. Graham of U.S. Army, giving information which had come to him as to activities of certain persons sent by the Democratic Society to carry on propaganda work in Canada, in the interest of Jacobinism. (Enclosure.) p. 239 Whitehall, Dec. 10.

Portland to Dorchester. (Extract.) Respecting the best means of rendering the Crown and Clergy Reserves productive, in which suggestion is made that a committee be formed of Executive Council, to manage these lands. p. 244 Whitehall, April 6, 1795.

Portland to Russell. (Circular.) Transmitting copies of Act to prevent exportation of base copper coin and base foreign coin to British colonies in North America and West Indies, and giving directions thereupon. (No enclosures.) p. 262 Whitehall, Aug. 16.

G. 53, Pt. II

1799

J. King to Russell. Transmitting copy of Estimates for Upper Canada for 1799 the total amount of which was £7150. (No enclosure.) p. 263 Whitehall, Jan. 3.

Portland to Russell. No. 14. Acknowledging despatches Nos. 35-41. Approval expressed of course pursued by him and Bishop of Quebec respecting application of Brant for ordination of Mr. Phelps and his appointment as clergyman to Five Nation Indians. Indians should understand appointment was made entirely independent of them. No objection made to recommendation of Council that Crown lands should be disposed of by sale instead of by grant, if results were better. Caution given that special favors to U.E. Loyalists to be confined to their sons and daughters, and not extended to descendants generally. Regarding mode of sales and terms and conditions reference was made to despatches Nos. 18 and 36. Lots of land put up for sale to be reduced to 1000 acres, or such smaller quantities as suit bona fide settlers. Instructions to Prescott enclosed, for which it appeared that only in exceptional cases, were grants of 1200 acres to be allowed. Pleasure expressed that settlements by associated companies had been avoided in Upper Canada. Decision that only half usual compensation to officers of Government allowed on U.E. Loyalists grants adhered to. Appreciation expressed of D. W. Smith's plan to make Crown and Clergy Reserves profitable, and his proposals discussed. Despatch No. 38 with minutes of Council submitted to Committee for Trade and Foreign Plantations. Reserved bills under consideration. (Enclosure.) p. 264 Whitehall, Jan. 24.

J. King to Russell. Transmitting Order in Council disallowing Act entitled "An Act for the more uniform laying of Assessment throughout this Province," and copy of report of Committee of Privy Council for Trade, giving reasons for disallowance. Order in Council also enclosed confirming following acts: Whitehall, Feb. 8.

"An Act for the better Division of this Province."

"An Act to alter the method of performing statute duty on the highways and roads within this Province."

"An Act to amend part of an Act passed in the thirty fourth Year of the Reign of His Majesty" entitled "An Act to establish a superior Court of Civil and Criminal Jurisdiction and to regulate the Court of Appeal and also to amend and repeal Part of an Act passed

1799 in the Thirty Seventh Year of the Reign of His Majesty, entitled An Act for regulating the Practice of the Court of King's Bench and to make further provision respecting the same. p. 278

(Five enclosures.) p. 281

Whitehall, June 11. Portland to Lieut. General Hunter. No. 1. Transmitting decisions and observations on separate despatch of Oct. 10, and despatches Nos. 43-47. Mrs. Grey's application for pension was properly a matter for consideration of Commander-in-Chief, but in view of recommendation of Government of Upper Canada, he was disposed to recommend it to His Majesty. Despatch No. 43 required particular consideration, and was approved so far as concerned mode of sale of Crown lands. Observations on fees to officers of Government. As regards Brant and his attempts to put himself at head of Indian tribes in province, the progressive settlement following upon judicious disposal of Crown lands would remove apprehensions on score of Indians. Instructions repeatedly given as to dealing with Indians to be strictly followed, that they may be brought to that temper of mind to become willing to dispose of such further tracts as may be necessary for public service on the same terms as former bargains. As regards grants to Comte de Puisaye and the 40 French loyalists, subject was dealt with in despatch No. 10 to Russell. On subject of fees French Loyalists to be treated as U.E. Loyalists had been. As to rations, it was understood that they were sufficiently supplied with funds to make it unnecessary to make further provision, but Lt. Governor would exercise his discretion as to allowances in cases of need. p. 292

Whitehall, July 16. J. King to Hunter. (Circular.) Transmitting copy of King's speech on closing Parliament on July 12. (Enclosure.) p. 301

Whitehall, July 18. Portland to Hunter. Transmitting copies of letters passing between Secretary Dundas and himself on question of placing Provincial Regiments on footing of Fencibles to serve throughout North America generally. (Two enclosures.) p. 304

Whitehall, Sept. 10. Portland to Hunter. (Circular.) On relations between Governors or officers commanding H.M.'s forces and the Board of Ordinance with reference to erection or repair of defence works. Copy of regulations in respect to carrying on fortifications or other military services by direction of Commanders-in-Chief, Governors or other officers, civil or military. (Enclosure.) p. 311

Whitehall, Oct. 9. Portland to Hunter. (Separate.) Acknowledging Russell's letters marked separate of July 16 and 18, and expressing H.M.'s satisfaction at the spirit in which the members of Executive Council received the grant of land. Report desired on Russell's petition for further mark of Royal favor. (Petition enclosed.) p. 319

1800 Whitehall, Jan. 23. J. King to Hunter. (Circular.) Transmitting copies of correspondence passing between British Foreign Minister in Paris and Government of France. p. 327

Whitehall, Feb. 5. Portland to Hunter. (Circular.) Transmitting copy of Order-in-Council of Jan. 15, announcing that, in all cases where H.M's confirmation of a bill passed by a colonial legislature is necessary to its validity, if confirmation should not be obtained within three years of the passing of the bill, the bill shall be taken to be disallowed. (Enclosure.) p. 353

Portland to Hunter. No. 4. Transmitting for guidance copy of letter written to Duke of York, signifying H.M.'s pleasure respecting the preserving the Civil and Military authorities within their proper limits. p. 357

1800
Whitehall, Feb. 24.

Enclosure:—

Portland to Duke of York.

Whitehall, Feb. 21.

"By the Copy of His Majesty's Instructions to the Governor, Lieut: Governor or the person administering the Government of Upper Canada for the time being, dated the 15th Decr. 1796 which I herewith beg leave to lay before Your Royal Highness, it will appear to Your Royal Highness that the person in whose hands the Executive Authority of Upper Canada is placed is exclusively vested with the management of the Indian Department in that Province, and the recommendation of the officers necessary to conduct it (subject to His Majesty's approbation). Your Royal Highness will also observe that the Instruction enclosed is formed so absolutely on that principle, that the power of giving any special order with respect to that Department in case of any sudden emergency which may require it, is cautiously with:held from the Commander in Chief, and restricted to the Governor General in his Civil capacity (should there be any such officer as Governor General then in being) so that it will be evident to Your Royal Highness that no connection or intercourse whatever does or was intended to exist in this respect between the Departments of the Commander in Chief of North America and the Civil Government of Upper Canada. Your Royal Highness will therefore see the necessity I am under of representing to Your Royal Highness against the exercise of a power, which has been I am persuaded inadvertently assumed by His Royal Highness The Duke of Kent in His capacity of Commander in Chief of His Majesty's Forces in North America by the appointment of a person to the office of Deputy Superintendent General of the Indians, which was held by the late Colonel McKee & which is, as Your Royal Highness will observe by the Instructions above referred to, an office in the Civil Establishment of Upper Canada & distinctly in the appointment of the Civil Government of that Province.

I forbear from troubling Your Royal Highness with a detail of the Duties of the office, or with the reasons which make it indispensibly necessary that it should be filled by a person who is intimately conversant with the Interests, Dispositions, language and Customs of the Indians in that quarter of the World, because it will be evident to Your Royal Highness's Superior judgment that in this as well as in every other Instance the Administration of His Majesty's Colonial Governments cannot be carried on with propriety unless the Governors, Lieut: Governors or Persons administering the same are alone responsible for the exercise of that authority which His Majesty has thought proper to place in their hands, that it is therefore absolutely necessary that their responsibility should in no degree be diminished by the interference of any other person, the consequence of which would be to afford & hold out a ground of excuse or apology to be resorted to on the part of the Governors in the Colonies for any act of misconduct which they might commit in the administration of the Governments over which they preside.

1800

Having felt it to be my Duty to represent this case to The King, I have received His Majesty's Commands to acquaint Your Royal Highness that it is His Majesty's pleasure that His Royal Highness The Duke of Kent should be forthwith informed that the Civil Concerns of all His Majesty's North American Provinces, and the appointments to Civil offices of every description within the same, can only be managed and recommended to by the persons administering the Civil Governments therein submitted to The King thro' that Department with which His Majesty has directed them to correspond; and consequently that the office lately held by Col: McKee is now and must be considered to all intents and purposes as vacant, untill His Majesty's pleasure with respect to Col: McKee's Successor be signified to the Lieutenant Governor of Upper Canada whose Duty it is to submit (in conformity to the enclosed Instructions) through one of His Majesty's principal Secretaries of State, the name of such person, with an account of his character and Services, as he shall esteem to be best qualified for fulfilling the Duties of such office, for His Majesty's further Directions therein: It being His Majesty's opinion that a strict & invariably adherence to these His Majesty's Commands is indispensably necessary to preserve the Conduct & management of the public Service in its regular & established course." p. 359

Whitehall, March 8.

Portland to Hunter. No. 5. Transmitting copy of reply of Duke of York to letter of Feb. 21. p. 365

Enclosures:—

Horse Guards, March 7.

(1) Duke of York to Portland. Transmitting copy of letter to Duke of Kent. p. 367

Horse Guards, March 6.

(2) Duke of York to Duke of Kent. Conveying to him substance of Portland's letter of Feb. 21, with directions to comply with its terms. p. 368

Whitehall, March 13.

Portland to Hunter. No. 6. With reference to earlier correspondence, (his despatch of Nov. 4, 1797, and Russell's No. 54 of Feb. 12, 1799), authority was given for the completion of the purchase of Speaker Smith's property near Newark for a school for the Home District. There should be seven trustees—the Governor or Administrator, the Bishop of Quebec, the Chief Justice, and the Speaker of the Assembly, and three others to be appointed by Governor. Letter was enclosed from Phyn, Inglis & Co. reporting that North West Company had applied to the Council of Upper Canada for grant of tract of land at Sault Ste Marie, and that compliance with application would be injurious to others engaged in fur trade. As remonstrance seemed very reasonable, the grant must not be made until Governor has reported and received H.M.'s instructions on subject. (Enclosure.) p. 370

Whitehall, April 1.

J. King to Hunter. Transmitting details of Estimates for £7950 voted by Parliament for Upper Canada. p. 379

Enclosure: **1800**

Copy

Estimate of the charge of defraying Civil Establishments of Upper Canada from Jan. 1 to Dec. 31. p. 380

"Salary of the Lieutenant Governor..	£2000	–	–
Chief Justice..	1100	–	–
Attorney General..	300	–	–
Solicitor General..	100	–	–
Two Judges of the Court of Common Pleas £750 ea..	1500	–	–
Clerk of the Crown and Pleas..	100	–	–
Two Sheriff @ £100 each..	200	–	–
Secretary and Register..	300	–	–
Clerk of the Council..	100	–	–
Receiver General of the Revenues..	200	–	–
Five Executive Councillors, Each £100..	500	–	–
Surveyor General of Lands..	300	–	–
Naval Officer..	100	–	–
Salary of the Bishops Commissary..	150	–	–
Temporary allowance for four Clergymen..	400	–	–
Allowance to the Widow of Lt. Col: Campbell, late Governor of the Bermudas in reward of his firm & judicious Conduct and able services at the Myamis and in consideration of her straitened circumstances..	150	–	–
Allowance on Account of Fees on the receipts and audit..	250	–	–
Agent..	200	–	–
	£7950	–	–"

Portland to Hunter. (Private.) Transmitting memorial from D. W. Smith, Speaker of Assembly, and stating that provision would be made for salary to him of £300 per annum for services as Surveyor General. Lt. Governor to report on his application for sum of £700 to make his salary £300 a year for seven previous years. Enclosure. p. 382 Whitehall, April 9.

Portland to Hunter. No. 7. Instructing that White, Attorney General be put on footing of members of Executive Council as regards grant of land for special consideration, and that, as White had died, the land be put in trust for widow and children. p. 388 Whitehall, May 7.

Portland to Hunter. (Circular.) Instructing, at instance of Commissioners for auditing Public Accounts, that rates of exchange and current prices of commodities be reported monthly. p. 391 Whitehall, July 18.

Portland to Hunter. (Separate.) Respecting fees to be paid on grant of land to Brig. Gen. Arnold. p. 395 Whitehall, July 24.

Portland to Hunter. No. 8. Acknowledging despatches Nos. 1-8, and separate of June 1, August 21, 1799 and March 7, 1800. Approval expressed of measures taken by Lieut. Governor on occasions of his absence from York on military duty, and of line of conduct adopted as regards French Loyalists. Their rank in French army which would determine the quantities of land each would receive to be determined by satisfactory evidence. Doubts as to validity of titles to land granted to them submitted to Law Officers. Despatch No. 3 respecting two Canadian battalions referred to Duke of York and Mr. Dundas; nothing can be done as regards proposed extension of service. List of goods for Indians was transferred to Treasury. On subject of appointment to vacancy created in Indian Department by death of Col. McKee, reference was made to despatch No. 4 with enclosures. Respecting construction of powder magazine and Whitehall, July 24.

1800 ordnance stores on Cape Diamond, Quebec, subject was referred to Ordnance Department. If orders have not issued from that Department, Hunter authorized to set about construction at once. Thomas Scott of Lincoln's Inn was appointed Attorney General. Satisfaction expressed as to the manner in which Russell performed duties as administrator. Appointment of Capt. Claus as Deputy Superintendent General of Indian Affairs at £400 a year, mentioned in despatch No. 8, just received, was confirmed. Language employed towards Brant should produce desired effect. p. 398

Whitehall, Oct. 17. Portland to Hunter. Acknowledging despatches Nos. 9-12. Plan approved for temporary provision for Clergy of Established Church. Continued efforts being made to supply province with respectable clergymen. If number of small town lots prove to be too small for consideration, no change need be made in general scale of remuneration of officers of Government, but facts should be recorded by minute in Council register. As regards provision for reserves for Clergy in lands granted before 31 Geo. III c. 31, if opinion of Provincial law officers could be adopted and earlier patents cancelled and replaced by patents containing customary reservations for Clergy, that would be most satisfactory settlement of difficulty. Chief Justice Elmsley's statement of reasons for departing from chequered diagram in making Crown and Clergy Reserves in cases specified satisfactory. Speech on opening Legislature approved. As management of Indian Department in Lower Canada was vested in Lieut. Governor of that province, he should receive from Hunter warrants for sums necessary for conducting department. p. 407

Whitehall, Nov. 17. Portland to Hunter. (Circular.) Transmitting copy of Order in Council of Nov. 5 setting Royal style and title and ensigns armorial on union of Kingdoms of Great Britain and Ireland. Draughts of Royal arms, standard and union flags were also annexed. (Enclosure.) p. 412

Whitehall, Dec. 18. Portland to Hunter. (Circular.) Instructions as to cultivation of hemp. p. 421

1801 Whitehall, Jan. 1. Portland to Hunter. (Circular.) Transmitting copies of proclamation signed that day declaring Royal style and titles appertaining to Imperial Crown of United Kingdom, and ensigns armorial, flags, and banners thereof, and also of proclamation declaring what ensigns or colors should be borne by merchant ships or vessels. Instructions also given as to changes necessary in Book of Common Prayer. (Three enclosures.) p. 426

Whitehall, Jan. 6. Portland to Hunter. No. 10. Acknowledging despatches Nos. 13 to 22. Return of lands granted by Russell between July 3 and August 15, 1799, was so large—averaging 459 acres per grant—that it was assumed that it must include grants to members of Executive Council and to U.E. Loyalists under old regulations. Return of Militia appeared unduly small. Concurrence expressed in "very able" report of Executive Council enclosed in No. 15, and directions given to carry it into effect. Accounts of Crown and Clergy Reserves to be kept separate. Former would create fund for public purposes to be settled by H.M. Rents from Clergy Reserves leases to be deposited in the Funds to be used for parsons and parsonages. D. W. Smith's house not suitable for school, and not to be purchased. He is to be

given the £700 applied for. Requisitions for clothing for militia and for Indian presents transmitted to Treasury. Part of despatch No. 21 relating to 1st and 2nd Canadian Battalions and respecting desertions transferred to Duke of York. Copy of letter to Prescott of April 19, 1799, respecting accounts of the two Royal Canadian Volunteer battalions enclosed. (Not here.) Satisfaction expressed at improvement of roads between Upper Canada and Quebec. Letter from Brant to Dorchester of Oct. 10, 1800 enclosed. (Not here.) Copy of letter from Nepean to Mr. King respecting frigate which convoyed trade from Quebec to England. (Not here.) Extract of letter of this date to Lt. Governor Milnes from which it appears that administration of Indian Department would continue to be paid for from Army Extraordinaries. Enclosure. p. 444 **1801**

Portland to Hunter. (Circular.) Transmitting warrant under Royal sign manual authorizing continuance temporarily of existing seal of province. (Enclosure.) p. 452 Whitehall, Jan. 10.

Portland to Hunter. Instructing, on representation of Executive Council, that additions be made to salaries of clerks in Government offices. (Two minutes of Council enclosed.) p. 454 Whitehall, Jan. 10.

Portland to Hunter. With reference to despatch from Lieut. Governor of November 19, instructions were given, on opinion of Law Officers, that Mr. Le Couteulx be detained as prisoner of war, unless information in Lieut. Governor's hand would warrant criminal prosecution which, in such event, should be proceeded with. (Opinion of Law Officers enclosed.) p. 464 Whitehall, Feb. 12.

Portland to Hunter. Acknowledging despatches Nos. 27 and 28, and stating that information respecting hemp culture was communicated to Committee of P.C. for Trade. p. 470 Whitehall, July 4.

Lengthy statement by William Berczy as to his activities in bringing immigrants into Upper Canada and settling them; with some observations thereupon by John King, Under Secretary. pp. 471-552

J. King to Hunter. Stating that Duke of Portland was sending authority to grant 64,000 acres of land to William Berczy, and inviting attention to some observations by himself on subject. p. 553 Whitehall, July 6.

J. King to Hunter. (Circular.) Notice of resignation of Duke of Portland, and stating that by directions of Lord Pelham, he was sending copies of His Grace's letters of July 4. p. 554 Whitehall, August 6.

Portland to Hunter. On canal at Cascades, and instructions respecting grants to French Loyalists which were deferred. In C. 620 pp. 8 & 9. Whitehall, June 6.

Portland to Hunter. (Copy.) Enclosing letter from Committee of Privy Council recommending grant of 64,000 acres of land to William Berczy, and copy of Berczy's petition on subject (pp. 471-552); and authorizing that Berczy's statement being found substantially true, the grant be made to Berczy and his heirs, subject to Crown and Clergy Reservations, and to payment of usual fees. p. 556 Whitehall, July 4.

Lord Hobart to Hunter. (Circular.) Notification of his accession to administration of Colonial Department. p. 558 Downing St., Aug. 6.

1801

Downing St., Sept. 3. Hobart to Hunter. No. 1. Acknowledging despatch No. 29, and conveying expression of H.M.'s satisfaction with proceedings of Legislature. Report on hemp culture would be laid before Committee of Privy Council. p. 559

Downing St., Oct. 2. Hobart to Hunter. (Circular.) Notification of preliminaries of Peace being signed between England and France on Oct. 1. p. 561

Downing St., Oct. 12. Hobart to Hunter. (Circular.) Notification of ratifications of treaty of Peace being signed on Oct. 10. p. 562

Downing St., Oct. 13. Hobart to Hunter. No. 2. Acknowledging despatches Nos. 30 and 31. Satisfaction expressed with proceedings of Assembly respecting culture of hemp. Asking for report on Judge Powell's petition for grant of land, similar to that made to Executive Councillors. Question of establishing Court of Chancery to be laid before King in Council. p. 564

Downing St., Nov. 4. Hobart to Hunter. No. 3. Acknowledging despatch No. 32, and authorizing purchase of D. W. Smith's house at Niagara for officers' barracks. p. 566

Downing St., Dec. 3. Hobart to Hunter. No. 4. Acknowledging despatches Nos. 33 to 37 and Nos. 1 & 2. Question of grants of land to French Loyalists to be dealt with later. Application of Elliott, late Superintendent General of Indian Department for reconsideration of his case to be reported upon. Requisitions for clothing for Royal Canadian Volunteers and for Indian stores and presents sent to Treasury. (Three letters respecting Elliott's dismissal enclosed.) p. 568

Whitehall, Oct. 4, 1799. Portland to Hunter. Acknowledging despatches Nos. 58 to 69. With respect to Nos. 58 and 62 on Indian affairs, reference is made to Additional Instructions of Dec. 15, 1796, directing that these affairs so far as they relate to Upper Canada were to be under management of Lt. Governor or Administrator of Upper Canada, subject to special orders from Governor General. Names of persons proper to fill vacancies to be submitted to Colonial Secretary. Regarding Mr. De Puisaye and French Loyalists, reference is made to letter of June 11. Progress of Upper Canada indicated necessity of clergymen in province. Difficulty of inducing clergymen of Church of England to settle in there. Reverend Mr. Reddish must be in Upper Canada already. Estimates include £400 for clergy in Upper Canada. Legislature should make provision until Reserves become productive. Approval of road construction. Brant's conduct very unsatisfactory in endeavouring to consolidate the Indians with himself at head contrary to policy of Government, which desired to keep the interests of several nations as disunited and separate as possible. Brant's idea of presents as rewards for past good conduct to be discountenanced. They should be impressed with fact that presents depend on the Indians using best efforts to promote interests of Sovereign. Objections to act "for the better ascertaining the appropriations of lands to be allotted to the use of a Protestant Clergy." Gratification of His Majesty for grant by Legislature of surplus revenue for purposes of Empire. p. 579

G. 54 (Part I) (1802-1803)

1802

Hobart to Hunter. No. 5. Transmitting for attention a memo. by Sir Alexander Mackenzie, suggesting the construction of a canal to connect the waters of Lake Ontario with Montreal; also, requiring report on petition from Mrs. Van Allen for grant of land. p. 1 — Downing St., Feb. 4.

Enclosures:—

Memo. pointing out the Americans had in contemplation a canal communication from Albany to Schenectady thence along Mohawk river to Wood Creek to Lake Ontario, with design of securing western trade; and that a superior counter scheme would be a canal connecting Lake Ontario by navigable waters with Montreal. p. 4 — London, Dec. 1801.

(2) Petition of Mrs. Hannah Van Allen p. 10 — Woodhouse, May 1, 1801.

Hobart to Hunter. Transmitting copy of letter from Mr. Morton Pitt, recommending to attention Matthew Scott who was proceeding to settle in Upper Canada; and requesting that he may receive favorable consideration at Hunter's hands. (Enclosure.) p. 12 — Downing St., March 29.

Hobart to Hunter. No. 6. Transmitting opinion of Law Officers on question "how far a title to lands could be made out before their disabilities as aliens were removed"; also, Order in Council approving of report on draft of bill transmitted in despatch No. 31 for establishing Court of Chancery. As regards French Loyalists, since Law Officers gave opinion that they could not secure titles unless naturalized, Lieut. Governor was directed to furnish list of those who would be desirous of obtaining lands under that arrangement. In meantime allotments should be made to them under instructions of July 11 and August 7, 1783, or of 1786-7. p. 17 — Downing St., April 8.

Enclosures:

Edwd. Law and Sp. Percival. Expressing opinion provisionally, as they wished to see if further light could be had from Proclamation of 1763. p. 20 — July 23, 1801.

Edwd. Law and Sp. Percival. Giving final opinion that grants of land could not be legally made to persons being aliens not naturalized or made denizens. p. 22 — Jan. 5, 1802.

Order in Council approving of report of Committee of Council for Trade and Plantations (1) that institution of office of Judge of Court of Chancery distinct from Chancellor is so novel as not to be adopted except on very serious consideration; (2) that Governor is already vested with sufficient authority to exercise equity jurisdiction, and he should call for assistance of any of the judges in framing regulations and forms for conduct of business; (3) that, with such assistance, he should frame table of fees, to be approved by His Majesty. p. 25 — Court of St. James' March 24.

Sp. Percival and V. Gibbs to Earl Camden. (Copy.) Expressing opinion that it would be competent to the Legislatures of Upper and Lower Canada to enact legislation authorizing the grant of lands to such aliens as H.M. may think proper to grant them to, the lands to be held in full title. p. 28 — Lincoln's Inn Fields, April 11, 1805.

1802
Downing St., May 1.

Hobart to Hunter. (Circular.) Transmitting copy of Treaty of peace between England, France and Spain, and Batavian Republic concluded at Amiens on March 27, 1802; also, a copy of Proclamation issued on that occasion. p. 30

Enclosures:

(1) Treaty of Amiens. p. 131

(2) Proclamation. p. 149

Downing St., May 1.

Hobart to Hunter. (Circular.) Transmitting Proclamation and "Abstract of the Regulations contained in an Act, passed in the 34th year of His present Majesty's Reign, intituled, "An Act for the further Encouragement of British Mariners, and for other purposes therein mentioned, respecting the Manner in which British Ships shall be navigated after the Conclusion of the War. p. 31

Enclosure. p. 150

Downing St., May 1.

John Sullivan to Hunter. (Circular.) Transmitting Estimate of expenditure for Upper Canada, total of which was £7,950. p. 32

Enclosure: p. 33

Estimate of the Charge of defraying the Civil Establishment of the Province of Upper Canada in America from the 1st of January to the 31st of December 1802.

Salary of the Lieutenant Governor..	2000	"	"
Salary of the Chief Justice..	1100	"	"
Salary of the Attorney General..	300	"	"
Salary of the Solicitor General..	100	"	"
Two Judges of the Court of Common Pleas each.. £750	1500	"	"
Clerk of the Crown & Pleas..	100	"	"
Two Sheriffs at £100 each..	200	"	"
Secretary & Register..	300	"	"
Clerk of the Council..	100	"	"
Receiver General of the Revenues..	200	"	"
Five Executive Councillors each £100..	500	"	"
Surveyor General of Lands..	300	"	"
Naval Officer..	100	"	"
Salary of the Bishop's Commissary..	150	"	"
Temporary Allowance for Four Clergymen..	400	"	"
Allowance to the Widow of the late Lieut. Colonel Campbell, Governor of the Bermudas in reward of his firm & Judicious Conduct and able services at the Myamis, and in Consideration of her straightened circumstances, per Annum.. ..	150	"	"
Allowance on Account of Fees on the receipt & Audit.	250	"	"
Agent..	200	"	"
	£7,950	"	"

Downing St., May 6.

Hobart to Hunter. No. 7. Acknowledging despatches Nos. 3-6. Copy of Report of Executive Council upon Berczy's petition for 64,000 acres of land laid before Committee of Privy Council. Judge Powell's petition for grant of land on same terms as grant to Executive Council, recommended in despatch No. 6, has been acceded to. p. 34

Downing St., May 31.

Hobart to Hunter. No. 8. Notifying appointment of Mr. Alcock to Chief Justiceship, in succession to Elmsley, and his appointment to Executive and Legislative Councils. Chief Justice Cochrane of Prince Edward Island appointed to puisne judgeship in Upper Canada. p. 36

Hobart to Hunter. No. 9. Conveying approval of following Provincial Acts: **1802** Downing St., May 31.

"An Act to continue an Act passed in the Thirty seventh year of His Majesty's Reign entitled An Act for the better securing the Province against the King's Enemies."

"An Act to prevent Acts of the Legislature from taking effect from a time prior to the passing thereof."

"An Act to remove doubts with respect to the Authority under which the Courts of General Quarter Sessions of the Peace and other Courts have been erected and holden and other matters relating to the Administration of Justice done in the several districts of this Province and also to fix the times of holding the Courts of General Quarter Sessions of the Peace in and for the same."

"An Act the better to adapt the Establishment of the Court of Kings Bench to the present situation of this Province."

"An Act to regulate the Statute Labour to be done upon the Roads in the Tract occupied by the Huron Indians in the County of Essex in the Western Districts."

"An Act to authorize the Governors, Lieutenant Governor, or Person administring the Government to appoint Inspectors of Flour Pot and Pearl Ashes within this Province."

"An Act to ratify and confirm certain Provisional Articles of Agreement entered into by the respective Commissioners of this Province and of Lower Canada at Quebec, on the second day of February One Thousand Eight Hundred and one relative to Duties and for carrying the same into effect, and also to continue an Act passed in the Thirty Ninth year of His Majesty's Reign.

"An Act to prevent the Sale of Spirituous Liquors and Strong Waters in the Tract occupied by the Moravian Indians on the River Thames in the Western Districts.

"An Act for granting to His Majesty a certain Sum of Money out of the Provincial Fund to defray the payment of the Salaries of the Officers of the Legislative Council and House of Assembly (including the Commissioners to Lower Canada) and to defray the Contingent Expences thereof, and further to appropriate the Supplies and provide for the payment of the same hereafter."

"An Act for granting to His Majesty His Heirs & Successors to and for the uses of this Province the like duties on Goods and Merchandize brought into this Province from the United States of America as are now paid on Goods and Merchandize imported from Great Britain and other places."

"An Act to empower the Commissioners of the Peace for the Midland District in their Court of General Quarter Sessions assembled to establish and regulate a Market in and for the Town of Kingston in the said district."

"An Act for the further Regulation of the Militia of this Province and the more effectual Punishment of Offenders against the Militia Laws."

The Acts Intituled "An Act to enable Femme Coverts having real Estate or Interest in real Estate more conveniently to aliene the same"—And "An Act to allow time for the Sale of Lands and Tenements by the Sheriff"—which you had reserved for the signification of His Majesty's Pleasure still remain under the consideration of the Lords of the Committee of Privy Council. p. 39

1802
Downing St., July 9.

Sullivan to Hunter. (Circular.) Transmitting copy of letter to Treasury on subject of providing the Colonial troops with fresh meat and other necessaries on the spot, and requesting information as to prices and quantities to be obtained and required. (Enclosure.) p. 44

Downing St., Sept. 4.

Hobart to Hunter. No. 10. Acknowledging despatches Nos. 7-12, and transmitting Order in Council confirming two acts which had been reserved, viz:—

"An Act to allow time for the sale of lands and tenements by the Sheriff,

"An Act to enable Femmes Coverts having real estate or interest in real estate more conveniently to alien the same."

With order respecting latter act was letter stating opinion of Committee for Trade and Plantations upon some points relative to it. Copy of letter was enclosed.

The other acts viz:—

"An Act for the more uniform laying of assessments and rates throughout the Province" was also confirmed, and "An Act to declare the rights of certain grantees of Waste Lands of the Crown" was disallowed for reasons stated. (Four enclosures.) p. 49

Downing St., Sept. 4.

Hobart to Hunter. No. 11. Stating that the Earl of Selkirk had plans for a settlement in the district of the Fall of St. Mary, and to place a number of people and desired a grant of land, proportioned in size to the number he would settle. Lieut. Governor was requested to facilitate the arrangements of Selkirk's agent Richard Savage. p. 61

Downing St., Sept. 4.

Hobart to Hunter. No. 12. Respecting petition from widow of General Arnold regarding fees on the grant to him and his family. Also, enclosing a letter from F. Freeling respecting the salary of Thomas Ridout in the Surveyor General's office. (Enclosure, with a memo. of Ridout's services.) p. 63

Downing St., Oct. 5.

Hobart to Hunter. No. 13. Acknowledging despatches Nos. 13-18. Approval given to draughts of leases of Crown and Clergy Reserves. Stating that Matthew Scott had decided to settle in Lower Canada. p. 71

Downing St., Oct. 20.

Hobart to Hunter. (Circular.) Transmitting copy of letter from Privy Council, enclosing forms of declaration and certificates relative to regulations of Quarantine of Goods, the growth of Turkey or Barbary. p. 73

Enclosure:—
Declaration forms. p. 151

Downing St., Nov. 4.

Hobart to Hunter. No. 14. Acknowledging despatches Nos. 19-22. Requisition for Indian presents sent to Treasury. Respecting return of bill for £800 drawn upon Agent for colony and returned protested. p. 78

Downing St., Dec. 1.

Hobart to Hunter. No. 15. Respecting grant of land to widow and children of late Attorney General White. p. 79

1802

Sullivan to Hunter. Transmitting copy of speech by which King opened Parliament on Nov. 23. p. 81 Downing St., Dec. 1.

Enclosure:

King's speech with addresses from both Houses. p. 156

Sullivan to Hunter. Transmitting copy of letter he wrote to Treasury, respecting Hunter's report on supply of troops with provisions on the spot; also, copy of letter to Lieut. General Grinfield on supplying troops in West Indies from Canada and Nova Scotia. (Two enclosures.) p. 82 Downing St., Dec. 2.

Sullivan to Hunter. (Circular.) Transmitting Order-in-Council respecting Mediterranean passes with printed copies of regulations. (Not herewith.) p. 89 Downing St., Dec. 15.

1803

Hobart to Hunter. No. 16. Authority to grant 5000 acres of land to Mr. Talbot, and to reserve a further quantity contiguous to his grants. G. 104A Downing St., Feb. 15.

Hobart to Hunter. (Separate.) Stating that Earl of Selkirk had applied for grant of land in Upper Canada upon which he proposed to place a number of settlers, and directing that, on Selkirk's application to Lieut. Governor, he was to receive 1200 acres in any township not already appropriated, and instructing that the remainder of the township be reserved for period not exceeding five years for purpose of appropriating to him 200 acres for every family he may settle, on the understanding that, out of the 200 acres, 50 should be assigned to each family settling. p. 90 Downing St., Feb. 28.

Hobart to Hunter. No. 17. Stating that a body of Highlanders, mostly Macdonald's and partly disbanded soldiers of late Glengarry Fencible Regiment with families were proceeding to Upper Canada, accompanied by their pastor Mr. Macdonell formerly chaplain to the Glengarry Regiment, and directing that arrangements to settle them in any unappropriated part of the province they may choose. Mr. Macdonell to receive 1200 acres, and each family settled 200 acres. p. 93 Downing St., March 1.

Hobart to Hunter. (Circular.) Transmitting copies of two messages from King to Parliament with addresses in reply thereto. Though it was King's wish that peace might be maintained if that was possible with honor, it was thought proper to send out these communications. p. 95 Downing St., March 12.

Enclosures:—

(1) Message stating that in view of preparation being made in the ports of France and Holland, he has thought it expedient to call out militia. p. 96

(2) Message expressing confidence that Parliament would adopt such measures as appeared to be required to support honor of Crown and essential interests of people. p. 97

(3) Two replies to these messages. p. 98

Hobart to Hunter. No. 18. Instructing him to make as advantageous allotment of land to Colonel Barclay, Consul General in United States or to any of his family intending to settle in province, as regulations would permit. p. 101 Downing St., April 2.

Hobart to Hunter. Introducing Mr. Cochran who was appointed to be a judge in Court of Common Pleas in Upper Canada. p. 102 Downing St., April 9.

1803

Downing St., May 7. Hobart to Hunter. (Circular Secret.) Instructing him that, as there was little prospect for continuance of peace with France, to have utmost vigilance exercised in every department of Government. p. 103

Downing St., May 16. Hobart to Hunter. (Circular.) Stating, with reference to circular of May 7, that British Ambassador left Paris on May 13. Letters of marque or commissions of privateers should be issued without delay, and utmost publicity given to news of reopening of war. p. 104

Downing St., May 17. Hobart to Hunter. (Circular.) Transmitting copy of Order in Council of May 16, directing detention of all vessels of French or Batavian citizens found in harbours etc within British Empire. (Enclosure.) p. 107

Downing St., May 19. Hobart to Hunter. (Circular.) Transmitting papers relating to late discussions between Governments of England and France. (Not herewith.) p. 111

Downing St., June 16. Hobart to Hunter. (Circular.) Stating that the British Minister in Batavian Republic had been recalled, and that Letters of Marque and Reprisal had been ordered against the Republic. p. 112

Downing St., June 16. Hobart to Hunter. (Circular.) Transmitting two Orders in Council dated June 1 and 8 respectively as to British property going under Batavian flag from any colonies late in H.M.'s possession but restored by treaty of peace to the Republic; and directing that they be observed. (Two enclosures.) p. 114

Downing St., July 7. Sullivan to Hunter. (Circular.) Enclosing Estimate for Upper Canada expenditure for 1803, totalling £8,900. p. 121

Enclosure:—

Copy

Estimate of the charge for defraying the Civil Establishment of the Province of Upper Canada in America from the 1st of January to the 31st of December 1803—

Salary of the Lieut. Governor	£2000	"	"
Salary of the Chief Justice	1100	"	"
Salary of the Attorney General	300	"	"
Salary of the Solicitor General	100	"	"
Two Judges of the Court of Common Pleas each £750.	1500	"	"
Clerk of the Crown and Pleas	100	"	"
Two Sheriffs at £100 each	200	"	"
Secretary and Register	300	"	"
Clerk of the Council	100	"	"
Receiver General of the Revenues	200	"	"
Five Executive Councillors each £100	500	"	"
Surveyor General of Lands	300	"	"
Naval Officer	100	"	"
Salary of the Bishop's Commissary	150	"	"
Temporary allowance for four Clergymen	400	"	"
Allowance towards building Churches	800	"	"
Allowance to the Widow of the late Lieut. Colonel Campbell Governor of the Bermudas, in reward of his firm and judicious conduct & able Services at the Myamis, and in consideration of her straighten'd circumstances per annum	150	"	"
Allowance on account of arrears due to the Representatives of Mr. J. White late Attorney General of this Province for half a Years Salary due the 31st Decr. 1799	150	"	"
Allowance on account of Fees on the Receipt & Audit	250	"	"
Agent	200	"	"
	£8900	"	"

p. 122

1803

Sullivan to Hunter. (Circular.) Transmitting printed copies of King's speech on opening Parliament on Nov. 22, and of addresses in reply. p. 123 — Downing St., Nov. 24.

Enclosures. p. 164

Hobart to Hunter. No. 19. Transmitting memorial from Chief Justice Elmsley, late of Upper Canada, then of Lower Canada, praying that his residence in York be purchased for use of Government, and stating that the circumstances inclined him to take the property off his hands, if it could be put to use by Government; and requesting full report. (Enclosure.) p. 124 — Downing St., Dec. 10.

Hobart to Hunter. (Circular.) Transmitting Extraordinary Gazette announcing arrival of Mr. Moore, Assistant Secretary to Marquis Cornwallis with definitive Treaty of Peace signed at Amiens, on March 27. (Two copies herewith.) p. 128 — Downing St., March 31, 1802.

G. 54, Part II (1804-05)

1804

Hobart to Hunter. No. 20. Acknowledging despatches Nos. 23-43. As regards No. 27, the augmented table of fees in Land Granting Department recommended by Executive Council was authorized. Chief Justice Alcock's application for increased compensation transmitted in No. 33 not allowed. Col. Mann's report having shown necessity of new establishment at Fort Erie, authority was given to start work upon it. p. 171 — Downing St., Jan. 9.

Hobart to Hunter. No. 21. Requesting full report on every article of supply lodged in public departments. p. 174 — Downing St., Jan. 9.

Hobart to Hunter. No. 22. Acknowledging despatches Nos. 44 and 45. Leave of absence for six months granted to Chief Justice Alcock. Authority given to restore to Sir John Johnson the £200 extra allowance granted during Dorchester's government but discontinued since Dec. 24, 1800. p. 175 — Downing St., March 10.

Hobart to Hunter. No. 23. Authorizing grant of land to Vicomte de Vaux formerly Marshal de Camp on same terms as grants to French Loyalists. p. 177 — Downing St., March 10.

Hobart to Hunter. No. 24. Stating that circumstances had prevented the disbanded soldiers of Glengarry Fencibles from going to Canada as announced on March 1, 1803, but that Rev. Mr. Macdonell was anxious to join his countrymen in Glengarry District; and directing that grant of land be made to him on most favorable conditions possible. p. 179 — Downing St., April 7.

Earl of Camden to Hunter. (Circular.) Announcing his succession to Colonial Department. p. 181 — Downing St., May 17.

Camden to Hunter. No. 1. Acknowledging despatches Nos. 46 and 47. They did not require particular answer. Transmitting copies of Hobart's despatches Nos. 17, 19-22. (Copies of Nos. 19-22 herewith.) p. 182 — Downing St., June 7.

1804
Downing St., June 7.

Camden to Hunter. No. 2. Stating no objection found to following Provincial Acts:—

An Act to authorize the Governor, Lieuts. Governor or person administring the Government of this Province to licence Practitioners in the Law.

An Act to declare the Rights of certain Grantees of Waste Lands of the Crown.

An Act to enable married Women having real Estate more conveniently to alien and convey the same.

An Act for further altering & amending An Act passed in the 33d. Year of His Majesty's Reign intitled An Act to encourage the destroying of Wolves and Bears in different parts of this Province.

An Act to repeal for a limited time part of an Act passed in the 34 year of His Majesty's Reign intituled An Act for the regulation of Juries.

An Act to authorize the Attorneys now practising or hereafter to be duly admitted to practice, to take such number of Clerks as therein mentioned.

An Act for the better securing to His Majesty, His Heirs and Successors, the due collection and receipt of certain duties therein mentioned.

An Act to extend the Provisions of An Act passed in the 34 Year of His Majesty's Reign, intituled An Act to restrain the custom of permitting Horned Cattle, Horses, Sheep and Swine to run at large—

An Act the more conveniently to collect the compensation to the Members of the House of Assembly for their attendance in their duty in Parliament, and to repeal part of An Act passed in the Parliament of this Province in the 33d. Year of His Majesty's Reign Intituled An Act to authorize and direct the laying & collecting of Assessments and Rates within this Province and to provide for the payment of Wages to the House of Assembly.

An Act particularizing the Property real and personal which during the continuance thereof shall be subject to Assessments and Rates and fixing the several valuations at which each and every particular of such Property shall be rated & assessed.

An Act to explain and amend an Act passed in the 41st Year of His Majesty's Reign Intituled An Act for granting to His Majesty His Heirs and Successors to and for the use of this Province the like Duties on Goods and Merchandize brought into this Province from the United States of America as are now paid on Goods and Merchandize imported from Great Britain and other places and to provide more effectually for the collection and payment of Duties on Goods & Merchandize coming from the United States of America into this Province and also to establish a fund for the erection & repairing of Light-Houses. p. 191

Downing St., June 29.

E. Cooke to Hunter. (Circular.) Transmitting Estimate of vote for Upper Canada expenditure, totalling £8085. p. 195

Enclosure:— 1804

1804

Estimate of the Charge of defraying the Civil Establishment of the Province of Upper Canada in America from the 1st of January to the 31st of December 1804.

Salary of the Lieutenant Governor..	£2000	"	"
Salary of the Chief Justice..	1100	"	"
Salary of the Attorney General..	300	"	"
Salary of the Solicitor General..	100	"	"
Two Judges of the Court of Common Pleas each £750 per Annum..	1500	"	"
Clerk of the Crown and Pleas..	100	"	"
Two Sheriffs at £100 each..	200	"	"
Secretary and Register..	300	"	"
Clerk of the Council..	100	"	"
Receiver General of the Revenues..	200	"	"
Five Executive Councillors each £100..	500	"	"
Surveyor General of Lands..	300	"	"
Naval Officer..	100	"	"
Salary of the Bishop's Commissary..	150	"	"
Temporary allowance to four Clergymen..	400	"	"
Allowance to the Widow of the late Coll. Campbell Governor of the Bermudas in reward of his firm and judicious Conduct and able Services at the Myamis and in consideration of her straightened circumstances, per Annum..	150	"	"
Additional allowance to Mrs. Campbell..	100	"	"
Allowance on account of Fees on the Receipt and audit..	250	"	"
Agent..	200	"	"
	£8050	"	"

p. 196

Cooke to Hunter. (Circular.) Transmitting copies of King's speech closing Parliament on July 31. Downing St., Aug. 2. p. 197

Enclosures. p. 371

Camden to Hunter. No. 3. Acknowledging despatches Nos. 48-57 (except Nos. 49 and 51). Address of Legislature for aid to enable erection of public buildings at York held for further information from Lieut. Governor. Recommendation of Scott as honorary member of Executive Council in hands of Lord President. Request that report on public stores be hastened. Authority to grant Comte de Vaux same quantity of land as Comte de Puisaye. As regards enabling French Loyalists to hold valid titles to land, enquiry was being made as to whether letters of denization issued by Lieut. Governor would be sufficient. Authority given to grant Capt. Hugh McDonnel compensation for services as adjutant general. Transmitting memorial from John Norton, representing grievances of Six Nation Indians, and directing that steps be taken to remedy these as far as they were valid, and to report on subject. (Three enclosures.) Downing St., Aug. 2. p. 198

Camden to Hunter. (Circular.) Stating the General Post Office represents that orders to send despatches by private channels had been misconstrued into leading private persons to elude the Post Office; and directing that steps be taken to stop abuse. Downing St., Aug. 2. p. 214

Camden to Hunter. No. 4. Stating following acts of Provincial Legislature in 1803 were not open to objection:— Downing St., Sept. 6.

An Act to authorize the Governor Lieutenant Governor or Person administering the Government of this Province to Licence Practitioners in the Law.

1804 An Act to declare the Rights of certain Grantees of Waste Lands of the Crown.

An Act to enable married Women having real Estate more conveniently to alien and convey the same.

An Act for further altering and amending An Act passed in the 33d Year of His Majesty's Reign intituled, An Act to encourage the destroying of Wolves and Bears in different parts of this Province.

An Act to repeal for a limited time part of an Act passed in the 34th Year of His Majesty's Reign intituled an Act for the Regulation of Juries.

An Act to authorize the Attornies now practising or hereafter to be duly admitted to practice to take such number of Clerks as therein mentioned.

An Act for the better securing to His Majesty His Heirs and Successors the due Collection and Receipts of certain Duties therein mentioned.

An Act to extend the Provisions of an Act passed in the 34th Year of His Majesty's Reign intituled An Act to restrain the custom of permitting Horned Cattle, Horses, Sheep and Swine to run at large.

An Act the more conveniently to collect the compensation to the Members of the House of Assembly for their attendance in their Duty in Parliament and to repeal part of an Act passed in the Parliament of this Province in the 33d year of His Majesty's Reign intituled An Act to authorize and direct the laying and collecting of Assessments and Rates within this Province and to provide for the payment of Wages to the House of Assembly.

An Act particularizing the Property Real and Personal which, during the continuance thereof shall be subject to assessments and Rates and fixing the several valuations at which each and every particular of such property shall be rated and assessed.

An Act to explain and amend An Act passed in the 41st year of His Majesty's Reign intituled an Act for granting to His Majesty His Heirs and Successors to and for the uses of this Province the like Duties on Goods and Merchandize brought into this Province from the United States of America as are now paid on Goods and Merchandize imported from Great Britain and other Places and to provide more effectually for the collection and payments of Duties on Goods and Merchandize coming from the United States of America into this Province and also to establish a Fund for the erection & repairing of Light Houses. p. 215

Downing St., Oct. 4. Camden to Hunter. No. 5. Acknowledging despatches Nos. 58 and 59. Requisition for Indian stores sent to Treasury. Question of aid in erecting public buildings also before that body. p. 219

Downing St., Dec. 6. Camden to Hunter. No. 6. Acknowledging despatches Nos. 49 and 51. Authority given to pay Major General Mann the salary of a brigadier on the staff establishment of Canada, from time Major General Burton ceased to receive his staff appointments. Memorial from J. Cockburn for grant of lands for himself and brother residing on Bay of Chaleurs. Enclosure. p. 220

Downing St., Dec. 27. Camden to Hunter. (Circular.) Transmitting copy of Order in Council of Dec. 19, directing that all Spanish vessels in ports etc of British Empire be detained with loading and persons on board. (Enclosure.) p. 228

1805

Camden to Hunter. (Circular.) Notification of declaration of War by Spain against Great Britain. p. 231 Downing St., Jan. 11.

Cooke to Hunter. (Circular.) Transmitting copy of King's speech on opening Parliament on Jan. 15, with addresses of Houses in reply. p. 232 Downing St., Jan. 22.

Enclosures. p. 377

Cooke to Hunter. (Circular.) Transmitting copy of declaration consequent upon actual commencement of hostilities by Spain. (Enclosure.) p. 233 Downing St., Jan. 24.

Camden to Hunter. No. 7. Acknowledging despatches Nos. 60, 61, 1-5. Instructions thereupon would be sent out by Alcock's return. Much concern expressed for loss of "Speedy" and death of Mr. Cochrane and Mr. Gray. Darcy Boulton to succeed Gray as Solicitor General. p. 238 Downing St., Feb. 16.

Cooke to Hunter. Enclosing Estimate for civil establishment of province, totalling £8,379-6-3½. p. 240 Downing St., March 20.

Enclosure:

1805

Estimate of the charge of defraying the Civil Establishment of the Province of Upper Canada in America, from the 1st of Jany. to the 31st of December 1805.

Salary of the Lieut. Governor..	£2000	"	"
Salary of the Chief Justice..	1100	"	"
Salary of the Attorney General..	300	"	"
Salary of the Solicitor General..	100	"	"
Two Judges of the Court of Kings Bench, each £750 P an:..	1500	"	"
Clerk of the Crown and Pleas..	100	"	"
Two Sheriffs at £100 each..	200	"	"
Secretary and Register..	300	"	"
Clerk of the Council..	100	"	"
Receiver General of the Revenues	200	"	"
Five Executive Councillors each £100	500	"	"
Surveyor General of Lands..	300	"	"
Naval Officer..	100	"	"
Salary of the Bishop's Commissary..	150	"	"
Temporary Allowance to four Clergymen..	400	"	"
Allowance to the Widow of the late Colonel Campbell Governor of the Bermudas in reward of his firm & judicious Conduct & able Services at the Myamis, & in consideration of her straightened circumstances..	250	"	"
Allowance to Mr. Smith, late Surveyor Genl. of Lands, in consequence of his lay Services & of the infirm state of his health at £200 p annum from the 10th May 1804..	329	6	3½
Allowance on Account of Fees on the Receipt and audit..	250	"	"
Agent..	200	"	"
	£8,379	6	3½

p. 241

Camden to Hunter. Authorizing a grant of land not exceeding 5000 acres to Lt. Col. Vesey. p. 243 Downing St., June 22.

Camden to Hunter. (Circular.) Instructing him to pay strictest attention to any communications received from Board of Health respecting malignant or infectious disorders. p. 247 Downing St., June 30.

1805

Council Office, Whitehall, Feb. 10, 1806. S. Cottrell to Cooke. (Copy.) Enclosing letter from Board of Health, transmitting First and Second Reports from the Board, with regulations for preventing introduction of infectious disorders. p. 249

Enclosures:—

Board of Health, Jan. 15, 1806. (1) Members of Board to Cottrell. p. 252

(2) Reports. pp. 385 & 406

Downing St., June 30, 1805. Camden to Hunter. Authorizing £100 a year increase in salary of Mr. Small, Clerk of the Council, and grant of land to extent of 2000 acres, in consideration of long and faithful services. p. 256

Downing St., July 3. Camden to Hunter. No. 8. Transmitting copy of report of Law Officers as to effect of a law permitting grants of land to aliens; and directing that Attorney General prepare a bill in accordance with report, and submit it to Legislature. (Enclosure.) p. 258

Downing St., July 3. Camden to Hunter. No. 9. (Extract.) Notice of appointment of Mr. Thorp late Chief Justice of Prince Edward Island to succeed Cochrane as one of the judges in Upper Canada. p. 266

Downing St., July 10. Lord Castlereagh to Hunter. (Circular.) Announcing his appointment as Secretary of War and Colonies. p. 267

Downing St., July 15. Cooke to Hunter. (Circular.) Transmitting copy of King's speech closing Parliament on July 12. p. 268

Enclosure.

Downing St., Aug. 7. Cooke to Hunter. Sending copy of Castlereagh's despatch of July 10, announcing his appointment. (Enclosure.) p. 269

Downing St., Aug. 27. Castlereagh to Hunter. (Circular.) Announcing death of Duke of Gloucester on previous Sunday evening. p. 271

Downing St., Sept. 1. Cooke to Hunter. (Circular.) Transmitting copy of letter from Paymaster General's Office, and directing publication of it. p. 272

Enclosure:—

Pay Office, Aug. 28. D. Thomas to Cooke. Enclosing notice to officers on half pay residing in British colonies. p. 273

Enclosure. p. 275

Downing St., Sept. 5. Castlereagh to Hunter. No. 1. Transmitting copy of memorial from Major Henry Bird of 5th Regt. of Foot, praying for compensation for loss of tract of land, near entrance to Lake Erie, of which he was dispossessed by Government.

Enclosure. p. 280

Downing St., Sept. 5. Castlereagh to Hunter. No. 2. Transmitting copy of letter from Committee of P.C. for Trade and Plantations with papers from Society of Arts etc respecting culture of hemp, and directing that copies be circulated in province.

Three enclosures. p. 293

Downing St., Sept. 28. Castlereagh to Hunter. No. 3. Stating that following Provincial acts do not seem open to objection:

"An Act to promulgate the Provincial Statutes, and also to repeal so much of an Act passed in the forty first Year of the Reign of His present Majesty as relates to printing the Journals."

"An Act to explain and amend an Act passed in the Forty third Year of His Majesty's Reign intitled an Act for the better securing to His Majesty His Heirs & Successors the due Collection and Receipt of certain Duties thereinmentioned."

"An Act for granting to His Majesty a certain Sum of Money out of the Funds applicable to the Uses of this Province to defray the Expences of amending & repairing the Public Highways and Roads laying out and opening new Roads and building Bridges in the several Districts thereof."

"An Act appropriating a certain sum of Money annually to defray the Expences of erecting certain Public Buildings to and for the uses of this Province."

"An Act for the exemplary Punishment of all and every Person and Persons who shall seduce or attempt to seduce or Aid or assist or attempt to aid or assist any Soldier to desert His Majesty's Service or who shall harbour conceal receive or assist any Deserter from such Service."

"An Act for the better securing this Province against all Seditious Attempts or designs to disturb the tranquillity thereof.

"An Act for applying a certain sum of money therein mentioned to make good certain Monies issued and advanced by His Majesty through the Lieutt. Governor in pursuance of an Address."

"An Act for granting to His Majesty a certain Sum of Money for the further encouragement of the Growth & Cultivation of Hemp within this Province & the Exportation thereof."

"An Act to repeal so much of an Act passed in the Thirty fourth Year of His Majesty's Reign Entitled An Act to restrain the custom of permitting Horned Cattle Horses Sheep and Swine to run at large as relates to Sheep and to restrain the Owners of Rams from permitting them to run at large during a certain time of the Year."

"An Act to repeal certain parts of an Act passed in the Thirty fourth Year of His present Majesty's Reign Entitled An Act to establish a Superior Court of Civil and Criminal Jurisdiction and to regulate the Court of Appeal & to authorize His Majesty's Court of King's Bench in this Province to regulate certain Fees Costs and Charges therein mentioned."

"An Act for granting to His Majesty a certain sum of Money for the purposes thereinmentioned." p. 355

Cooke to President Russell. Notice that officers of Government might draw for their salaries or other authorized payments upon Adam Gordon of Colonial Secretary's office, until Provincial Agent was appointed to succeed Mr. Fisher, who had died. Account of death of Lieut. General Hunter was received from Quebec. p. 363 — Downing St., Sept. 28.

Castlereagh to Russell. (Circular.) Transmitting copies of Extraordinary Gazette, with account of battle of Trafalgar, and death of Nelson. (Enclosure.) p. 365 — Downing St., Nov. 6.

Castlereagh to Russell. No. 1. Requesting report on memorial from Major Henry Bird, in support of earlier memorial. (No enclosure.) p. 369 — Downing St., Nov. 14.

G. 55 (Pt. I) (1806-1807)

1806

Downing St., Jan. 2. Castlereagh to Administrator. Authorizing grant of land not exceeding 5,000 acres to Hon. Mr. Jones, brother of Lord Ranelagh, who proposed to form a settlement in Upper Canada. p. 1

Downing St., Jan. 28. Cooke to Administrator. Transmitting copy of speech with which Lords Commissioners opened Parliament on Jan. 21, and of addresses of two Houses. p. 3

Enclosures. pp. 176, 179, 183

Downing St., Feb. 5. W. Windham to Administrator. Announcing his accession to Secretaryship of War and Colonies. p. 4

Downing St., Feb. 28. Windham to Administrator. (Circular.) Transmitting copy of Extraordinary Gazette announcing surrender of Cape of Good Hope to H.M.'s forces. p. 6

Enclosure. p. 185

Downing St., March 5. Windham to Administrator. (Circular.) Transmitting correspondence from Board of Health, and directing that careful attention be given to their wishes. (No enclosures herewith.) p. 7

Downing St., March 24. Windham to Administrator. Transmitting copy of Extraordinary Gazette, containing account of victory obtained by British fleet over enemy squadron off St. Domingo. p. 8

Enclosure. p. 192

Downing St., March 31. Sir George Shee to Administrator. Transmitting Estimate for civil expenditure for Upper Canada. p. 9

Enclosure:—

1806

Estimate of Charge of defraying the Civil Establishment of the Province of Upper Canada in America from the 1st January to the 31st of December 1806.

Salary of the Lieutenant Governor..	£2000	"	"
——— of the Chief Justice..	1100	"	"
——— of the Attorney General..	300	"	"
——— of the Solicitor General..	100	"	"
Two Judges of the Court of King's Bench each £750 per Annum..	1500	"	"
Clerk of the Crown and Pleas..	100	"	"
Two Sheriffs at £100 each..	200	"	"
Secretary and Register..	300	"	"
Clerk of the Council..	100	"	"
Receiver General of the Revenues..	200	"	"
Five Executive Councillors at £100 each..	500	"	"
Surveyor General of Lands..	300	"	"
Naval Officer..	100	"	"
Salary of the Bishop's Commissary..	150	"	"
Temporary Allowance to four Clergymen..	400	"	"
Allowance to the Widow of the late Colonel Campbell, Governor of the Bermudas in reward of his firm and judicious Conduct and able Services at the Myamis, and in consideration of her straightened Circumstances..	250	"	"
Allowance to Mr. Smith, late Surveyor General of Lands, in consequence of his long Services and of the infirm state of his health..	200	"	"
Allowance on account of Fees on the Receipt and Audit..	250	"	"
Agent..	200	"	"
	£8,250	"	"

p. 10

Windham to Administrator (Circular):—

1806 Downing St., April 2.

"The Lords of the Committee of Privy Council for Trade & Foreign Plantations have taken into their consideration the State of the Newfoundland Fishery, and various applications respecting the better supply of the British Islands in the West Indies and the conquered Colonies with Provisions, more particularly with Salt Fish.

Upon a full & attentive consideration of the information laid before them, their Lordships have recommended to the Lands Commissioners of the Treasury to authorize the payment in the several British Islands and Colonies beforementioned of a Bounty of two Shillings Stg. p Quintal upon Newfoundland and all other British American salted Fish which shall be imported into the said Islands in British Ships, from the 1st day of June 1806 to the 1st day of June 1807 and also for the payment of the Bounties undermentioned on pickled Fish of the following descriptions Vizt.

On Shads P Barrell of 32 Galls.		.. ..	1s	6d
On Herrings	Do	.. ..	2	6
On Mackerel	Do	.. ..	3	
On Salmon	Do	.. ..	4	

Imported in like manner into the said Islands—A particular Account of the amount of the bounties so paid, will be kept in each Island & Colony respectively, in full reliance that the same will be repaid to the British Treasury as soon as the Legislatures of the several respective Islands shall have made provision accordingly; and shall have also made provision for the continuance of the said Bounty for the Firm abovementioned.

It is further intended to recommend that the respective Legislatures should grant a bounty of one Shilling Stg. p Quintal on Newfoundland and all other British American Salted Fish, imported as aforesaid, and also impose a Duty on all Fish imported from the United States of America, to countervail any Duty which may be payable within those States on the importation of British Fish, such bounty and such Duty to take effect from and after the 1st day of June 1807.

I am commanded to signify to you His Majesty's Pleasure that you forthwith communicate the substance of this letter to the Merchants and others within Your Government interested in the beforementioned Fisheries, in order that they may avail themselves of the encouragement which it is intended to afford their Trade.

The Lords Commissioners of the Admiralty have taken measures for providing sufficient & regular Convoys for the Vessels employed in the Newfoundland Fishery and supply of the West India Islands And Instructions have been given to Sir Andw. Mitchell and Sir Erasmus Gower to extend that protection to the Trade of Nova Scotia and the other North American Colonies, bound to the West Indies, upon the Vessels assembling to take the benefit of the protection of the Ships of War appointed for that Service." p. 11

Windham to Alexander Grant or Officer administering. No. 1. Downing St., April 4.
Acknowledging despatches Nos. 1-5 to Camden; and announcing appointment of Francis Gore to lieutenant governorship. Gore will leave Bermuda for Upper Canada with all convenient despatch. p. 16

Windham to Administrator. (Circular.) Transmitting copy of Order in Council, laying embargo on all Prussian vessels. (Enclosure.) Downing St., April 6. p. 17

1806

Downing St., April 18. Windham to Gore. (Circular.) Transmitting correspondence respecting the condition of colony as respects infectious diseases. (Enclosure.) p. 22

Downing St., May 4. Windham to Administrator. (Circular.) Transmitting Order in Council, extending scope of embargo upon Prussian vessels. p. 25

Enclosure. p. 197

Downing St., May 10. Windham to Gore. Acknowledging President Grant's despatches to No. 12. With reference to the acquisition from the Mississagua Indians of the tract between Etobicoke township and Burlington Bay, comprising about 70,000 acres, it was observed that the articles to be given in exchange by Colonel Claus would represent value of £1,000. As President Grant recommmended that £1,700 should be given, a valuation confirmed by Allcock, late Chief Justice, authority was given to pay that amount. p. 27

Downing St., May 20. Windham to Gore. (Circular.) Transmitting copy of Order in Council excepting vessels belonging to Hamburg and Oldenburg from the general embargo with relation to Prussia. (Enclosure.) p. 30

Downing St., May 20. Windham to Gore. No. 1. Authorizing that late Chief Justice Allcock be granted lands equal to those granted to other members of Executive Council. p. 34

Enclosure:—

London, May 16. H. Allcock to Windham. (Copy.) p. 36

Feb. 9, 1807. Copy of minute of Council, directing that foregoing instructions regarding Allcock may be carried into effect. p. 39

1806 Downing St., June 2. Windham to Gore. (Circular.) Notice that Letters of Marque and Reprisals had been ordered against vessels and goods of Russia and the town of Papenburg. p. 40

Downing St., June 5. Windham to Gore. No. 3. Transmitting copies of correspondence with the Government of Lower Canada respecting the culture of hemp, and requesting that encouragement be given to this branch of agriculture. (Eleven enclosures.) p. 41

Downing St., June 27. Windham to Gore. (Circular.) Transmitting three Orders in Council; (1) removing embargo from vessels belonging to Hamburg and Oldenburg; (2) removing embargo from ships and goods belonging to Bremen; (3) releasing vessels under Papenburg flag arriving at United Kingdom ports before May 14. p. 71

Enclosures. pp. 198, 199, 200

Downing St., July 1. Windham to Gore. (Circular.) Transmitting copy of letter from Treasury on appointment of commissioners for appraisement and sale of captured Prussian and Papenburg vessels and cargoes. Joseph Phillimore L.L.D. and Philip Egerton Ottey appointed. (Three enclosures.) p. 74

Downing St., Aug. 21. Windham to President Grant. (Circular.) Transmitting additional reports from Board of Health, and directing that they may receive careful attention. p. 81

Enclosures. p. 201

1806

Windham to Gore. (Circular.) Transmitting copy of Extraordinary Gazette of that day, containing account of victory over French at St. Euphemia on July 6. p. 82 — Downing St., Sept. 5.

Enclosure. p. 214

Shee to Gore. Stating that, in consequence of representation from Commissary Craigie, as to necessity for supply of specie in Canada, $100,000 were being sent by first opportunity. p. 83 — Downing St., Sept. 6.

Windham to Gore. (Circular.) Transmitting copy of Extraordinary Gazette of that day, containing account of capture of Fort of Buenos Ayres on June 27. p. 84 — Downing St., Sept. 13.

Enclosure. p. 220

Windham to Gore. No. 4. Extending leave of Givens Indian Agent for six months. p. 85 — Downing St., Sept. 20.

Windham to Grant. (Circular.) Respecting disposal of Prussian property condemned abroad. p. 86 — Downing St., Sept. 24.

Lord Spencer to Gore. No. 5. Transmitting paper from Lord Selkirk objecting to some of the conditions attached to his grant of land in Upper Canada, and requesting that they may be amended; also, requesting that he may be allowed to negotiate with Mohawk Indians for purchase of land on Grand River. Report requested from Executive Council. (Selkirk's memorial enclosed.) p. 87 — Downing St., Nov. 6.

Windham to Gore. No. 6. Acknowledging despatches Nos. 1, 2, 3. Approval given to recommendation that late General Hunter's residence be appropriated as temporary residence of Lieutenant Governor. p. 99 — Downing St., Dec. 11.

1807

Windham to Gore. No. 7. Acknowledging despatches Nos. 4-9. Fees to which Lieut. Governor may be entitled during his absence from headquarters. Expenses of removing Lieut. Governor's baggage. Instructions would be sent at early date on application of moneys in hands of Receiver General to certain incidental expenses without appropriation by Legislature. Representations respecting Judge Thorpe would be attended to. p. 101 — Downing St., Jan. 8.

Windham to Gore. (Circular.) Transmitting copy of Order in Council, of Jan. 7, respecting conduct to be observed towards vessels trading between two enemy ports, or ports at which British vessels might not trade freely. p. 104 — Downing St., Jan. 10.

Enclosure. p. 227

Shee to Gore. (Circular.) Transmitting copies of abstract of Plan of Finance, laid before House of Commons on Jan. 29. p. 105 — Downing St., Feb. 5.

Enclosures. p. 228

Windham to Gore. No. 8. Transmitting Hunter's despatch of Dec. 10, 1803, respecting purchase of Chief Justice Elmsley's house in York, and stating that owing to death of Hunter and Elmsley about same time, transaction was not completed. Report on subject desired. (Enclosure.) p. 106 — Downing St., March 7.

Castlereagh to Gore. Announcing his reappointment to Colonial and War Department. p. 111 — Downing St., March 25.

1807
Downing St., May 7.

Castlereagh to Gore. Stating no objection found to following Provincial acts:

"An Act to regulate the Trial of controverted Elections or Returns of Members to serve in the House of Assembly.

"An Act to ratify and confirm certain provisional Articles of Agreement entered into by the respective Commissioners of this Province and Lower Canada at Montreal on the fifth day of July One Thousand Eight Hundred and four relative to the Duties and for carrying the same into effect, and also to continue An Act passed in the thirty ninth year of His Majesty's Reign and continued by an Act passed in the forty first year of His Majesty's Reign.

An Act to alter certain parts of An Act passed in the forty second year of His Majesty's Reign entitled An Act to provide for the administration of Justice in the District of Newcastle.

An Act to make provisions for further Appointments of Parish and Town officers throughout this province.

An Act for the relief of Insolvent Debtors.

An Act to regulate the curing packing and inspection of Beef and Pork.

An Act for altering the time of issuing Licenses for the Keeping of a House or any other place of public entertainment or for the retailing of Wine Brandy Rum or any other Spirituous Liquors or for the having and using of Stills for the purpose of distilling Spirituous Liquors and for repealing so much of an Act passed in the forty third year of His Majesty's Reign as relates to the Periods of paying into the Hands of the Receiver General the Moneys collected by the Inspector of each and every District throughout this province for such Licences.

An Act for applying a certain Sum of Money therein mentioned to make good certain Moneys issued and advanced by His Majesty through the Lieutenant Governor in pursuance of two addresses.

An Act to amend an Act passed in the forty fourth year of His Majesty's Reign intitled An Act for granting to His Majesty a certain sum of Money for the Encouragement of the Growth and cultivation of Hemp within this Province and the exportation thereof.

An Act to afford Relief to those Persons who may be intitled to claim Lands in this Province as theirs or Devices of the Nominees of the Crown in Cases where no Patent hath issued for such Lands."

p. 112

Downing St., June 19.

Castlereagh to Gore. No. 2. Acknowledging despatches Nos. 10-20. Instructions to suspend Judge Thorpe, but hope expressed that another appointment be found for him under an assurance that he would confine himself to the duties of his profession and abstain from engaging in Provincial politics. Suspension of Wyatt from office of Surveyor General of Lands approved. He could not understand Col. Brock's objections to continuing payment of Indian Department expenses according to established mode. Address of Assembly respecting certain monies appropriated out of Provincial Revenue by order of Lieut. Governor was referred to Law Officers and copy of their report was enclosed. Satisfaction expressed that as appeared from despatch No. 19, Lieut. Governor had followed course recommended

by Law Officers. Requisition of for Indian stores sent to Treasury. Recommendation of Justice Powell for seat in Executive Council laid before His Majesty. Mr. Firth who had appointment as Attorney General would deliver despatch. p. 115 **1807**

Enclosure:—

V. Gibbs and Thomas Plumer. Lincoln's Inn, May 12.

"We had the Honor to receive Your Lordship's Letter dated the 6th of May 1807 transmitting to us a copy of a letter dated Upper Canada the 14th of March 1806 from the President of the Council, then holding the Civil Administration of that Colony, containing an Address from the Assembly upon the Subject of certain Monies which had been appropriated out of the Provincial Revenue by order of the Lieutenant Governor and also enclosing a Memorandum lately drawn up in London by Mr. Justice Powell in explanation of the proceedings to which the Address refers—

And stating that the Revenue of the Province arises partly from certain Duties which previously to the 18th Year of His Majesty had been imposed on the Province of Quebec by the authority of the British Parliament subject to be applied to the purposes therein mentioned, by Warrant from The Lords Comrs. of the Treasury and the residue reserved for the future Disposition of Parliament.

And also containing an Extract from the Canada Act of the 31st of the King Cap 31. Sect. 46 & 47.

And stating further under this clause it was conceived by the House of Assembly of Upper Canada that no Money arising from the said Duties could be issued for the purposes of Government in the Province, except under a previous appropriation, and that the residue of all monies lying in the hands of the Receiver General, being the produce of the said Duties, must be in the Custody of the said Receiver 'till authority were given by the Legislature for him to issue it, or any part of it.

That in opposition to this Construction of the said Act by the House of Assembly of Upper Canada, it was contended that when the produce of any Taxes were granted to the Crown the said produce was disposeable by the Crown or it's Representative for the purposes of the Province, subject to the subsequent Revision and approbation of the House of Assembly except as to such part of the produce of the said Duties as had been particularly appropriated by the Legislature, and requiring as to take the subject into consideration and report to Your Lordship, for His Majesty's information, what directions it may be proper to furnish to the Lt. Governor upon the point in question—

We have accordingly taken the same into consideration, and whatever opinion might have been entertained on this subject had it been left open to general reasoning, we think that in the present Case the question is decided by the explicit Terms of the Canada Act of the 31st George 3 ch. 31 Section 46: 7. by which it is enacted that the net produce of all Duties which shall be imposed, for the regulation of Navigation and Commerce, shall at all times hereafter be applied to and for the use of each of the said Provinces respectively, and in such manner only as shall be directed by any Law or Laws which may be made by His Majesty, his Heirs, or Successors by and with the advice and Consent of the Legislative Council and Assembly of such Province." By this Clause we conceive it to be clear that the application of the net produce of the Duties to any purpose without the direction

1807 of a Law made by His Majesty with the consent of the Legislative Council & Assembly is directly prohibited, and consequently that it would be acting in direct opposition to this Statute to make such an unauthorized application, however proper the purposes might be to which the application might be made.

We submit therefore whether immediate directions should not be given of The Lieutenant Governor of the Province to assure the Assembly that in future the Canada Act above mentioned would be inviolably adhered to, and the produce of Duties applied only in the manner therein directed—With respect to the past misapplication of such produce without the authority of the Legislature we submit whether it may not be proper to direct the amount thereof to be replaced at the disposal of the Legislature, accompanied however with an Intimation that all the purposes to which the Money had been applied were purely provincial, & acquiesced in by the Legislature, it might not be improper to expect that the Common's House of Assembly would with the Concurrence of the other Branches of the Legislature sanction the past and provide in future for similar Contingencies within the province." p. 119

Downing St., June 29. Castlereagh to Gore. No. 3. Transmitting memorials from Sir Alexander MacKenzie and several mercantile houses asking that some Legislative provision might be made to render lands liable to simple contract debts; and enclosing report of Law Officers on subject. (Three enclosures.) p. 124

Downing St., July 4. Cooke to Gore. (Circular.) Transmitting copy of speech with which Lords Commissioners opened Parliament on June 26, with addresses of both Houses. p. 135

Enclosures. p. 243

Downing St., Sept. 17. Charles Stuart to Gore. (Circular.) Transmitting copy of Extraordinary Gazette announcing surrender of Copenhagen and the Danish fleet. p. 136

Enclosure. p. 249

Downing St., Oct. 6. Stuart to Gore. (Circular.) Transmitting Estimates for civil establishment of Upper Canada. p. 137

Enclosure:—

1807

Estimate of the Charge of defraying the Civil Establishment of the Province of Upper Canada in America from the 1st of January to the 31st December 1807.

Salary of the Lieutenant Governor..	£2000	"	"
Chief Justice..	1100	"	"
Attorney General..	300	"	"
Solicitor General..	100	"	"
Two Judges of the Court of King's Bench each £750 per Annum..	1500	"	"
Clerk of the Crown and Pleas..	100	"	"
Two Sheriffs at £100 per annum each..	200	"	"
Secretary and Register..	300	"	"
Clerk of the Council..	100	"	"
Receiver General of the Revenues..	200	"	"
Five Executive Councillors at £100 each..	500	"	"
Surveyor General of Lands..	300	"	"
Naval Officer..	100	"	"
Salary of the Bishop's Commissary..	150	"	"
Temporary allowance to four Clergymen..	400	"	"

Allowance to the Widow of the late Colonel Campbell Governor of the Bermudas in reward of his firm and judicious Conduct and able Services at the Myamis and in consideration of her streightened circumstances..	250	" "
Allowance to Mr. Smith late Surveyor General of Lands in consequence of his long Services and of the infirm state of his health..	200	" "
Pension to Sarah Margaret Clarke the only surviving Daughter of the late Captain Clarke in consequence of his long and meritorious Services and in consideration of her streightened circumstances..	30	" "
Allowance on Account of Fees on the Receipt and Audit..	250	" "
Agent..	200	" "
	£8,280	" "

p. 138

Castlereagh to Gore. No. 3. Stating that following Provincial Acts were open to no objection:— Downing St., Oct. 10.

"An Act to make provision for certain Sheriffs in this Province"—

"An Act to repeal an Act passed in the thirty fifth Year of His Majesty's Reign Intituled "An Act to regulate the Practice of Physic & Surgery"—

"An Act to procure certain apparatus for the promotion of Science"—

"An Act to repeal an Act passed in the Forty fourth Year of His Majesty's Reign Intituled "An Act for granting to His Majesty a certain Sum of Money out of the Funds applicable to the Uses of this Province to defray the Expences of amending and repairing the Public HighWays and Roads laying out and opening new Roads and building Bridges in the several Districts thereof and to make further Provision for the opening & amending the said Roads"—

"An Act to alter and amend an Act passed in the thirty third year of His present Majesty's Reign Intituled An Act to provide for the Nomination and appointment of Parish and Town Officers and also to repeal certain Parts of an Act passed in the thirty third Year of His present Majesty's Reign, Intituled "An Act to authorize and direct the laying and collecting of assessments and Rates in every District in this Province and to provide for the payment of Wages to Members of the House of Assembly—"

"An Act to continue an Act passed in the forty third of His Majesty's Reign Intituled an Act for the better securing to His Majesty, his Heirs, and Successors the due collection and receipt of certain Duties therein mentioned."

"An Act for applying a certain Sum of Money therein mentioned to make good certain Monies issued and advanced by His Majesty through the Lieutenant Governor in pursuance of several addresses.

p. 142

Lord Hawkesbury to Gore. (Circular.) Announcing that Letters of Marque had been granted against shipping to Kingdom of Naples and other territories under influence of France. Downing St., Nov. 4. p. 147

Hawkesbury to Gore. (Circular.) Announcing that Denmark had declared war against Great Britain. Downing St., Nov. 5. p. 152

1807

Downing St., Nov. 23. Hawkesbury to Gore. (Circular.) Transmitting Gazette containing Order in Council of Nov. 11, and instructions relating to general blockade of European ports. p. 156

Enclosure. p. 261

Downing St., Dec. 2. Hawkesbury to Gore. (Circular.) Transmitting copy of Gazette six Orders in Council, explanatory of Orders of Nov. 11. p. 157

Enclosure. p. 266

Downing St., Dec. 12. Castlereagh to Gore. (Circular.) Transmitting copy of Order in Council of Dec. 9, proclaiming embargo against Russian vessels. (Enclosure.) 160

Downing St., Dec. 18. Castlereagh to Gore. (Circular.) Stating that Letters of Marque and Commissions of Privateers had been ordered against Russia. p. 165

Downing St., Dec. 20. Castlereagh to Gore. (Circular.) Transmitting copy of Order in Council of Dec. 18, directing that nothing in Order in Council of Nov. 11, should extend to permit any vessel to import articles of produce or manufacture of enemy's colonies in West Indies direct from such colonies to United Kingdom. (Enclosure.) p. 169

Speech of Lords Commissioners on opening Parliament on Jan. 22, 1808, with addresses of Houses. p. 286

Copy of Gazette Extraordinary of Dec. 22, 1807, announcing that Prince Regent of Portugal with family had emigrated to Brazil. p. 298

G. 55 (Pt. II) (1808-1810)

1808

Downing St., May 19. Cooke to Gore. Enclosing Estimate for civil establishment of Upper Canada. p. 302

Enclosure:—

1808

Upper Canada

Estimate of the Charge of defraying the Civil Establishment of the Province of Upper Canada in America from the 1st of January to the 31st of December 1808—

	£	s	d
Salary of the Lieutenant Governor..	2000	0	0
" Chief Justice..	1100	0	0
" Attorney General..	300	0	0
" Solicitor General..	100	0	0
Two Judges of the Court of Kings Bench ea £750 P Ann.:..	1500	0	0
Clerk of the Crown and Pleas..	100	0	0
Two Sheriffs at £100 P Ann: each..	200	0	0
Secretary and Register..	300	0	0
Clerk of the Council..	100	0	0
Receiver General of the Revenues..	200	0	0
Five Executive Councillors at £100 each..	500	0	0
Surveyor General of Lands..	300	0	0
Naval Officer..	100	0	0
Salary to the Bishop's Commissary..	150	0	0
Temporary Allowance to four Clergymen..	400	0	0
To the Minister of York to augment his stipend to £200 P annum..	100	0	0
To the Minister of Kingston to augment his stipend to £150 P annum..	50	0	0

1808

Allowance to the Widow of the late Colonel Campbell Governor of the Bermudas in reward of his firm and judicious Conduct and able services at the Myamis & in consideration of her straightened Circumstances..	250	0	0
Allowance to Mr. Smith late Surveyor General of Lands in consequence of his long services and of the infirm state of his health..	200	0	0
Pension to Sarah Margaret Clarke the only surviving Daughter of the late Captain Clarke in consequence of his long and meritorious and in consideration of her straightened Circumstances.	30	0	0
Allowance on account of Fees for the receipt and Audit..	250	0	0
Agent..	200	0	0
	£8,430	0	0

p. 303

Castlereagh to Gore. (Circular.) Transmitting copy of Order in Council of May 18, defining the geographical scope of the terms of Order in Council of Nov. 11, 1807. Downing St., May 21.

(Enclosure.) p. 304

Castlereagh to Gore. Transmitting letter from Committee of P.C. for Trade and Plantation recommending a grant of 1200 acres of land to William Bond of York for the purpose of cultivation of hemp, and directing that this be done. Downing St., May 22.

(No enclosure.) p. 307

Castlereagh to Gore. No. 4. Same as letter of May 22 immediately preceding. (Enclosure.) p. 309 Downing St., May 31.

Castlereagh to Gore. No. 5. Transmitting letter from Treasury respecting Indian Store accounts and requesting that directions be followed. (Five enclosures.) p. 314 Downing St., June 3.

Castlereagh to Gore. No. 6. Acknowledging despatches Nos. 1-10. (Aug. 21; 1807—Jan. 9, 1808), and 9 and 10 (Feb. 13 and 29). Approval given of appointment of Mr. McGill to succeed Lt. Col. Shaw as ordinary member of Executive Council, and of Judge Powell and Mr. Selby as honorary members. p. 328 Downing St., June 4.

Speech of Lords Commissioners closing Parliament on July 4, 1808. p. 399

Copy of Gazette, containing Order in Council of July 4, directing cessation of hostilities against Spain. p. 402

Cooke to Gore. (Circular.) Transmitting two immediately preceding printed documents of July 4. p. 329 Downing St., July 6.

Castlereagh to Gore. (Circular.) Transmitting copy of Extraordinary Gazette giving account of two most brilliant victories obtained over French army in Portugal by forces under Sir Arthur Wellesley. p. 330 Downing St., Sept. 3.

Enclosure. p. 406

Castlereagh to Gore. (Circular.) Transmitting copy of Extraordinary Gazette announcing evacuation of Portugal by French troops, together with surrender of Russian fleet on the Tagus. p. 331 Downing St., Sept. 16.

Enclosure. p. 412

1809
Jan. 24. Castlereagh to Gore. (Circular.) Transmitting copy of Extraordinary Gazette giving account of victory obtained over French army by troops under command of late Lt. General Sir J. Moore. p. 332

Enclosure. p. 416

Downing St., Feb. 3. Cooke to Gore. (Circular.) Transmitting copy of Lords Commissioners speech opening Parliament on Jan. 9, and of addresses in reply. p. 333

Enclosures. p. 421

Downing St., Feb. 14. Castlereagh to Gore. (Circular.) Requesting accounts of exports from colony to West Indies during 1807-1808. p. 334

Downing St., March 6. Castlereagh to Gore. (Circular.) Transmitting letter from Treasury of Feb. 23, respecting delivery of accounts and vouchers relating to public revenue, for purposes of examination and audit. (Enclosure.) p. 334A

Downing St., March 31. Castlereagh to Gore. (Circular.) Transmitting letter from Treasury, asking for information respecting grants of land quit rents etc. (Two enclosures.) p. 335

Downing St., April 4. Castlereagh to Gore. (Circular.) Transmitting copy of Treaty of Peace with Spain, signed Jan. 14, with additional article signed March 21. p. 340

Enclosure. p. 429

Downing St., April 8. Castlereagh to Gore. No. 8. Acknowledging despatches Nos. 11-25. Opinion of Law Officers on cases of Grande Isle would be sent by next packet. Approval of recommendation of Powell to succeed Russell as member of Executive Council. Bolton would be paid for services as Acting Attorney General. p. 341

Downing St., May 12. Castlereagh to Gore. (Circular.) Transmitting copy of Order in Council of May 10, repealing embargo on vessels belonging to subjects of Turkey. p. 343

Enclosure. p. 436

Downing St., May 12. Cooke to Gore. Transmitting Estimate for civil establishment of Upper Canada. p. 344

Enclosure:—

UPPER CANADA 1809

Estimate of the Charge of defraying the Civil Establishment of the Province of Upper Canada in America from 1st of January to 31st December 1809.

Salary of the Lieutenant Governor	£2000	" "
" " Chief Justice	1100	" "
" " Attorney General	300	" "
" " Solicitor General	100	" "
Two Judges of the Court of King's Bench each £750 per Ann.	1500	" "
Clerk of the Crown & Pleas	100	" "
Two Sheriffs at £100 per annum each	200	" "
Secretary & Register	300	" "
Clerk of the Council	100	" "
Receiver General of the Revenues	200	" "
Five Executive Councillors at £100 each	500	" "
Surveyor General of Lands	300	" "

1809

Naval Officer	100	" "
Salary to the Bishop's Commissary	150	" "
Temporary Allowance to four Clergymen	400	" "
To the Minister at York to augment his Stipend to £200 a Year	100	" "
To the Minister at Kingston do to £150 do	50	" "
Allowance to the Widow of the late Colonel Campbell, Governor of the Bermudas, in reward of his firm & judicious Conduct & able services at the Myamis, and in Consideration of her straightened Circumstances	250	" "
Allowance to Mr. Smith late Surveyor General of Lands in consequence of his long Service, and of the infirm State of his Health	200	" "
Pension to Sarah Margaret Clarke the only surviving Daughter of the late Captain Clarke in consequence of his long & meritorious Services & in consideration of her straightened Circumstances	30	" "
Allowance on account of Fees for the Receipt & Audit.	250	" "
Agent	200	" "
	£8,430	" "

p. 345

Castlereagh to Gore. (Circular.) Transmitting Extraordinary Gazette giving account of victory over French army in Portugal by troops under Wellesley. p.348 Downing St., May 25.

Enclosure. p. 437

Castlereagh to Gore. (Circular.) Requiring, at instance of House of Commons, a return of all officers in the colonies, with several particulars, and enclosing form for return. (Two enclosures.) p. 349 Downing St., June 21.

Cooke to Gore. Transmitting copy of speech of Lords Commissioners on closing Parliament on June 21. p. 353 Downing St., June 26.

Enclosure. p. 440

Castlereagh to Gore. (Circular.) Transmitting copy of Extraordinary Gazette, giving account of combined operations of army and navy on coast of Holland. p. 354 Downing St., Aug. 8.

Enclosure. p. 443

Castlereagh to Gore. (Circular.) Transmitting copy of Extraordinary Gazette containing account of victory at Talavera on July 27 and 28. p. 355 Downing St., Aug. 14.

Enclosure. p. 449

Castlereagh to Gore. (Circular.) Transmitting copy of Extraordinary Gazette containing account of surrender of Flushing on August 15. p. 356 Downing St., Aug. 21.

Enclosure. p. 456

Castlereagh to Gore. No. 9. Stating that no objection was found to following acts: Downing St., Sept. 8.

"An Act for the better regulation of Parish and Town Officers throughout the Province."

"An Act for the better regulation of special Juries."

"An Act to continue an Act passed in the 33d. year of His Majesty's Reign intituled "An Act to provide for the appointment of returning officers of the several Counties within this Province."

1809 "An Act for building a Court House and Gaol in the Township of Elizabeth Town in the District of Johnstown."

"An Act for the better regulating the Statute Labour in the Counties of Essex and Kent in the Western District.

"An Act to continue An Act passed in the 45th Year of His Majesty's Reign intituled "An Act to afford relief to those Persons who may be entitled to claim Lands in this Province as Heirs or Devisees of the Nominees of the Crown in cases where no Patent hath issued for such Lands and further to extend the benefit of the said Act."

"An Act for applying certain Sums of Money therein mentioned to make good certain Monies issued and advanced by His Majesty through the Lieutenant Govr. in pursuance of an Address."

"An Act to amend an Act passed in the 47th year of His Majesty's Reign intituled an Act to establish public Schools in each and every District of this Province."

"An Act for the further encouragement of the growth and Cultivation of Hemp within this Province and for the Exportation thereof."

"An Act for granting to His Majesty a certain Sum of Money out of the Provincial Fund to increase the Salary of the Clerk of the Legislative Council and the Clerk of the House of Assembly."

"An Act for granting to His Majesty a certain Sum of Money out of the Funds applicable to the uses of this Province to defray the Expences of amending and repairing the public Highways and roads laying out and opening New Roads and building Bridges in the several Districts thereof."

"An Act to repeal certain parts of An Act passed in the 46th year of His Majesty's Reign intituled An Act to continue An Act passed in the 43d year of His Majesty's Reign intituled an Act for the better securing to His Majesty His Heirs and Successors the due collection and receipt of certain Duties therein mentioned."

"An Act for granting to His Majesty an annual Sum of Money for the purpose therein mentioned."

"An Act to explain amend and reduce to one Act of Parliament the several Laws now in being for the raising and Training the Militia of this Province."

"An Act for the better Representation of the Commons of this Province in Parliament and to repeal part of an Act passed in the 40th year of His present Majesty's reign intituled An Act for the more equal representation of the Commons of this Province and for the better defining the qualifications of the Electors."

"An Act to extend the benefits of an Act passed in the 27th year of His Majesty's Reign intituled an Act for the more easy barring of Dower and to repeal certain parts of the same." p. 357

Downing St., Sept. 8. Castlereagh to Gore. No. 10. Acknowledging despatches Nos. 26-31. Stating Messrs Coutts have been authorized to accept Claus' bills for interest on funds for benefit of Indians. Report on hemp culture was before Committee of P.C. for Trade and Plantations. Approval of continuation to Mrs. Brant of pension of 5 shillings per

day enjoyed by her late husband. Approval of nomination of Judge Powell, Talbot and Claus to Executive Council. No changes to be authorized in Indian establishment until Governor General's report was received. Givens to be paid 10 shillings a day. p. 362 **1809**

Lord Liverpool to Gore. (Circular.) Announcing his succession to Secretaryship of Colonial and War Departments. p. 364 Downing St., Nov. 1.

Liverpool to Gore. (Circular.) Transmitting Extraordinary Gazette announcing destruction of enemy convoy by detachment of fleet in Mediterranean. p. 365 Downing St., Nov. 29.

Enclosure. p. 464

Liverpool to Gore. Transmitting report of Law Officers on decision of the Court in Upper Canada in the cause versus Rogers. (Enclosure.) p. 366 **1810** Downing St., March 27.

Robert Peel to Gore. Transmitting Estimate for Upper Canada civil establishment. p. 369 Downing St., June 12.

Enclosure:—

UPPER CANADA

1810

Estimate of the Charge of defraying the Civil Establishment of the Province of Upper Canada in America from the 1st of January to the 31st of December 1810

Salary of the Lieut. Governor..	2000	" "
" Chief Justice..	1100	" "
" Attorney General	300	" "
" Solicitor General	100	" "
Two Judges of the Court of King's Bench £750 per an. each..	1500	" "
Clerk of the Crown and Pleas..	100	" "
Two Sheriffs at £100 per annum each..	200	" "
Secretary and Register..	300	" "
Clerk of the Council..	100	" "
Receiver General of the Revenues..	200	" "
Five Executive Councillors at £100 each..	500	" "
Surveyor General of Lands..	300	" "
Naval Officer..	100	" "
Salary to the Bishop's Commissary..	150	" "
To The Minister at York to augment his Stipend to £200 pr. an..	100	" "
To The Minister at Kingston to augment his Stipend to £150 pr. an..	50	" "
Temporary allowance to four Clergymen..	400	" "
Allowance to the Widow of the late Col. Campbell Governor of the Bermudas in reward of his firm and judicious Conduct and able services at the Myamis and in Consideration of her streightened Circumstances..	250	" "
Allowance to Mr. Smith late Surveyor General of Lands in consequence of his long Services & of the infirm state of his health..	200	" "
Pension to Sarah Margaret Clarke the only surviving Daughter of the late Captn Clarke in consequence of his long and meritorious Services and in Consideration of her streightened Circumstances..	30	" "
Additional allowance to Do..	20	" "
In part of the Sum of £4000 towards completing the Church at Montreal..	2000	" "
Allowance on account of Fees for the Receipt and Audit..	250	" "
Agent..	200	" "
	£10450	" "

p. 370

1810

Downing St., June 12. Peel to Gore. Stating that Surveyor General Ridout had leave extended. p. 372

Downing St., July 1. Peel to Gore. (Circular.) Transmitting copy of speech of Lords Commissioners on closing Parliament on June 21. p. 373

Enclosure. p. 468

Downing St., July 30. Liverpool to Gore. No. 2. Transmitting copy of letter from Committee of P.C. for Trade and Plantations with memorial from British merchants in trade and Fisheries representing the inadequacy of the internal mail service in British North America; and requesting particular attention to subject. p. 374

Enclosure:—

Committee of P.C. for Trade, June 26. W. Fawkener to Peel. Enclosing memorial from British merchants. p. 376

Enclosure:—

London, Jan. 26. Ch. Idle Bros. & Co., et al. to Committee. Stating that they have large interests in trade in B.N.A., which suffer from want of proper postal facilities; that time occupied by mails between Halifax and Quebec was 3 weeks, while individuals have travelled over same route in six days; that time of mails between Quebec and York was nearly 3 weeks, although the improvement in roads make possible a shorter time than between Halifax and Quebec; that their business suffered because information could be conveyed by private hands much more rapidly than by post office; that not one tenth of letters conveyed in interior are conveyed by Post Office; that satisfactory postal arrangements would result in largely increased revenue; that, in any event, revenue was secondary consideration, seeing large amount spent on ocean packet service; that a surveyor should be sent out to report. p. 379

Downing St., Oct. 1810. Liverpool to Gore. (Circular.) Transmitting copy of Extraordinary Gazette containing account of victory over French army on Sept. 27 by combined British and Portugal forces under Lord Wellington. p. 392

Enclosure. p. 371

Downing St., Nov. 1. Liverpool to Gore. Directing that J. Black be given grant of 3000 acres on most favorable conditions. p. 393

Downing St., Nov. 1810. Liverpool to Gore. (Circular.) Transmitting copy of Extraordinary Gazette containing account of surrender of the Island of Bourbon to British forces. p. 395

Enclosure. p. 475

Downing St., Nov. 6. Liverpool to Gore. (Circular.) Announcing death of Princess Amelia, youngest daughter of King. p. 396

Downing St., Nov. 21. Peel to Gore. (Circular.) Transmitting copy of Extraordinary Gazette detailing proceedings of British forces in Sicily and Portugal. p. 397

Enclosure. p. 482

Downing St., Dec. 4. Peel to Gore. (Circular.) Transmitting copy of Extraordinary Gazette detailing proceedings of British army in Portugal to Nov. 21. p. 398

Enclosure. p. 488

G. 56. (1811-1812)

1811

Liverpool to Gore. (Circular.) Stating that, owing to King's illness, the two Houses appointed Commissioners to open Parliament, and transmitting speech of Lord Chancellor, one of the Commissioners. (Enclosure.) p. 1 — Downing St., Jan. 17.

Liverpool to Gore. (Circular.) Stating that by virtue of act of Parliament, Prince of Wales had been vested with powers of Regent, and transmitting Gazette Extraordinary containing proceedings of Council on Feb. 7, when Prince took oaths, and another containing speech of Lords Commissioners delivered on Feb. 12 to both Houses of Parliament. p. 3 — Downing St., Feb. 13.

Enclosures. pp. 315 and 317

Peel to Gore. (Circular.) Transmitting Gazette Extraordinary with account of capture of Isle of France by British forces. p. 4 — Downing St., Feb. 18.

Enclosure. p. 320

Liverpool to Gore. Transmitting copy of letter from Committee of P.C. for Trade and Plantations representing injury to British trade to North American colonies by introduction of East Indian and other foreign commodities from United States, and directing measures to prevent this in accordance with 7 Geo. I. p. 5 — Downing St., April 6.

Enclosures:—

(1) Fawkener to Peel. (Copy.) Stating that Committee have had under consideration enclosed memorial, and that provisions of 7 Geo. I, c. 21, sec. 9 are sufficient to check the entry of goods mentioned from United States. p. 6 — Committee of P.C. for Trade.

(2) Memorial of Committee of Merchants. Representing that great injury was done by provisions of treaty between Great Britain and United States in 1794 to direct trade between Great Britain and Canada, in that it gave United States monopoly of trade in Upper and Lower Canada in teas, cottons and other East Indian commodities and of others from foreign countries as well as in bar and cast iron, leather, shoes and sadlery; that their mode of selling by auction was drain on currency; that heavy duties imposed on imports from Canada hampers that trade; that 7 Geo. I, c. 21 was ineffective to prevent this injury as it applied only to importations by sea, whereas imports into Canada from United States come in by land and inland waters; and applying for such Imperial and Colonial legislation as would give relief sought. p. 9 — May 1810.

(3) James Irvine and John Richardson to Nathaniel Atcheson. (Copy.) Furnishing details from Committees of Trade in Quebec and Montreal of conditions of trade between Canada and the United States. p. 17

(4) N. Atcheson to Thomas Lock. Submitting memorials. p. 25 — Great Winchester St., Dec. 28, 1811.

(5) W. Goodall to Atcheson. Furnishing further information on subject. p. 26 — Garlick Hill, Dec. 27, 1811.

Liverpool to Gore. No. 3. Transmitting copy of opinion of Law Officers on papers submitted by Gore on August 23, on question of law which had arisen from petition of R. Cartwright as administrator for Capt. Thomas Gummersal, deceased. (Enclosure.) p. 29 — Downing St., April 23.

1811

Downing St., April 23.

Liverpool to Gore. Transmitting letter from Council Office authorizing the granting of certain licences to export gunpowder and arms by British North American provinces. (Enclosure.) p. 38

Downing St., May 20.

Peel to Gore. Transmitting Estimate for Upper Canada civil establishment. p. 42

Enclosure:—

UPPER CANADA 1811

Estimate of the Charge of defraying the Civil Establishment of the Province of Upper Canada in America from the 1st January to the 31st December 1811

Salary of the Lieutenant Governor..	£2000	" "
" Chief Justice..	1100	" "
" Attorney General..	300	" "
" Solicitor General..	100	" "
Two Judges of the Court of King's Bench each £750..	1500	" "
Clerk of the Crown & Pleas..	100	" "
Two Sheriffs at 100 per annum each..	200	" "
Secretary and Registrar..	300	" "
Clerk of the Council..	100	" "
Receiver General of the Revenues..	200	" "
Five Executive Councillors at £100 each..	500	" "
Surveyor General of Lands..	300	" "
Naval Officer..	100	" "
Salary of the Bishop's Commissary..	150	" "
To the Minister at York to augment his stipend to £200 pr. an.	100	" "
Do at Kingston Do to £150 "	50	" "
Temporary allowance to four Clergymen..	400	" "
Allowance to the Widow of the late Col. Campbell Govr. of the Bermudas in reward of his firm & judicious conduct & able Services at the Myamis & in Consideration of her streightened Circumstances..	50	" "
The remaining part of the Sum of £4000 towards completing the Church at Montreal..	2000	" "
Allowance on account of Fees for the Receipt & audit.	250	" "
Agent..	200	" "
	£10450	" "

p. 43

Downing St., May 22.

Liverpool to Gore. Stating that following Provincial acts do not appear open to objection:—

"An Act for the relief of Clerks to Attornies who may have served their Clerkships without being bound by Contracts in writing".

"An Act to repeal the several Acts now in force giving Bounties for destroying Wolves".

"An Act to regulate the payment of certain Debts due by the Eastern District before the Establishment of the District of Johnstown."

"An Act to revive and continue an Act passed in the 42d. year of His present Majesty intituled An Act to enable the Governor, Lieutenant Governor or Person administering the Government of this Province to appoint one or more additional Port or Ports, Place or Places of Entry within this Province and to appoint one or more Collector or Collectors at the same respectively."

"An Act to authorize Practitioners in Law in this Province to take such a number of Clerks as is therein mentioned."

"An Act to establish Public Schools in each and every District of this Province."

"An Act to repeal the several Acts now in force in this Province relative to Rates and Assessments and also to particularize the Property Real and Personal which during the continuance thereof shall be subject to Rates and Assessments and fixing the several valuations at which each and every particular of such Property shall be rated and assessed." 1811

"An Act for applying certain Sums of Money therein mentioned to make good certain Monies issued and advanced by His Majesty through His Honor Mr President Grant, in pursuance of two Addresses."

"An Act for granting to His Majesty Duties on Licenses to Hawkers Pedlars and Petty Chapmen and other trading Persons therein mentioned."

"An Act for granting to His Majesty His Heirs and Successors to and for the uses of this Province the like Duties on Goods and Merchandize brought into this Province from the United States of America, as are now paid on Goods and Merchandize imported from the United States of America into the Province of Lower Canada."

"An Act to establish the Fees of the Clerk of the Peace and to regulate the Fees in the several Courts of Quarter Sessions throughout this Province."

"An Act for the preservation of Salmon.

"An Act for preventing the forging and counterfeiting of Foreign Bills of Exchange and Foreign Notes and Orders for the payment of Money."

"An Act to authorize the Inhabitants of the County of Haldimand to hold annual Meetings for the purpose of electing Town and Parish Officers."

"An Act further to extend the Benefits of An Act passed in the 37th Year of His Majesty's Reign intituled An Act for the more easy barring of Dower."

"An Act to provide for the laying out amending and keeping in repair the Public Highways and Roads in this Province and to repeal the Laws now in force for that purpose."

"An Act for the relief of Minors of the Society of Menonists and Tunkers."

"An Act to declare the Common Gaols in the several Districts of this Province to be Houses of Correction for certain purposes."

"An Act for granting an additional Sum of Money for erecting a Bridge across the Grand River."

"An Act to extend the Provisions of an Act passed in the 27th Year of His Majesty's Reign intituled An Act for the preservation of Salmon."

"An Act for applying a certain Sum of Money therein mentioned to make good certain Monies issued and advanced by His Majesty through the Lieutenant Governor in pursuance of several Addresses of this House."

"An Act for granting to His Majesty a certain Sum of Money out of the Funds applicable to the uses of this Province to defray the Expences of amending and repairing the Public Highways and Roads and laying out and opening new Roads and building Bridges in the several Districts thereof."

"An Act to amend an Act passed in the 34th Year of His Majesty's Reign intituled An Act for granting to His Majesty a

1811 certain Sum of Money for the further encouragement of the growth and cultivation of Hemp within this Province and the Exportation thereof."

"An Act for granting to His Majesty a Duty upon Billiard Tables."

"An Act to repeal an Act passed in the 44th Year of His Majesty's Reign intituled an Act to repeal certain parts of an Act passed in the 34th Year of His Majesty's Reign entituled an Act to establish a superior Court of Civil and Criminal Jurisdiction and to regulate the Court of Appeal and to authorize His Majesty's Court of King's Bench in this Province to regulate certain Fees, Costs and Charges therein mentioned." p. 44

Downing St., June 22. Liverpool to Gore. (Circular.) Stating that at instance of S.P.G., pensions of £100 per annum would be granted to clergymen from England, who after 10 years' service in colonies desired to return home. p. 52

Downing St., July 13. Liverpool to Gore. No. 5. Granting him 12 months' leave for arrangement of private concerns, and stating that the Commander of the Forces would take his place during his absence. p. 56

Downing St., July 28. Liverpool to Administrator. Stating that the efforts made by Sir James Craig to dissuade the Indians from acts of hostility towards Americans had approval of Prince Regent, and directing Administrator to pursue same course. p. 62

Downing St., Aug. 15. Liverpool to Administrator. Transmitting opinion of Law Officers on question raised by Gore as to whether it is essential to the formality of instruments under the Great Seal that they should pass through his office, and receive his fiat. (Enclosure.) p. 64

Downing St., Nov. 25. Liverpool to Gore. No. 6. Requesting answers to a number of questions on points connected with the annual Estimate for defraying expenses of civil establishment. p. 73

Downing St., Dec. 3. Liverpool to Gore. Transmitting enclosures from Treasury relative to impropriety of including military expenses in Provincial accounts; and directing that recommendations of Treasury be punctually complied with. (Three enclosures.) p. 79

Downing St., Dec. 5. Liverpool to Gore. No. 8. Stating that the salary of Colonel Claus as Inspector of Indian Affairs be raised to £600 on understanding that he perform all duties of office without a deputy. (Enclosure.) p. 92

Downing St., Dec. 5. Peel to Gore. (Circular.) Transmitting copy of Gazette Extraordinary announcing important success in Portugal by division of allied army under Lieut. General Hill. p. 98

Enclosure. p. 328

Downing St., Dec. 17. Peel to M. General Brock. Transmitting copy of Gazette Extraordinary announcing capture of Batavia by British forces. p. 99

Enclosure. p. 332

1812 Downing St., Feb. 7. Liverpool to Gore. No. 9. Transmitting application of Lord Amherst in favor of Mr. Hale, Deputy Paymaster at Quebec who solicited grant of land in Upper Canada; and recommending that application receive as favourable consideration as regulations permitted. (Enclosure.) p. 100

1812

Peel to Gore. Transmitting, with request for information letter from Treasury respecting portion of Indian stores purchased in Canada. p. 105 — Downing St., Feb. 21.

Gore to Peel. Reply to letter of Feb. 21. p. 109 — No. 25 Upper Grosvenor St., Feb. 24.

Gore to Peel. Replying to memorial from William Firth Attorney General of Upper Canada, and referring Peel to the several reports he had made on subject. p. 112 — No. 25 Upper Grosvenor St., March 11.

Firth to Liverpool. (Copy.) Lengthy statement of grievances against Gore and the judges. p. 114 — Norwich, Jan. 18.

Liverpool to Gore. (Copy.) Stating, in reply to letter of 11th instant, that conduct of Firth in leaving York after permission had been refused was condemned by Prince Regent, who ordered his dismissal from office. It was not considered necessary for Gore to notice Firth's "vague and general charges." p. 123 — Downing St., April 13.

Peel to Firth. (Copy.) Stating that his several communications had been under Liverpool's consideration, and that it was concluded that his quitting the colony after leave had been refused was unjustifiable, and that he could not be allowed to return as attorney general. Disputed items in his accounts would be treated liberally. p. 125 — Downing St., April 13.

Liverpool to Brock. (Circular.) Pointing out expediency of preventing communications between colony and France or countries under control of France. Passports are refused to foreigners desiring to visit colonies. Governors must take measures to check those who endeavor to enter through United States. p. 127 — Downing St., March 21.

Peel to Administrator. Transmitting Estimate for civil establishment. p. 133 — Downing St., March 31.

Upper Canada

Estimate of the Charge of defraying the Civil Establishment of the Province of Upper Canada in America from the 1st Day of Jany. to the 31st Day of Decr. 1812	£ 8450
Amount of Estimate voted by Parliament for the Year 1811	£10450
Decrease in Estimate of this Year	£ 2000

Proposed Distribution of the above Sum of £8450 on account of the Civil Establishment of Upper Canada for the Year 1812

Salary of the Lieutenant Governor	£2000	0	0
——— Chief Justice	1100	0	0
——— Attorney General	300	0	0
——— Solicitor General	100	0	0
Two Judges of the Court of Kings Bench each £750	1500	0	0
Clerk of the Crown and Pleas	100	0	0
Two Sheriffs at 100 per Annum each	200	0	0
Secty. and Registrar	300	0	0
Clerk of the Council	100	0	0
Receiver General of the Revenues	200	0	0
Five Executive Counsellors at 100 each	500	0	0
Surveyor General of Lands	300	0	0
Naval Officer	100	0	0
Salary to the Bishop's Commissary	150	0	0
To the Minister at York to augment his Stipend to 200 per annum	100	0	0
To the Minister at Kingston to Augment his Stipend to 150 per Annum	50	0	0
Temporary Allowance to four Clergymen	400	0	0

1812	Allowance to the Widow of the late Col. Campbell Governor of the Bermudas, in reward of his firm & judicious conduct and able Service at the Myamis, and in consideration of her streightened circumstances..	250	0	0
	Allowance to Mr. Smith late Surveyor General of Lands, in consequence of his long Services, and of the Infirm State of his Health..	200	0	0
	Pension to Sarah Margaret Clarke the only surviving Daughter of the late Captain Clarke in consequence of his long and meritorious Services of her *streightened circumstances*..	50	0	0
	Allowance on account of Fees for the receipt and Audit..	250	0	0
	Agent..	200	0	0
		£8450	0	0

p. 134

Downing St., April 2. Liverpool to Brock. No. 2. Notice of appointment of Lieut. General Sir George Prevost as Captain General and Governor in Chief over Upper and Lower Canada, and transmitting copies of his commission and instructions. p. 137

Downing St., April 10. Liverpool to Brock. No. 3. Stating that, in consequence of representations of Committee of Merchants interested in British North American trade, a bill was being prepared prohibiting importation from United States of all commodities not of the growth and manufacture of those states. Also, directing that local legislature may be advised to pass act fixing duties on articles coming from United States on importations of same articles from United Kingdom or Canada; and to allow a list of articles, being growth or product of United States, free of duty. These are certain agricultural products timber, pot and pearl ashes, undressed furs and skins, and all articles of provisions. p. 139

Downing St., April 4. Liverpool to Brock. No. 4. Stating that requisition for goods required for payment for lands purchased from Chippewa and Mississugua Indians would be sent out in course of summer. Purchase was approved. p. 145

Downing St., April 23. Liverpool to Officer commanding troops. (Circular.) Respecting pay and allowances to be granted to officers acting as Deputy Judge Advocates upon Courts Martial. (Circular from War Office enclosed.) p. 146

Downing St., April 25. Peel to Brock. (Circular.) Transmitting copy of Extraordinary Gazette containing intelligence of taking of Badajos by army under Wellington. p. 155

Enclosure. p. 343

Downing St., April 29. Liverpool to Brock. (Circular.) Transmitting copy of order and declaration of Prince Regent in Council of April 21. p. 156

Enclosure:—

Order in Council, revoking Orders in Council. p. 351

Downing St., May 23. Liverpool to Administrator. No. 5. Transmitting copy of letter from Treasury containing decision of Lords Commissioners on application of Baroness de Longueuil and Mr. Langan. p. 158

Enclosure:— **1812**

G. Harrison to Peel. On application that grant of land made to Baroness de Longueuil and Langan by French Government be confirmed, authority was given to comply with the application, if Executive Council of province were satisfied with justice of claim. p. 159 Treasury Chamber, May 4.

Liverpool to Administrator. No. 6. Transmitting decision of Treasury on memorial of Mr. Ridout and Mr. Chewett for remuneration for services during suspension of Wyatt, Surveyor General. p. 164 Downing St., May 23.

Enclosure:—

Harrison to Peel. Stating that authority had been given to pay in equal proportions to Ridout and Chewett, moiety of salary of Wyatt during period of suspension. p. 165 Treasury Chamber, May 18.

Liverpool to Administrator. Transmitting letter from Treasury stating that Commissary in Chief had been directed to send out goods to pay Indians for tracts of land purchased. (Enclosure.) p. 170 Downing St., May 23.

Liverpool to Brock. No. 8. Transmitting a copy of Firth's letter of Jan. 18, extracts of which were to be communicated to members of Executive Council, judges and any other persons concerned, their statement to be sent to Colonial Secretary. (Enclosure.) p. 175 Downing St., May 23.

Peel to Colonel Torrens. (Copy.) Transmitting extract from Firth's letter relating to general order said to have been issued by a General Officer in province; and enquiring whether any such general order had reached War Office. p. 195 Downing St., May 23.

H. Torrens to Peel. (Copy.) Stating, with reference to foregoing letter, that there is no knowledge of such general order at War Office, but enquiry would be made of Prevost. p. 198 Horse Guards, May 25.

Liverpool to Brock. No. 9. Stating the following Provincial acts were open to no objection: Downing St., June 3.

An Act to amend an Act passed in the 48th Year of His Majesty's Reign intituled "An Act to explain, amend and reduce to one Act of Parliament the several Laws now in being for the raising and training the Militia of this Province."

An Act to amend the Process of the District Courts and also further to regulate the Proceedings of Sheriffs in the Sale of Goods and Chattels taken by them in Execution.

An Act to extend personal Arrest to the Sum of Forty Shillings and otherwise to regulate the practice in cases of personal Arrest.

An Act to repeal an Ordinance of the Province of Quebec passed in the 17th Year of His Majesty's Reign intituled "An ordinance for ascertaining Damages on Protested Bills of Exchange and fixing the rate of Interest in the Province of Quebec" also to ascertain Damages on protested Bills of Exchange and fixing the Rate of Interest in this Province.

An Act to repeal an Act passed in the 47th Year of His Majesty's Reign intituled "An Act to repeal the several Acts now in force in this Province relative to Rates and Assessments and also to particularize the Property Real and personal which, during the continuance thereof shall be subject to Rates and Assessments and fixing the several Valuations at which each and every particular of such Property shall be rated and Assessed" and to make further Provisions for the same.

1812

An Act to amend and continue for a limited time an Act passed in the 49th Year of His Majesty's Reign intituled "An Act for continuing for a limited time the provisional Agreement entered into between this Province and Lower Canada at Montreal on the 5th day of July 1804 relative to Duties" also for continuing for a limited time the several Acts of the Parliament of this Province now in force relating thereto.

An Act for granting to His Majesty a certain Sum of Money out of the Funds applicable to the use of this Province to defray the Expences of amending and opening the Public Highways and roads and Building of Bridges in the several Districts thereof.

An Act for applying a certain Sum of Money therein mentioned to make good certain Monies issued and advanced by His Majesty through the Lieutenant Governor in pursuance of an Address of this House.

An Act to repeal an Act passed in the 47th Year of His Majesty's Reign intituled "An Act for granting to His Majesty Duties on Licenses to Hawkers Pedlars and Petty Chapmen and other Trading Persons therein mentioned" and further for granting to His Majesty Duties on Licenses to Hawkers, Pedlars and Petty Chapmen and other Trading Persons therein mentioned. p. 206

Downing St., June 11. Lord Bathurst to Brock. (Circular.) Notice that he had been appointed to office of Secretary of Colonial and War Department. p. 215

Downing St., June 25. Peel to Brock. (Circular.) Transmitting copy of Order in Council of June 23, revoking so far as may regard American vessels and their cargoes being American property, Orders-in-Council of Jan. 7, 1807, and April 26, 1809. p. 218

Enclosure.

Downing St., July 4. Bathurst to Brock. No. 1. Transmitting extract of letter written to Firth, and directing that his accounts be settled upon principle mentioned; also, directing that he may receive half salary and fees up to April 12, when he received official notice of dismissal. (Enclosure.) p. 220

Downing St., July 30. Bathurst to Brock. No. 2. Transmitting copy of letter from Treasury, enclosing copy of report from Commissioner of Taxes respecting mode of assessment of salaries of civil officers in colonies. (Two enclosures.) p. 228

Downing St., July 31. Bathurst to Brock. No. 3. Transmitting copy of memorial from Davenport Phelps, of Geneva, New York, praying for grant of lands in lieu of tract said to have been made to his prejudice by President Russell; and asking for report from President and Council. (Enclosure.) p. 236

Downing St., Aug. 1. Bathurst to Brock. (Circular.) Transmitting copy of Order in Council of July 31, directing the detention of all ships in ports of Empire, with persons and goods. p. 244

Enclosure. p. 361

Downing St., Aug. 3. Bathurst to Brock. (Circular.) Announcing signing of treaties of peace with Russia and Sweden. p. 245

1812

Bathurst to Brock. No. 4. Acknowledging despatches Nos. 4-6. Approbation expressed for measures taken for defence of province against United States. Assistance may be looked for from Prevost. Satisfaction with spirit shown by Legislature and people. p. 246 — Downing St., Aug. 10.

Peel to Brock. Enclosing copy of despatch No. 1 of March 12, directing that grant of 3000 acres be made to Richard Cartwright, as original did not appear to have reached Upper Canada. (Enclosure.) p. 251 — Downing St., Aug. 14.

Peel to Brock. (Circular.) Transmitting Extraordinary Gazette, containing account of victory at Salamanca. p. 253 — Downing St., Aug. 17.

Enclosure. p. 362

J. Chapman to Brock. (Circular.) Transmitting Gazette Extraordinary announcing raising siege of Cadiz being raised by enemy. p. 255 — Downing St., Sept. 10.

Enclosure. p. 366

Harrison to Goulburn. (Copy.) Authorizing that lieutenant governors be paid £1000 a year additional in lieu of fees they had been accustomed to receive, to date from July 1, 1809. p. 256 — Treasury Chambers, Sept. 16.

Bathurst to Brock. No. 5. Enclosing copy of letter from Storekeeper General respecting shipment of stationery for Indian department. (Two enclosures.) p. 258 — Downing St., Sept. 30.

Lord Sidmouth to Brock. (Printed Circular.) Transmitting copy of Order in Council, ordering that general reprisals be granted against ships, goods and citizens of United States. (Order in Council herewith.) p. 264 — Downing St., Oct. 13.

Bathurst to Brock. (Circular.) Directing, with reference to circular letter of Sept. 12, that all coin or bullion found on board American vessels captured or detained be paid, not to Deputy Paymaster General but to senior Officer of Commissariat, who would deposit bills on Treasury for same. p. 266 — Downing St., Nov. 16.

Bathurst to Brock. No. 6. Acknowledging despatches of August 29, 30, 31 (two), and Sept. 1. Perfect approbation of Prince Regent for conduct conveyed. Directing measures to counteract disaffection and encourage the loyal. Appointment of McDonnell confirmed. Fidelity of Indian tribes to be rewarded by relief of immediate wants and by assurance that in arranging for peace their interests would be remembered. p. 270 — Downing St., Nov. 16.

Harrison to Goulburn. (In print.) Inviting attention to enclosed letter from Commissioners of American Prize Property respecting Returns of American Property captured on foreign stations. (Enclosure.) p. 277 — Treasury Chambers, Nov. 24.

Bathurst to Sir R. H. Sheaffe. (Circular.) Directing attention to foregoing communication from Treasury. p. 280 — Downing St., Nov. 24.

Bathurst to Administrator. No. 1. Authorizing increase of salary to Givins, Superintendent of Indians, and grant of land to Selby, Receiver General and member of Executive Council. p. 283 — Downing St., Dec. 14.

1812
Downing St., Dec. 15.

Bathurst to Administrator. No. 2. Notice of appointment of Edward Bowen, late acting Attorney General at Quebec, to office of Attorney General of Upper Canada. p. 287

Downing St., Dec. 15.

Bathurst to Administrator. No. 3. Transmitting, for report by Council, copy of letter from Treasury respecting memorial also enclosed from W. McGillivray of Montreal asking sanction for agreement between him and St. Regis Indians for occupation of tract of land on border of Upper Canada. (Three enclosures.) p. 291

G. 57. (1813-1815)

1813
Downing St., Jan. 11.

Goulburn to Sheaffe. (Circular.) Transmitting copy of declaration issued by Prince Regent on causes and origin of war with United States. (No enclosure here.) p. 1

Downing St., Feb. 2.

Bathurst to Sheaffe. (Circular.) Transmitting copy of Order in Council of Feb. 1, making certain alterations in Order of Nov. 11, 1807, relative to sale of ships taken from H.M.'s enemies to neutrals. p. 2

Enclosure. p. 152

Downing St., Feb. 5.

Bathurst to Sheaffe. No. 4. Stating that no objection was found to following Provincial acts:—

An Act to extend the Provisions of an Act passed in the 48th Year of His Majesty's Reign intituled "An Act to explain and reduce to one Act of Parliament the several Laws now in being for the raising and training the Militia of this Province."

An Act to amend an Act passed in the 48th Year of His Majesty's Reign intituled "An Act to continue an Act passed in the 45th year of His Majesty's Reign" intituled "An Act to afford relief to those Persons who may be entitled to clear Lands in this Province as Heirs or Devisees of the Nominees of the Crown in cases where no Patent hath issued for such Lands and further to extend the benefits of the said Act and to continue part of the same."

An Act for granting to His Majesty a Sum of Money for the use of the Militia of this Province An Act further to continue an Act passed the 43d year of His Majesty's Reign intituled "An Act to provide for the appointment of Returning Officers of the several Counties within this Province."

An Act to amend an Act passed in the Year of His Majesty's Reign intituled "An Act to provide for laying out amending and keeping in repair the Public Highways and Roads in this Province and to repeal the Law now in force for that purpose."

An Act to prevent damage to Travellers on the Highways in this Province.

An Act to extend the Provisions of an Act passed in the 44th Year of His Majesty's Reign intituled "An Act for granting to His Majesty a certain Sum of Money for the purposes therein mentioned."

An Act to prevent Desertion from His Majesty's Regular Forces by granting a Bounty for apprehending Deserters in this Province.

An Act for granting to His Majesty a certain Sum of Money further to encourage the growth and cultivation of Hemp in this Province and for other purposes.

An Act for granting to His Majesty a certain Sum of Money out of the Funds applicable to the uses of this Province to defray the Expences of amending and repairing the Public Highways and Roads and building Bridges in the several Districts thereof. **1813**

An Act for applying a certain Sum of Money therein mentioned to make good certain Moneys issued and advanced by His Majesty through the Lieutenant Governor, in pursuance of an Address of the House of Assembly. p. 4

Goulburn to Sheaffe. Transmitting Estimate for civil establishment. p. 13 Downing St., March 12.

Enclosure:—

UPPER CANADA

Estimate of the Charge of defraying the Civil Establishment of the Province of Upper Canada in America from the 1st Day of Jan. to 31st Day of Decr. 1813..... £8441

Amount of Estimate voted by Parliament for the year 1812.. £8450

Decrease in Estimate of this Year..... £ 9

Salary of the Lieut. Governor..	£2000	" "
" Chief Justice..	1100	" "
" Attorney General..	300	" "
" Solicitor General..	100	" "
Two Judges of the Court of King's Bench at £750 each..	1500	" "
Clerk of the Crown & Pleas..	100	" "
Two Sheriffs at £100 per annum each..	200	" "
Secretary & Registrar..	300	" "
Clerk of the Council..	100	" "
Receiver General of the Revenues..	200	" "
Five Executive Councillors at £100 each..	500	" "
Surveyor General of Lands..	300	" "
Naval Officer..	100	" "
Secretary to the Bishop's Commissary..	150	" "
To the Minister at York to augment his stipend to £200 per annum..	100	" "
To the Minister at Kingston to augment his Stipend to £150 per annum..	50	" "
Temporary allowance to four Clergymen..	400	" "
Allowance to the Widow of the late Col. Campbell, Governor of the Bermudas in reward of his firm and judicious Conduct and able Services at the Myamis and in Consideration of her streightened Circumstances..	250	" "
Allowance to Mr. Smith late Surveyor General of Lands in consequence of his long Services and of the infirm State of his health..	200	" "
Pension to Sarah Margaret Clarke the only surviving Daughter of the late Captain Clark in consequence of his long and meritorious Services and in Consideration of her streightened Circumstances..	50	" "
Agent..	200	" "
Allowance on Account of Fees for Receipt and Audit..	241	" "
	£8441	" "

p. 14

Bathurst to Sheaffe. (Circular.) Transmitting copy of Order in Council of March 20, containing a prayer for Prince Regent. p. 16 Downing St., March 26.

Enclosure. p. 153

1813

Downing St., June 8. Bathurst to Sheaffe. No. 5. Acknowledging despatches Nos. 1-3. (Dec. 1812), unnumbered of Jan. 15, Feb. 14 and Nos. 3-6 (March). Warm praise for Legislature, and sympathy to people in their troubles. Bill before Legislature for formation of incorporated regiments, and re-inforcements from abroad should relieve situation. Entire approbation of conduct of troops. Indian stores going out. Authority given to carry out wishes of Assembly that a grant of land be made to representatives of General Brock. p. 17

Downing St., June 8. Bathurst to Sheaffe. No. 6. Acknowledging despatch No. 5 of March 16, and stating, with reference to Ridout's application for portion of salary of Surveyor General, that Chewett had an equal claim for period when Ridout was absent and enclosing copy of letter sent from Colonial Office to Treasury on subject. (Enclosure.) p. 25

Downing St., June 18. Bathurst to Sheaffe. (Circular.) Stating that, at instance of S.P.G., it was decided to vary arrangements for pensions to retired clergymen. Pensions of £100 a year would be limited those who after 10 years service should be considered by the Society as disabled by age or infirmity; a pension of £50 a year would be given to widows of missionaries dying in service. p. 31

Downing St., July 3. Goulburn to Sheaffe. (Circular.) Transmitting copy of Gazette Extraordinary containing account of victory of British over French at Vittoria on June 21. (Newspaper not here.) p. 35

Downing St., July 10. Bathurst to Sheaffe. No. 7. Acknowledging despatches, unnumbered of March 18, 20, 25, and April 5 Nos. 7-9, and again expressing gratification of H.R.H. at proceedings of Legislature. Authority given to raising corps of volunteers for service during war, and to make grant of land, to each person enrolled limited to 50 acres for each private, and a proportionately greater amount to sergeants and corporals. Anxiety expressed as to circumstances which led to surrender of York. p. 36

Downing St., July 15. Bathurst to Sheaffe. (Circular.) Stating that plague broke out at Malta on May 19, and had continued to rage with unabated violence, and directing that all possible precautions be taken as regards vessels or cargoes coming from Mediterranean. p. 40

Downing St., August 9. Bathurst to Administrator. (Circular.) Requiring, at instance of House of Commons, a complete list of titles of acts passed by Legislature, also a complete set of the acts. Thereafter acts passed by Legislature must be printed within six weeks after assent of Governor, six printed copies to be sent to Colonial Office in addition to written official copies. p. 42

Downing St., Sept. 24. Goulburn to Administrator. (Circular.) Transmitting copy of Gazette Extraordinary, announcing capture of town and castle of St. Sebastien by British forces in Spain; also successes of Allies in Germany. (No enclosure.) p. 48

Downing St., Oct. 25. Bathurst to Sheaffe. No. 8. Acknowledging despatches of May and June. (One in each month.) Samuel Smith's name was submitted to H.R.H. as for Executive Council. p. 50

Downing St., Oct. 29. Bathurst to Major General De Rottenburg. No. 9. Acknowledging despatches of June 19 and July 10. p. 52

1813

Goulburn to De Rottenburg. (Circular.) Transmitting copy of H.R.H.'s speech on opening Parliament on Nov. 4. (No enclosure.) Downing St., Nov. 5. p. 54

Goulburn to De Rottenburg. Transmitting Estimate for civil establishment. Downing St., Dec. 20. p. 55

Enclosure:

1814

UPPER CANADA

ESTIMATE

Salary of the Lieut. Governor..	2000	" "
Chief Justice..	1100	" "
Attorney General..	300	" "
Solicitor General..	100	" "
Two Judges of The Court of King's Bench £750 each.	1500	" "
Clerk of the Crown & Pleas..	100	" "
Secretary and Registrar..	300	" "
Two Sheriffs at £100 per ann each..	200	" "
Clerk of the Council..	100	" "
Receiver General of the Revenues..	200	" "
Five Executive Councillors at £100 per an each.. ..	500	" "
Surveyor General of Lands..	300	" "
Naval Officer..	100	" "
Salary of the Bishop's Commissary..	150	" "
To the Minister at York to augment his Stipend to £200 per an.	100	" "
Do at Kingston to augment his Stipend to £150 Do	50	" "
Temporary allowance to four Clergymen..	400	" "
Allowance to the Widow of Lt Col. Campbell..	250	" "
Do to Mr. Smith, late Surveyor General.. ..	200	" "
Pension to Sarah Margaret Clarke only surviving Daughter of the late Capt. Clarke..	50	" "
Agent..	200	" "
Allowance on account of fees for receipt & audit..	241	" "
	£8441	" "

p. 56

1814

Bathurst to De Rottenburg. (Printed circular.) Setting forth relations between Governors and Customs Officers. Downing St., Jan. 14. p. 59

Bathurst to Administrator. No. 10. Directing, with reference to instructions of June 8 (No. 5) respecting grant of land to Sir I. Brock's representatives, that amount should not exceed 12000 acres. Downing St., March 5. p. 61

Bathurst to Prevost. (Circular.) Transmitting copy of Order in Council of April 21, ordering restrictions on ports of Italy to cease. Downing St., May 2. p. 64

Enclosure. p. 155

Bathurst to Administrator. No. 11. Conveying authority to use house of late Chief Justice Elmsley as offices for Executive Council and for Surveyor General. Downing St., May 10. p. 66

Bathurst to Sir Gordon Drummond. (Circular.) Transmitting copy of Extraordinary Gazette stating that Treaty of Peace was signed between England and France on May 30. Downing St., June 2. p. 68

Enclosure. p. 157

1814
Downing St., June 8.

Bathurst to Drummond. (Circular.) Transmitting copy of Treaty of Peace between England and France. (No enclosure.) p. 69

Downing St., Aug. 23.

Bathurst to Drummond. No. 12. Acknowledging despatches up to No. 16 of June 9. Stating that resolutions of Assembly that De Rottenburg's action in enforcing Martial Law to procure provisions and forage for the troops came as surprise, as there seemed no doubt of the Governor's power in that regard when faced with serious emergency. If case is taken to Court, and decision adverse to individuals acting under De Rottenburg's and Drummond's orders, Government would bear expense. If, owing to hostile local feeling, verdicts should be for extravagant amounts, cases should be appealed. He failed to understand complaint of Assembly that services of Militia were not properly appreciated, as no opportunity was lost by Administrators in reporting highly meritorious conduct of Militia and inhabitants generally, nor in expressing H.R.H.'s sentiments. Recommendation of grant of money for public buildings would be considered. Approval given of £300 a year rent for Lieut. Governor's residence. Authority given for grant of 1200 acres of land to each of Col. Claus' children as each becomes of age. Approval given of purchase of printing press. Augmentation of grant to Church Establishment to provide for 4 additional clergymen at £100 per annum each £100 a year pension to be proposed to Parliament for widow of Major General Shaw. Recommendation of increase in salaries of subordinate officers of Government approved, except in case of private secretary of temporary administrator. Warning to Administration not to increase salaries without sanction of Colonial Secretary. p. 70

Downing St., Aug. 28.

Bathurst to Drummond. No. 13. Authority given for grant of land on Niagara front to Mr. Clarke. p. 80

Downing St., Nov. 17.

Bathurst to Drummond. (Circular.) Transmitting copy of act passed in last session to amend act of 22 Geo. III relating to patent offices. p. 81

Enclosure. p. 159

1815
Downing St., Jan. 10.

Bathurst to Drummond. Directing him, in taking command of the forces in Canada, to take measures in cooperation with Commodore Owen to maintain superiority on Great Lakes, particularly Ontario; Sackett's Harbour to have particular attention. Troops to number of 4000 to be sent to Sir J. Sherbrooke should he require them. If treaty with United States be ratified, liberal presents should be given to Indians who cooperated, and they should be induced to conclude pacification with United States on terms secured by treaty. Transports would be sent out to carry troops home on receipt of news of ratification. Lands would be granted to a given number in each of regiments to be withdrawn, and those receiving lands would have their discharge. Same advantage would be extended in due time to troops which remain. Until instructions on subject received. Drummond should put himself in position to select those who would make good settlers. It was probable that advantage would be taken of outgoing transports by many settlers from Scotland and Ireland, who would receive every indulgence. Most of them would go to Upper Canada. In no case should lands be granted to citizens of United States, and they should be prevented from settling in either of the Canadas, until further instructions. p. 82

Bathurst to Drummond. Stating that free passage on transports being sent out for troops would be given to intending settlers, and enclosing memorandum of conditions governing settlers. If any should desire to remain in Lower Canada, they should be directed to Townships. Those going to Upper Canada should be given every assistance and encouragement in order that they might make favorable reports home of advantages offered by the Canadas. Tools etc would be forwarded by first convoy. Grants to these settlers and those going out thereafter would be limited to 100 acres. p. 92

1815 Downing St., March 20.

Enclosure:—

November 1814.

MEMORANDUM.

It is the intention of His Majesty's Government to encourage Settlers to proceed from Great Britain and Ireland, to the British Provinces in North America, and for this purpose a certain number of Vessels will be appropriated for the conveyance early in the ensuing Spring, of such persons as may be properly recommended, together with their Wives and Children to Quebec, to which Port only the conveyance of Settlers free of expence, with other advantages, will be limited during the present year. Lands will be granted to them either in Upper or Lower Canada, in which extent is comprehended a choice of Climate and of Soil, adapted for every branch of cultivation.

The encouragement and advantages intended to be afforded to Settlers, will be—

A passage and provisions during the voyage will be provided by Government, and on their arrival in the Colony a grant of 100 acres of land will be secured to each family, of which they will be put immediately in possession, and all their Male Children actually residing in the province will be entitled, on attaining the age of 21 years, to a similar grant of 100 acres each.

For a limited period after their arrival (in order to enable the Settlers to establish themselves upon their respective grants, and to clear and to cultivate a portion of the land) they will be allowed Rations from the Public Stores:—And in case from unforeseen events it should be found requisite, further aid in this respect may be afforded according to the circumstances of the case, by issuing Rations for a certain period at a price under prime cost.

Axes and other necessary implements will also be furnished to them under certain regulations, at a fixed price, not exceeding half the prime cost.

Should any number of Families proceeding from the same part of the United Kingdom, or possessing any joint stock or funds, be desirous of settling in the same neighbourhood in Canada, care will be taken to allot them lands as nearly as possible contiguous to each other; and a sufficient portion of land will be appropriated in the midst of such Settlers for a Church and for the maintenance of a Clergyman and a Schoolmaster; and in case a sufficient number of Settlers so united, should be accompanied from the United Kingdom by a person of either of the above functions, who possesses their confidence, and can be well recommended, a salary will be provided of £100 per annum to the Minister, and £50 per annum to the Schoolmaster.

In order to prevent persons who may be desirous of proceeding to the United States of America, from availing themselves of the liberality of Government, and proceeding to Canada merely for that

1815 purpose: It will be required that every person embarking for Quebec, should at the time of embarkation, deposit in the hands of the Government Agent the following sum:

Every Male Person above 16 years, of age £16 sterling; Every Woman being the wife of any person so embarking £2 2s. Children under sixteen years of age will be conveyed free of expense; and whatever sums may be so paid by them, will be repaid to them or their representatives in Canada, at the end of two years from the date of their embarkation, upon it being ascertained that they are settled on the grant of land allotted to them. p. 96

Downing St., May 31. Bathurst to Drummond. Acknowledging despatch of Jan. 18. So far as related to military matters, treaty with United States made it unnecessary to refer to it. Authority given to carry into effect proposals for encouraging discharged soldiers who desired to become settlers. p. 104

Downing St., July 8. Bathurst to Administrator. Transmitting free pardon for Edward McSwiney, convicted of Murder. (Enclosure.) p. 108

Downing St., July 12. Bathurst to Drummond. Acknowledging despatches of March 18 and 24, and conveying appreciation of Prince Regent of proceedings for defence and security. He received most graciously address of Assembly of March 13. Arrangements being made for ascertaining extent of sufferings of persons in province, with view to their alleviation. p. 111

Castle of St. Lewis, Oct. 13. Robert R. Loring, Secretary, to Wm. Halton, Secretary. Transmitting copy of despatch of July 12 to Lieut. Governor Gore; and adding suggestion of Drummond that it be communicated to both Houses of Legislature. p. 113

Downing St., July 18. Bathurst to Gore. Authorizing increase of Givins' salary to 20 shillings per diem during period in which he was Indian Agent. This was acknowledgement of value of Givins' services and not precedent for salary for his successors. p. 118

Downing St., Aug. 1. Bathurst to Gore. Transmitting copy of letter from Treasury of July 29 authorizing payment of £1000 to Jarvis, Colonial Secretary, for losses sustained in execution of public duty. (Enclosure.) p. 120

Downing St., Aug. 28. Bathurst to Gore. Authorizing grant of 500 acres of land to Ogle Moore, who desired to become settler, and recommended that land granted be in vicinity of lakes, in view of his professional knowledge as officer in Navy. p. 123

Downing St., Oct. 10. Bathurst to Gore. Transmitting, with reference to address of Assembly, copy of letter from General Post Office expressing willingness to comply with terms of address applying for improvement in mail service from Quebec to Upper Canada. p. 125

Enclosure:—

General P.O., Sept. 14. F. Freeling to Goulburn. Stating with reference to address of Assembly that subject had been engaging attention. Deputy Postmaster General at Quebec reported that increase of service would absorb total revenue received from Upper Canada, but as applicants had agreed to meet part of additional expense, if necessary, by paying

increased rate of postage, Deputy Postmaster General had been directed to confer with Lieutenant Governor, and report so that instructions might be given to meet wishes of applicants to extent deemed proper. p. 126 **1815**

Bathurst to Gore. Stating that no objections had been found to following provincial acts passed in session of 1814:— Downing St., Oct. 31.

An Act to empower the Commissioners of the Peace for the Home District in their Court of General Quarter Sessions assembled to establish and regulate a Market in Aid for the Town of York in the said District.

An Act to continue and amend An Act passed in the 53rd Year of His Majesty's Reign intituled "An Act to Authorize the Governor Lieut. Governor, or Person Administering the Government of this Province to prohibit the Exportation of Grain and other Provisions and also to restrain the distillation of Spirituous Liquors from Grain."

An Act to grant to His Majesty an additional Duty on Shop and Tavern Licences.

An Act to empower His Majesty for a limited time to secure and detain such Persons as His Majesty shall suspect of a Treasonable adherence to the Enemy.

An Act for applying a certain Sum of Money, to make good certain Monies, issued and advanced by His Majesty through Sir Roger Hale Sheaffe, Baronet, President in pursuance of an Address of the House of Assembly.

An Act laying an additional Duty on Stills within this Province.

An Act to continue for a limited time the provisional Agreement entered into between this Province and Lower Canada at Montreal on the 5th Day of July 1804 relative to Duties also for continuing for a limited time the several Acts of the Parliament of this Province relating thereto.

An Act to supply in certain cases the want of County Courts within this Province.

An Act to declare certain Persons therein described Aliens, and to Vest their Estates in His Majesty.

An Act to continue an Act passed in the 46th Year of His Majesty's Reign intituled "An Act to make Provision for certain Sheriffs in this Province."

An Act to repeal part of an Act and to amend and continue an Act passed in the 51st Year of His Majesty's Reign intituled "An Act to repeal An Act passed in the 47th Year of His Majesty's Reign", intituled "An Act for granting to His Majesty Duties on Licences to Hawkers, Pedlars, and Petty Chapmen and other Trading Persons therein mentioned and further for granting to His Majesty Duties on Licences to Hawkers, Pedlars and Petty Chapmen and other Trading Persons therein mentioned."

An Act to repeal so much of An Act passed in the 7th Year of the Reign of Queen Anne, and also so much of An Act passed in the 17th Year of the Reign of His late Majesty King George the Second as puts an end to the forfeiture of Inheritances upon attainder of Treason after the Death of the Pretender and his Sons.

An Act for the more impartial and effectual Trial and Banishment of High Treason and misprision of High Treason and Treasonable practices in this Province.

1815

An Act for granting to His Majesty a certain sum of Money out of the funds applicable to the uses of this Province to defray the Expenses of amending and repairing the Public Highways and Roads and Building Bridges in the several Districts thereof.

An Act for granting to His Majesty, His Heirs and Successors a Sum of Money towards defraying the Expense attending the defence of this Province.

An Act to repeal part of the laws now in force for raising and training the Militia of this Province, and to make further and more effectual Provision for the same.

With respect to the Provisions of the two following Acts, their Lordships conceive that the termination of the War must have rendered it unnecessary to have recourse any longer to measures of that nature, and although they do not disapprove of the Provisions of these Acts, yet they desire that your attention should be called to the circumstance of their having no suspending clause.

An Act to facilitate the circulation within this Province of Army Bills issued by Authority of the Province of Lower Canada.

An Act to provide for the issuing and circulation of Government Bills in this Province. p. 129

Downing St., Oct. 31.

Bathurst to Gore. Stating that no objections had been found to following provincial acts passed in months of August 1812 and March, 1813:—

An Act to repeal part of the Laws now in force for raising and training the Militia of this Province and to make further provision for the raising and training of the said Militia.

An Act to repeal an Act passed in the 44th Year of His Majesty's Reign, intituled "An Act appropriating a certain Sum of Money Annually to defray the expenses of erecting Public Buildings to and for the uses of this Province."

An Act for granting a certain Sum of Money to make good certain Sums of Money issued and advanced by His Majesty through His Honor the President in pursuance of an Address of the House of Assembly.

An Act to provide for the Defence of the Province.

An Act to repeal An Act passed in the 52d Year of His Majesty's Reign intituled "An Act for granting to His Majesty a certain Sum of Money out of the Funds applicable to the uses of this Province to defray the Expences of amending and repairing the Public Highways and Roads and Building Bridges in the several Districts thereof."

An Act to facilitate the Circulation within this Province of Army Bills issued by Authority of the Province of Lower Canada.

An Act to authorize the Governor Lieutenant Governor or Person administering the Government of this Province to Prohibit the exportation of Grain and other Provisions and also to restrain the Distillation of Spirituous Liquors from Grain.

An Act to prohibit the sale of Spirituous Liquors to Indians within this Province.

An Act to alter and amend An Act passed in the 48th Year of His Majesty's Reign intituled "An Act for the better Regulation of Parish and Town Officers throughout this Province."

An Act to repeal and amend certain parts of the Militia Law and also for the Transporting Naval and Military Stores. **1815**

An Act to repeal an Act passed in the 44th Year of His Majesty's Reign intituled "An Act for granting to His Majesty a certain Sum of Money for the further encouragement of the Growth and Cultivation of Hemp within this Province and the Exportation thereof." As also An Act passed in the 52nd Year of His Majesty's Reign intituled "An Act for granting to His Majesty a certain Sum of Money further to encourage the growth and cultivation of Hemp in this Province and for other purposes."

An Act to amend an Act passed in the 49th Year of His Majesty's Reign intituled "An Act for Quartering and Billeting on certain occasions His Majesty's Troops and the Militia of this Province" and to repeal a part of the same.

An Act to continue An Act passed in the 52d Year of His Majesty's Reign intituled "An Act to provide means for the Defence of this Province and to make further Provision for the same."

An Act to provide for the maintenance of Persons disabled and the Widows and Children of such Persons as may be killed in His Majesty's Service.

An Act for granting a certain Sum of Money to make good certain Sums of Money issued and advanced by His Majesty through His Honor the President in pursuance of an Address of the House of Assembly.

An Act to continue for a limited time the Provisional Agreement entered into with Lower Canada at Montreal on the 5th July 1804 relative to Duties, also for continuing for a limited time the several Acts of the Parliament of this Province now in force relating thereto. p. 135

Bathurst to Sheaffe. Announcing death of H.R.H. the Duchess of Brunswick. p. 151 — Downing St., March 26, 1813.

G. 58 (1816-1817)

Bathurst to Gore. Stating that complaint had been made of many outrages committed by agents of Hudson's Bay and North West Companies in their mutual rivalries, and directing that servants of Companies be warned to desist as it was determined to punish with utmost severity any persons found guilty of causing or instigating such proceedings. p. 1 — **1816** Downing St., Jan. 3.

Bathurst to Gore. Stating with reference to Drummond's recommendation of increase of salary to clerks in office of Provincial Secretary, that these clerks should be paid by Secretary himself from the emoluments of his office. p. 3 — Downing St., Jan. 8.

Bathurst to Gore. Calling attention to several communications on subject of water communication between Quebec and Kingston district from St. Lawrence course. Instructions were given to follow up measure of Sir Frederick Robinson of settling upon proposed line of new water communication industrious families desiring to become settlers; also, to invite tenders for completing several parts of the works by contract and submit the tenders to Colonial Secretary. p. 4 — Downing St., Jan. 8.

Enclosure:—

Sir Frederick Robinson to Bathurst. (Extract.) Stating that it was intention to settle discharged soldiers upon lands adjoining — Kingston July 21, 1815.

1816 Rideau river in first instance, and then on River Trent, and between Kempenfelt Bay and Lake Huron. As regards Rideau it was intention of Americans had war continued to cut off communication between Upper Canada and Lower Canada by the St. Lawrence route. He was so informed by Brown an American General. When banks of Rideau were settled, difficulties in way of carrying on work would be obviated. p. 6

Downing St., Jan. 8. Bathurst to Gore. Requiring explanation of grant of 700 acres of land in township of Lincoln in 1814. p. 18

Downing St., Jan. 8. Bathurst to Gore. Transmitting copy of letter from Sir F. Robinson pointing out advantages of procuring tract of land on Bay of Quinté from Indians, and asking for report on circumstances. p. 19

Enclosure:—

Thornburg near Bristol, Dec. 26, 1815. Robinson to Bathurst. Directing attention to tract mentioned, on which soil is peculiarly fertile. The occupants were perfectly useless Indians who had no idea of improving the land and were willing to dispose of it. The Mohawks were willing to receive these families again. p. 20

Downing St., March 6. Bathurst to Gore. Acknowledging despatch No. 5 of Oct. 31, on the representation of officers of Government respecting proposed removal of capital from York to Kingston, and directing that, in view of inconvenience and expense involved, his earlier instruction be considered as recalled. p. 23

Downing St., March 13. Bathurst to Gore. Acknowledging despatch No. 7 on administration of Indian Department, and stating that after consideration of all the circumstances, it had been decided to restore the administration to the charge of the Commander in Chief. The reasons were entirely political and were in no way connected with the administration by the Provincial authorities. Gore's conduct in the matter was always commendable. p. 25

Downing St., March 13. Bathurst to Gore. (Copy.) Transmitting copy of letter from Admiralty on proposal of proprietors of Gananoque Iron Works either to sell the works to Government or to work them under encouragement of Government, in which Admiralty states that if proprietors should reopen their works, they would be given the opportunity of supplying the departments with iron, so long as the articles were of equal quality with those supplied from Great Britain. (Two enclosures.) p. 28

Castle of St. Lewis, April 20. Drummond to Gore. Transmitting copy of despatch from Colonial Secretary directing exclusion from province of Joseph Bonaparte and all other relations and adherents of Napoleon Bonaparte. (Enclosure.) p. 39

Castle of St. Lewis, April 30. Drummond to Gore. Transmitting copy of despatch from Colonial Office authorizing that 100 acres each should be given to seamen who had served three years on the Lakes. (Enclosure.) p. 42

Downing St., May 10. Bathurst to Gore. Directing that, in order to promote religious instruction among seamen on the lakes, some arrangement enabling these men to attend Divine Service regularly be made with officiating clergymen at Kingston, who would be compensated for this additional duty. p. 44

1816

Bathurst to Gore. Stating that stationery for Government departments was shipped. p. 46 Downing St., May 31.

Bathurst to Gore. Transmitting for attention copy of memorial from Solomon Moore urging claim to possession of lands which would appear to have been inadvertently granted to Captain Loring. (Enclosure.) p. 49 Downing St., May 31.

Bathurst to Gore. On pay of Secretary to Board to decide on extent of losses sustained during war. Letter from Treasury enclosed. p. 60 Downing St., June 6.

Bathurst to Gore. Acknowledging despatch No. 24 of April 27, and referring to his own despatch of March 6, on proposed removal of capital from York to Kingston. p. 68 Downing St., June 17.

Bathurst to Gore. Acknowledging despatch of April 29, and, in accordance with his recommendation sanctions the retirement of Chief Justice Scott on pension of £800 a year, and the appointment of Judge Powell to succeed to the office. p. 69 Downing St., June 18.

Bathurst to Gore. Authorizing appointment of Mr. McPherson as schoolmaster to settlers in and about Glengarry with advantages pointed out in printed memorandum enclosed. p. 73 Downing St., June 19.

Enclosure. p. 268

Bathurst to Gore. Acknowledging despatch No. 22 respecting dispute between Colonel James and Colonel Caldwell. He could see no reason from Lieut. Governor's papers why Caldwell should be placed on pension list of Indian Department. p. 74 Downing St., June 20.

Goulburn to Gore. Transmitting Estimate for civil establishment. p. 76 Downing St., June 20.

Enclosure:

1816

UPPER CANADA

Estimate of the Charge of defraying the Civil Establishment of the Province of Upper Canada in America from the 1st day of January to the 31st day of December 1816.

£10,865

Proposed distribution of the above Sum of £10,865 on Account of the Civil Establishment of Upper Canada for the Year 1816.

	£	s	d
Salary of the Lieutenant Governor..	2000	"	"
——— Chief Justice..	1100	"	"
——— Attorney General..	300	"	"
——— Solicitor General..	100	"	"
Two Judges of the Court of King's Bench £750 each per Annum..	1500	"	"
Clerk of the Crown and Pleas..	100	"	"
Two Sheriffs at £100 per Annum each..	200	"	"
Secretary and Register..	300	"	"
Clerk of the Council..	100	"	"
Receiver General of the Revenues..	200	"	"
Five Executive Councillors at £100 each..	500	"	"
Surveyor General of Lands..	300	"	"
Naval Officer..	100	"	"
Salary of the Bishop's Commissary..	150	"	"

1816

Allowance to the Widow of the Late Colonel Campbell Governor of the Bermudas in reward of his firm and judicious Conduct and able Services at the Myamis and in consideration of her straightened circumstances..	250	" "
Allowance to Mr. Smith late Surveyor General of Lands in consequence of his long Services and of the infirm state of his health..	200	" "
Allowance to Sarah Margaret Clarke, the only surviving daughter of the late Captain Clarke in consequence of his long and meritorious Services and of her streightened circumstances..	50	" "
Allowance to the Widow of the late Major General Shaw recommended by the Lieutenant Governor for some provision on account of the Services of her late husband in different public situations..	100	" "
Agent..	200	" "
To the Society for the Propagation of the Gospel in aid of the expenses of the Society in Canada £2800.		
On Account of Fees for Receipt and Audit —315.	3115	" "
	£10865	" "

p. 77

Downing St., July 1. Goulburn to Gore. Stating that Rev. John Wilson of Queen's College, Oxford had been appointed to superintend Grammar School to be established at Kingston. He would go out immediately. p. 79

Downing St., July 6. Goulburn to Gore. Introducing Rev. John Wilson. p. 80

Downing St., July 9. Bathurst to Gore. (Circular.) Transmitting, for attention, letter from Treasury of July 6, enclosing regulations for extraordinary expenses on foreign stations. (Enclosure.) p. 81

Downing St., July 13. Bathurst to Gore. Acknowledging despatches to No. 30 inclusive. Had communicated to Governor General Gore's view as to inexpediency of distributing presents to Indians residing in United States, and directed him to follow them. Approval given for appropriations of land for use of schools established in several townships. As regards seminary of higher description, it would appear more desirable that Legislatures of Upper and Lower Canada should cooperate in establishing a college in Montreal, and Governor was instructed to confer with Sir John Sherbrooke on question. No objection made to bill for augmenting members wages, except that there must be some specific means of raising money to defray the expenditure. Orders would be given for copying journals of Legislative Assembly and Council from documents in Colonial Office. p. 84

Downing St., July 24. Bathurst to Gore. Authorizing that grant of 12000 acres of land in Upper Canada be made to Bishop of Quebec. p. 87

Downing St., Aug. 3. Bathurst to Gore. Transmitting letter from Treasury reporting shipment of stationery. (Enclosure.) p. 89

Downing St., Aug. 6. Bathurst to Gore. Authorizing grants of land to artificers on Naval Establishment on same terms as to Army. p. 91

Downing St., Aug. 6. Bathurst to Gore. Authorizing, by way of exception to regulations, a grant of 12000 acres of land to Bishop of Quebec, which was promised to him in 1808. p. 92

1816

Bathurst to Gore. Transmitting copy of Order in Council, making certain alterations in arms of United Kingdom. p. 94 Downing St., Aug. 12.

Enclosure. p. 272

Bathurst to Gore. Directing that naval force on Lakes be utilized for transportation of stores. p. 95 Downing St., Aug. 31.

Bathurst to Gore. Stating, with reference to refusal of Commissary General to take Army Bills, that Treasury has ordered him to afford every facility, consistent with preventing of fraud, for exchange of Army Bills at distant places for bills on Quebec. (Enclosure.) p. 97 Downing St., Sept. 9.

Bathurst to Gore. Stating that United States Government had complained of interference by British officers with American vessels on Lakes, and ordering that, in all relations with American authorities and people, a line of conduct should be observed conformable to amity and friendship subsisting between the two nations. p. 99 Downing St., Sept. 9.

Bathurst to Gore. Acknowledging despatch No. 30 of May 23, and approving of his having declined compliance with application made by Captain Owen on subject of Naval Officers on Lakes. p. 101 Downing St., Sept. 9.

Bathurst to Gore. Acknowledging despatch No. 35, and suggesting that Captain Loring be advised to surrender grant of 700 acres of land made to him in 1814, and to repay the $500 he received in transaction. Should advice be disregarded, other steps should be taken to get land back. Stringent orders given that no grants be made until Surveyor General had reported that there were no objections thereto. If Administrators be not satisfied with report, question must be referred to Executive Council. All grants made contrary to report of Surveyor General unless authorized by Council would be void. Every grant of land must contain clause rendering it alienable within limited time. p. 102 Downing St., Oct. 1.

Bathurst to Gore. Directing repayment to Military Chest of £2060 11 6, (currency) advanced for repair of Elmsley House. p. 105 Downing St., Oct. 3.

Bathurst to Gore. Acknowledging despatch of July 6, and authorizing that Dr. Strachan be paid £340 out of general fund of Clergy Reserves. p. 107 Downing St., Oct. 3.

Bathurst to Gore. Acknowledging despatch of May 25, stating that Col. Talbot had purchased lots of land from Mr. Stanton, and had transferred them to settlers gratuitously; and authorizing that Talbot be repaid amount paid for those lots. p. 108 Downing St., Oct. 3.

Bathurst to Gore. Acknowledging despatch of April 13, and expressing approbation of appointment of Mr. Halton as Provincial Agent. p. 110 Downing St., Oct. 3.

Bathurst to Gore. Acknowledging despatch No. 37, and declining to authorize salary recommended for Col. Cameron on his removal from office of Assistant Secretary to Indian Department. p. 111 Downing St., Oct. 3.

Bathurst to Gore:—

"I herewith transmit to you the Copy of a letter from the Secretary to the Treasury with its inclosure from Lt General Sir John Sherbrooke requesting instructions as to continuing to supply the Civil Service in Upper Canada with Money from the Military Chest at Downing St., Oct. 3.

1816 Quebec. I have to call your attention to this subject and to acquaint you that I am of opinion that so long as the Colony shall continue to draw Sums from the Military Chest for the support of its Civil Establishment it is expedient to withhold your sanction from any new appropriation which the Colonial Legislature may make of Public Money the only consequence of such appropriation being to perpetuate a burthen on the Mother Country from which she ought to be relieved." p. 113

Enclosures:—

Treasury Chambers, Sept. 24. (1) R. Lushington to Goulburn. Requesting Colonial Secretary's advice on letter from Sherbrooke, respecting application to latter for £2500 from Military Chest in aid of Civil Service. p. 115

Quebec, July 17. (2) Sherbrooke to Treasury. Stating that application having been made to him by Gore, he had assigned to him £2500 sterling, and asking for instructions as to future applications. p. 117

Downing St., Nov. 7. Bathurst to Gore. Acknowledging despatch, stating that Mr. McGillivray of the N.W. Co. had been seized by direction of Lord Selkirk, and asking for copies of all papers bearing on this action. p. 119

Downing St., Nov. 7. Bathurst to Gore. Stating that, in accordance with his recommendation of Feb. 26, he had authorized extension of J. B. Robinson's leave to enable him to keep Trinity Term next. p. 121

Downing St., Nov. 7. Bathurst to Gore. Transmitting statement of Comte de Puisaye respecting damage done to his estate by troops during late war; and asking for report upon it. (Enclosure.) p. 122

Downing St., Dec. 5. G. Baillie to Gore. Requesting copy of letter respecting Selkirk's proceedings, as no copy could be found in Colonial Office. p. 127

1817 Downing St., Jan. 2. Bathurst to Gore. Transmitting, in compliance with request of August 14, 1816, copy of commission appointing Sir John Sherbrooke Captain General and Governor in Chief of Upper and Lower Canada. p. 130

Downing St., Jan. 10. Bathurst to Gore. Acknowledging despatch of Sept. 2, 1816, and stating that Foreign Secretary was requested to grant to Buchanan, Consul at New York $10 for each British subject arriving at New York, who might desire to settle in Canada. Gore was directed to assign to each such person quantity of land granted to lowest class of settlers. p. 131

Downing St., Feb. 24. Bathurst to Gore. (Printed circular.) Requesting a return of all offices within Governor's command. p. 133

Downing St., March 4. Bathurst to Gore. Stating that H.R.H. had granted Gore short leave of absence to attend to private affairs in Great Britain. p. 135

Downing St., March 11. Bathurst to Gore. (Circular.) Stating that it was considered desirable to have exact information as to the different forms and regulations applying to the celebration of marriages throughout colonies, and asking for this information respecting Upper Canada. p. 137

Downing St., March 12. Bathurst to Gore. Respecting exemption from fees on grant of land to Bishop of Quebec. p. 140

1817

Bathurst to Gore. Introducing Rev. Mr. Bell, who had been chosen by Presbytery of Edinburgh to be minister to settlers on Rideau. He would receive £100 a year from colonial funds. p. 142 — Downing St., April 12.

Bathurst to Gore. Authorizing grant of land not exceeding 1200 acres to Sir Frederick Robinson. p. 144 — Downing St., April 14.

Bathurst to Gore. Acknowledging despatch of Nov. 25 and authorizing appointment of Boulton to succeed Chief Justice Powell on bench, but declining to comply with condition that Boulton's son should be solicitor general. p. 145 — Downing St., April 14.

Bathurst to Sherbrooke. (Copy.) Authorizing grants of land to officers and others lately employed in commissariat and medical departments. p. 147 — Downing St., April 14.

Goulburn to Sherbrooke. Authorizing grant of land to John Matthews who was going to Canada as settler. p. 150 — Downing St., April 19.

Bathurst to Gore. (Circular.) Transmitting copy of letter and enclosure from Treasury. p. 151 — Downing St., May 1.

Enclosure:—

Harrison to Goulburn. (Circular.) Calling attention to clause in Malt Bill, and stating that Lords of Treasury intend to contribute to public service by directing that deduction of 10% should be made from their salaries and emoluments and that all officers of that Department enjoying salaries of £1000 and over would have opportunity of doing same thing, if so disposed. Offer of same character and conditions was to be made to officers in colonial service. p. 152 — Treasury Chambers, March 31.

Bathurst to Gore. Acknowledging despatch No. 43 of Dec. 7, and approving of his reducing establishment of Provincial schooner "Toronto" in view of offer of accommodation from Royal Navy. p. 154 — Downing St., May 10.

Bathurst to Gore. Acknowledging despatch of Jan. 6, and approving of his delaying to cancel grant of land, and requiring explanation of Capt. Loring. p. 157 — Downing St., May 10.

Bathurst to Gore. Acknowledging despatch of Dec. 26, and approving of expenditure of £251 7 6 for printing press and types. p. 160 — Downing St., May 13.

Bathurst to Gore. Transmitting copy of despatch from Sherbrooke recommending extended grants of land to persons mentioned viz:—Daniel Daverne, Captain Bullock, of Bay of Quinté district, and that grant be made to Wentworth Winslow, settled in Rideau district; and giving directions that these recommendations be carried into effect. (Enclosure.) p. 161 — Downing St., May 13.

Bathurst to Gore. Stating that approval had been given to appointment of Richard Hammond, John Murdoch and Angus McDonald as Catholic school masters for Upper Canada. Their salaries would be £100 per annum each. p. 167 — Downing St., May 21.

Bathurst to Gore. Stating that Rev. James Stuart, Rev. John MacDonald and Rev. William Chisholm had been selected to proceed to Upper Canada as Roman Catholic clergymen. The allowance of each to be £100 per annum. p. 168 — Downing St., June 3.

1817

Downing St., July 30. Bathurst to Gore. Acknowledging despatch of April 20, and stating that directions had been given to Consul at New York no longer to encourage persons to proceed as settlers to Upper Canada. Those already in Upper Canada should have grants of land, with agricultural implements, and the benefit of half fees on grants. Legislature should be called upon to assist in bearing expense. Half pay officers should be encouraged to become settlers under terms and conditions given to officers of disbanded regiments. p. 172

Downing St., Aug. 4. Bathurst to Gore. Acknowledging despatch of May 22, and sanctioning increase of salary of Inspector General of Provincial Accounts to 20 shillings per diem. p. 174

Downing St., August 4. Bathurst to Gore. Acknowledging despatch of April 10, No. 58, and expressing unwillingness to interfere with grants made to Mississagua Indians, on Credit river. There must be many sites for mills little less eligible than that selected by Col. McGregor. p. 177

Downing St., August 4. Bathurst to Gore. Acknowledging despatch of June 11, and expressing approbation of arrangement for administration of Government during his absence. p. 180

Downing St., August 10. Goulburn to Gore. Transmitting, for guidance copy of letter from Treasury relative to appropriation of estates of traitors and such persons as deserted the defence of province during late war, for purpose of indemnifying inhabitants who suffered in property by enemy operations. p. 182

Enclosure:—

Treasury Chambers, July 9. Harrison to Goulburn. (Copy.) Stating that recommendation of Executive Council, transmitted in Gore's letter of April 16, seemed best course to follow in these cases. p. 184

Downing St., August 11. Bathurst to President Smith. Transmitting copy of Treasury Minute regarding reductions to be made in expenses of colonies and settlements abroad, and directing that effect be given to suggestions and intentions. (Enclosure.) p. 186

Downing St., August 31. Bathurst to Gore. Acknowledging despatch of Feb. 15, and stating that application of Mr. Justice Campbell for increase of emoluments could not be acceded to. p. 189

Downing St., August 31. Bathurst to Gore. Acknowledging despatch of May 21, and expressing approval of grant of land to Mr. Hale, but deprecating the taking it or any grant from Crown Reserves without express authority. p. 191

Downing St., Sept. 5. Bathurst to Smith. Stating that Treasury had directed that unsatisfied claims of Militia for pay and allowances during war should be discharged by Commander of the Forces. p. 192

Downing St., Sept. 5. Bathurst to Administrator. Acknowledging despatch of May 28, and expressing approval of decision not to grant lands to persons already enjoying earlier grants, unless latter had been improved. p. 195

Downing St., Sept. 5. Bathurst to Smith. Stating with reference to communication between Lieut. Governor and Commodore Hall, that it was intention of Government that sailors who had served on Canadian waters should have grants of land on same terms as those to discharged soldiers, that is gratuitously. p. 198

1817

Gore to Smith. Advising him to write as little to Downing Street as possible—" the less you write, the more thankful they will be." He did not believe Smith would be disturbed in administration until arrival of his (Gore's) successor next year. Smith recommended not to interfere in affairs of Rideau settlement, as Civil Government was not responsible, and any interference would bring on them odium of failure. p. 202 London, Sept. 8.

Bathurst to Administrator. Stating that, owing to desire of soldiers of late 104th Regiment to settle together, Captain Fowler, Military Superintendent of Rideau settlement, had endeavored to meet their wishes, but had encountered an obstacle in the Clergy Reserve in township of Drummond; and directing that Clergy Reserve be removed to another section of township. p. 205 Downing St., Sept. 8.

Bathurst to Gore. Requiring explanation of practice which had apparently grown up of making grants to particular army officers from Crown Reserves. p. 208 Downing St., Sept. 8.

Bathurst to Sherbrooke. (Copy.) Directing that grants of land to Naval Officers desiring to settle in Canada be made with same privileges as those accorded to Army Officers. p. 210 Downing St., Sept. 12.

Goulburn to Gore. Transmitting copy of letter from Treasury respecting double payment of Lieut. Governor's salary between Sept. 21 and 30, 1815. (Enclosures.) p. 211 Downing St., Sept. 16.

Bathurst to Smith. Acknowledging despatch of July 7, and expressing approval of appointment of Boulton to judgeship, and of Robinson to attorney generalship. p. 215 Downing St., Sept. 30.

Goulburn to Smith. Giving directions respecting dispute as to property in Lincoln county granted to Major Loring in 1814. p. 216 Downing St., Oct. 4.

Sherbrooke to Smith. Transmitting letter from Colonial Secretary which related to settlement of a gentleman and his family in Upper Canada. (No enclosure.) p. 218 Quebec, Oct. 18.

Bathurst to Administrator. Transmitting copy of Order in Council of July 24, disallowing act passed in March 1816, entitled: " An Act to compensate the Members of the House of Assembly for their attendance in Parliament" etc. (No enclosure.) p. 220 Downing St., Oct. 27.

Bathurst to Smith. (Circular.) Communicating intelligence of death of Princess Charlotte that morning. p. 222 Downing St., Nov. 6.

Bathurst to Smith. Notice of appointment of Duncan Cameron to office of Secretary and Register of Upper Canada, to replace Jarvis, deceased. p. 223 Downing St., Nov. 10.

Bathurst to Smith. Transmitting memo. from Bishop of Quebec respecting fees on grant of land recently made to him, and directing that grant be made on same terms as if it had been made to him at same time as those to other Executive Councillors. (No enclosure.) p. 225 Downing St., Nov. 10.

Bathurst to Smith. Transmitting copy of memorial from Lieut. Col. Nicholl Q.M.G. of Canadian Militia, and requesting that he might receive every consideration, and that should any application be made on his behalf to Assembly, Administrator will support it. (Enclosure, containing lengthy account of Nicholl's services.) p. 226 Downing St., Nov. 10.

1817

Downing St., Nov. 30.

Bathurst to Smith:—

"I have laid before The Prince Regent the dispatch addressed to me by Lt Governor Gore dated 7 April last in which he communicated to me the reasons which had induced him to prorogue the Provincial Legislature and requested instructions with respect to that part of the resolution submitted to the House of Assembly which relates to the right of American Citizens to hold Lands in the Province.

I have to acquaint you in reply that in originally calling the attention of Sir Gordon Drummond to the necessity of excluding as much as possible American Citizens from the possession of Lands in the Province His Royal Highness had no intention of contravening those Acts of the British Parliament 13th George 2d and 3d George 3d to which the resolutions of the Assembly refer: His Royal Highness on the other hand was only desirous that the provisions of those Statutes should be duly enforced considering that while they gave due encouragement to the Settlement of the Province by well affected persons they effectually excluded those with respect to whose Loyalty and fidelity suspicions might naturally be entertained.

The Lieutenant Governor and the Assembly each appear to have misunderstood to a certain extent the provisions of the Acts in question.

Under the 30 George the 3d American Citizens arriving in the Province are entitled to have the oath of Allegiance and the Oath of their intention to reside and Settle Administered to them in the manner prescribed by the Acts nor has the Governor any discretion as to refusing or preventing the Administration of these Oaths.

But on the other hand the Assembly are in error in supposing that the taking of such Oaths can of itself qualify an American Citizen to hold Lands in the Province. The Act of the 13 George 2d cap 7 is still in force and under its provisions a previous continued residence of seven years in the Province is the indispensable condition of being entitled to hold Lands

It was to the enforcement of this Legislative Provision that His Royal Highness deemed it at the close of the War most necessary to call the attention of the Provincial Government nor can His Royal Highness see any ground for now withdrawing a restriction not less essential than formerly to the well being of His Majesty's North American Dominions. I have therefore only to desire that you will cause it to be generally known throughout the Province that no Foreigner will be permitted to hold Lands in the Province unless he "shall inhabit or reside for the space of seven years or more in any of His Majesty's Colonies in America and shall not have been absent out of some of the said Colonies for a longer space than two Months at any one time during the said seven years" and shall have complied with the other conditions prescribed in the said Act and that you will take the necessary legal measures for dispossessing those persons not entitled to the privileges of Natural Born Subjects who shall since the War have possessed themselves of Lands under any other circumstances than those admitted by the Law." p. 242

Downing St., Dec. 10.

Bathurst to Smith. Transmitting, in connection with Gore's despatch of April 11, 1816, respecting delay on part of Lower Canada in remitting amount of revenue due to Upper Canada, a letter from Committee for Trade expressing opinion that Sherbrooke's explanation of delay was satisfactory. (Enclosure.) p. 251

Drummond to Gore. Stating that he had submitted to H.R.H. Prince Regent the case of widows and families of militia officers killed in late war, and enclosing extract from reply, which he desired to be made known in Upper Canada. (No enclosure.) p. 260 **1817** Quebec, Jan. 12, 1816.

Bathurst to Gore. Transmitting copy of letter from Treasury, stating information had been received of practice in New Brunswick of cutting timber for private use, and directing that if such practice exists in Upper Canada, measures be taken to put a stop to it. (Enclosure.) p. 263 Downing St., Sept. 26, 1816.

G. 59. (1818-1820)

Goulburn to Smith. Transmitting forms to be observed in numbering and docketing despatches to Department. (No enclosures.) p. 1 **1818** Colonial Department, Jan. 31.

Goulburn to Smith. Introducing Sergeant Geo. Brown late of 43rd Regiment, and requesting in event of his settling in Upper Canada, that he may receive favorable treatment. p. 2 Downing St., Feb. 20.

Bathurst to Smith. Acknowledging despatch of Nov. 18, respecting extent of land Col. Talbot was entitled to claim under Lord Hobart's letter of Feb. 15, 1803. Having considered reports of Executive Council, he was of opinion, with Council, that he was not entitled to claim more than 20,000 acres. But Talbot's efforts to promote settlement should be recognized in most liberal manner. Therefore Administrator was directed that for following five years, he should place at Talbot's disposal under conditions mentioned in Hobart's despatch quoted, such further proportions of Aldborough and Dunwich townships as were vacant when Talbot commenced settlement. If any lands in those townships were granted during period when decision of Government was being awaited, the grants must be revoked. No restrictions to be imposed on class of settlers except those prescribed by Imperial statutes. Noticing practice in Land granting Department of requiring payment of fees immediately on location of land being made out and of not making out the deeds until some time after settlement duties had been completed, Colonial Secretary directed that this practice should cease, and that demand for the usual fees on grants be not made until settlement duties had been completed, and that immediately on completion the deeds be delivered to settler without further difficulty. p. 3 Downing St., Feb. 26.

Bathurst to Smith. Transmitting pardon for young woman convicted for child-murder, and imposing penalty of one year's imprisonment. (Enclosure.) p. 13 Downing St., May 13.

Bathurst to Smith. Acknowledging despatch of Feb. 21, and stating that there was no fund in Treasury from which widow of late Mr. Jarvis could be afforded relief, but that a moderate sum granted by Legislature would be sanctioned. p. 19 Downing St., May 13.

Bathurst to Smith. Acknowledging despatch of Feb. 23, and referring him to despatch of Nov. 30, on subject of admission of American citizens as settlers. p. 20 Downing St., May 13.

1818

Downing St., June 27. Bathurst to Sir Peregrine Maitland. Authorizing grant of land to Major Loring as reduced officer of 104th Regiment, and that, as Loring requests, the land granted be separate from military settlements. p. 21

Downing St., June 30. Bathurst to Smith. Acknowledging despatch of Feb. 28, and directing that in future statements of lands granted, the number of grants of each class in each district be recorded. p. 23

Downing St., June 30. Bathurst to Smith. Acknowledging despatch of Feb. 10, and stating that it did not appear advisable to extend further the indulgence to Bishop of Quebec respecting fees on his 12000 acres. p. 27

Downing St., Aug. 1. Bathurst to Maitland.

"I have received and laid before The Prince Regent Mr. Smith's dispatch of the 6 April transmitting an Address of the House of Assembly to His Royal Highness touching a question of Privilege which has arisen between that House and the Legislative Council as to the right of the latter to make an Amendment in a Money Bill.

His Royal Highness cannot but regret the suspension of that amiable intercourse between the two Houses the continuance of which is so necessary to the conduct of the Public Business of the Province; and while His Royal Highness feels that the just privileges of either House are what neither of them could consistently with their public duty consent to abandon yet His Royal Highness cannot too strongly impress upon them that those privileges will be best preserved by restraining them within their proper limits and not making them the ground of mutual jealousy and invasion.

His Royal Highness however has Commanded me to call your particular attention to that part of the recent proceedings in which the House of Assembly have attempted by an Address to do away the right which the Legislative Council possess of expressing on every question of supply their Assent or dissent and I am therefore to caution you particularly against acceding to any Address of the House of Assembly alone, the object of which may be a Grant of Money to any individual, excepting only those cases in which the Address refers to the advance of the ordinary contingent expences." p. 28

Downing St., Nov. 17. Bathurst to Maitland. (Circular.) Communicating intelligence of death of Queen that day. p. 34

Downing St., Dec. 9. Bathurst to Maitland. Acknowledging despatch of Sept. 8, and expressing approval of his making grants of land to proper persons of Flank Companies of Provincial Navy and Incorporated Militia, but care should be taken that extent of grants should be in proportion to those made to regular army and navy, and on indispensable condition of residence and cultivation. p. 35

1819

Downing St., Feb. 4. Bathurst to Maitland. Stating that no objection was found to following Provincial acts:—

"An Act to incorporate sundry Persons under the Style & Title of the President, Directors and Company of the Bank of Upper Canada.

An Act further to continue an Act passed in the 40th Year of His Majesty's Reign entitled "An Act to make provision for certain Sheriffs in this Province and also to extend the Provisions of the said Act.

An Act granting to His Majesty a Sum of Money for certain purposes therein mentioned. **1819**

An Act to enable the Commissioners of Goal Delivery and Oyer & Terminer to proceed although the Court of Kings Bench be settling in the Home District for which they are commissioned.

An Act to repeal part of and alter and amend an Act passed in the Thirty third Year of His Majesty's Reign entitled an Act to provide for the nomination and appointment of Parish & Town Officers within this Province.

An Act to establish a Market in the Town of Niagara in the Niagara District.

An Act to establish a Police in the Towns of York, Sandwich and Amherstburgh.

An Act to repeal part of and amend an Act passed in the Fifty sixth Year of His Majesty's Reign entitled "An Act to repeal part of and to alter and amend the Laws now in force for granting Pensions to Persons Disabled in the Service and the Widows and Children of Persons who may have been killed in the Service and to extend the provisions of the same.

An Act to make good certain Monies issued and advanced by His Excellency the Lieutenant Governor in pursuance of several addresses during the last Session." p. 37

Bathurst to Maitland. Transmitting copy of letter from Captain McGregor, requesting grant of land on Indian Reserve on banks of the Credit, and asking full report, including effect on convenience of Indians. (Enclosure.) p. 40 Downing St., Feb. 8.

Bathurst to Maitland. Transmitting copy of letter from John Halliday, who accompanied settlers from Scotland to Perth district and was promised £50 a year as teacher in settlement, but who has not yet received his salary, owing to charges of misconduct made against him. With letter were a number of testimonials in his favour. Lieut. Governor was directed to ascertain whether his conduct was then satisfactory, and, if so, to pay the salary. (Several enclosures.) p. 45 Downing St., Feb. 8.

Bathurst to Duke of Richmond. Transmitting list of persons about to embark at Hull to proceed as settlers to Canada under leadership of Capt. Spilsbury. In case they would prefer to settle in Upper Canada, this despatch should be transferred to Lieut. Governor of that province. Capt. Spilsbury made deposit of £110—£10 for each family—which was to be returned as settlers were located. p. 59 Downing St., March 8.

Enclosure:—

List of persons in party. p. 62

Extract from Minutes of Council, respecting some bill under consideration—subject not mentioned. p. 63 Whitehall, March 15.

Goulburn to Maitland. Conveying authority for grant of land to Anthony Birdsall. p. 65 Downing St., March 17.

Bathurst to Maitland. Authorizing grant of land to Francis Birdsall. p. 66 Downing St., March 17.

1819

Downing St., March 18. Bathurst to Maitland. Introducing Alexander Arbuthnot, with authority to make him grant of land. p. 67

Downing St., March 31. Goulburn to Maitland. Conveying authority for grant of land to Buchanan, Consul at New York, and to Alex. C. Buchanan his brother. p. 69

Downing St., April 7. Goulburn to Maitland. Conveying authority for grant of land to John Cockcroft. p. 71

Downing St., April 7. Bathurst to Maitland. Transmitting copy of memorial from Charles W. Grant, requesting to have his tenure of Grand Isle commuted into free and common soccages, and requesting report as to whether cultivation of Island might be prejudicial to defence of province, and as to validity of title. (Memorial enclosed.) p. 72

Downing St., April 10. Goulburn to Maitland. Conveying authority for grant of land to Mr. Wyatt. p. 76

London, April 29. Duke of Athol to Maitland. Transmitting, with request for cordial support, resolutions adopted at a meeting of noblemen and gentlemen connected with Scotland to consider means for erection of national monument in Edinburgh, to commemorate naval and military achievements of late war. (Resolutions enclosed.) p. 77

Downing St., May 8. Bathurst to Maitland. Transmitting printed copy of letters addressed to half-pay officers and common settlers who proposed to emigrate to British North America; and directing that every facility be afforded to them in obtaining grants of land held out to them respectively. p. 83

Enclosure:—

Printed letter form stating that Government no longer gave encouragement to persons proceeding as settlers, beyond grant of land proportioned in size to means of cultivation they may possess on arrival. (Memo. enclosed, showing grants to each class of officers.) p. 84

Downing St., May 8. Bathurst to Maitland. Transmitting copy of letter from Rev. Dr. Hall, enclosing petition from Presbyterian settlers in Osnaburgh, soliciting salary for Rev. W. Taylor as Presbyterian minister in district. (Two enclosures.) p. 89

Downing St., May 11. Bathurst to Maitland. Acknowledging despatch of Dec. 8, and expressing approval of proposition to impose tax on lands granted but uncultivated. p. 95

Downing St., May 11. Bathurst to Maitland. Acknowledging despatch of Dec. 5, No. 10, respecting payment of salary of Judge Boulton. p. 99

Downing St., May 11. Bathurst to Maitland. Acknowledging despatch of Jan. 6, respecting the trials between Lord Selkirk and the N.W. Co. and expressing admiration for the conduct of Attorney General Robinson during the course of those events. p. 103

Downing St., May 11. Goulburn to Maitland. Transmitting Estimate for civil government of province. p. 107

Enclosure:—

For the Year 1819.

5.

UPPER CANADA.

Estimate of the Charge of defraying the Civil Establishment of Upper Canada in America; from the 1st day of January to the 31st of December 1819.

£10,800.

Proposed Distribution of the above Sum of £10,800, on Account of the Civil Establishment of Upper Canada; for the Year 1819:

	£	s.	d.
Salary of the Lieutenant Governor..	2,000	—	—
" " Chief Justice..	1,100	—	—
" " Attorney General..	300	—	—
" " Solicitor General..	100	—	—
Two Judges of the Court of King's Bench, at £750 each per annum..	1,500	—	—
Clerk of the Crown and Pleas..	100	—	—
Two Sheriffs, at £100 per annum each..	200	—	—
Secretary and Register..	300	—	—
Clerk of the Council..	100	—	—
Receiver General of the Revenues..	200	—	—
Five Executive Councillors, at £100 per annum each..	500	—	—
Surveyor General of Lands..	300	—	—
Naval Officer..	100	—	—
Salary of the Bishop's Commissary..	150	—	—
Allowance to the Widow of the late Colonel Campbell, Governor of the Bermudas, in reward of his firm and judicious conduct and able services at the Myamis, and in consideration of her straitened circumstances.	250	—	—
Allowance to Mr. Smith, late Surveyor General of Lands; in consequence of his long services, and of the infirm state of his health..	200	—	—
Allowance to the Widow of the late Major General Shaw; recommended by the Lieutenant Governor, for some provision, on account of the services of her late husband in different public situations..	100	—	—
Agent..	200	—	—
To the Society for the Propogation of the Gospel, in aid of the Expenses of the Society in Canada—£2800.. .. .. On Account of Fees for Receipt and Audit 300	3,100	—	—
	£10,800	—	—

p. 108

Bathurst to Maitland. Acknowledging despatch of Jan. 30, and declining, in accordance with opinion of Executive Council, to sanction further grant of land to John Mills Jackson. p. 109 Downing St., May 23.

Bathurst to Maitland. Acknowledging despatch of Jan. 23, and stating that the Prince Regent could not sanction recommendation of Executive Council for University for province, as Duke of Richmond had been instructed to provide for a University in Montreal, to accommodate students of both provinces. This would be better equipped than an institution in each province. p. 110 Downing St., May 23.

Bathurst to Maitland. Acknowledging despatch of Jan. 6, and refusing to sanction any further grant to Wm. Claus Jr. in addition to that authorized in letter of Aug. 23, 1814. p. 114 Downing St., May 24.

1819

Downing St., May 24. Bathurst to Maitland. Acknowledging despatch of Feb. 18, respecting non-payment of fees by grantees of land, and directing that in order to check evasions reported by Executive Council, notices should be issued from time to time that if patents were not taken up within twelve months after notice, lands might be regranted to other persons. p. 118

Downing St., May 24. Bathurst to Maitland. Acknowledging despatch No. 11 on address of Legislature, praying for grant of land in aid of improvement of communication by water between Upper and Lower Canada, and stating that Prince Regent would willingly authorize assistance to such an enterprise but desired first of all to know how much the province was prepared to appropriate for the scheme and how the money was to be expended. p. 123

Treasury Chambers, May 25. Lushington to Goulburn. (Copy.) Referring to letter of Feb. 22, with enclosures from Richmond, authority was conveyed for the purchase of Indian lands on Lake Simcoe and Rice Lake on terms agreed upon with Col. Claus; and hope was expressed that efforts would be made to sell as much as possible of these lands to individuals. p. 128

Downing St., June. Goulburn to Maitland. Stating that Capt. Payne of Royal Engineers was going to settle in Canada, and directing that he might receive grant of land, proportioned to his rank. p. 131

Downing St., June 8. Bathurst to Richmond. (Copy.) Acknowledging despatch of Dec. 29, and declining to confirm title to lands acquired by Mr. Nelles from Indian Reserves on Grand River. p. 133

Downing St., July 8. Goulburn to Maitland. Conveying authority for grant of land to Francis Hewson about to proceed as settler to Canada. p. 134

Downing St., July 27. Bathurst to Maitland. (Circular.) Transmitting for guidance copy of "Act to prevent the enlisting or engagement of His Majesty's Subjects to serve in Foreign Service, and the fitting out or equipping in His Majesty's Dominions Vessels for warlike Purposes without His Majesty's Licence." p. 135

Enclosure. p. 271

Downing St., July 28. Bathurst to Maitland. Acknowledging despatch of March 12, and sanctioning, as an exceptional case, grant to Lieut. Robert Kerr from Crown Reserves. Great objection exists to making grants to individuals from these Reserves. p. 137

Downing St., July 28. Bathurst to Maitland. Acknowledging despatch of April 3, and requesting information, with respect to application of Surveyor General Ridout for additional grant of land, as to quantity already allotted to him. p. 139

Downing St., July 30. Bathurst to Maitland. Acknowledging despatch of Jan. 18, relative to bill passed in Legislature in 1816 entitled "An Act relative to the right of Tythes within the Province," and directing that assent be given to this bill. p. 140

Downing St., Aug. 6. Bathurst to Maitland. Transmitting correspondence including letters from Lord Selkirk, Samuel Gale, H. B. Co's solicitor in Canada, and J. Halkett of that Company, on subject of an act to

authorize the enquiry and trial of crimes and offences committed within province without the limits of any described township or county, and requesting to be informed of the circumstances under which act was passed. p. 141

Enclosures:—

(1) Thomas Lack to Goulburn. (Copy.) Transmitting copy of letter from J. Halkett. p. 143 — Office of Committee of P.C. for Trade, Seymour Place, July 21.

(2) J. Halkett to Hon. F. B. Robinson. Transmitting copy of letter from S. Gale to Lieut. Governor of Upper Canada, and relating, from information received from the province, the circumstances attending the enactment of the measure. According to this statement, a bill to same effect was introduced into Legislative Council by Chief Justice who was Speaker. It passed in the Council but not in the Assembly. At opening of following session, it was introduced into and passed in Assembly, with unusual haste and before arrival of members representing districts peculiarly affected by measure. The introducer was a lawyer in employ of N.W. Co., and most of members who voted for bill were connected with that Company. It had only a majority of two. In the Legislative Council, the bill passed with an amendment, accepted by Assembly, to prevent it from having retrospective effect. It was assented to by Lieut. Governor without suspending clause, though importance and novelty of measure would bring it within scope of stipulation of 31 Geo. III. c. 31, requiring all extraordinary and unusual measures to await approval of Sovereign. The Act was at once put in operation, although its retrospective effect was expressly excluded, and a bill of indictment for acts alleged to have taken place over two years before was preferred against Selkirk and 19 other persons. There were, also, other irregularities during course of trial. p. 144

(3) Samuel Gale Jr. to Maitland. Protesting against enactment of bill until due consideration was given to its effect upon interests of persons who had not been heard thereupon. p. 148 — York, Oct. 29, 1818.

(4) Selkirk to Liverpool:— Seymour Place, Feb. 8, 1819.

"The state of my health since my return to England, has occasioned a delay which I much regret, in submitting to Your Lordships consideration some very extraordinary proceedings that have taken place in Canada, relative to the late occurrences in the interior of British North America. I trust that this delay will very soon be at an end; but circumstances which have recently come to my knowledge make it necessary for me to request Your Lordship's immediate interposition to avert evils of the most serious description. I regret to be under the necessity of deviating in some measure from the ordinary course of official business; but after a perusal of the Papers, which I shall soon have occasion to lay before you, I flatter myself that the urgency of the case will be admitted as a sufficient apology for making this application to Your Lordship, rather than to the Colonial Department.

A Bill has been recently passed in the Provincial Legislature of Upper Canada, the object of which is to enforce, or attempt to enforce, a jurisdiction in extensive Regions, over which the Courts of that Province can have no legal control. By the Act 14 Geo. 3d. cap 83, the Province of Quebec is described as bounded on the West by a line drawn North from the Mississippi to the Southern boundary of the

1819 Territory granted to the Hudson's Bay Company. The Act 31 Geo. 3d. cap 31, which divides the Province of Quebec into two Governments, makes no alteration on this Western limit. Doubts have arisen with respect to the particular point on the Mississippi, from which this North Line was intended to run. Some have maintained that it is to be drawn from the Source of that River, and others from the point of its junction with the Ohio. The letter is the declared opinion of the Chief Justice of Quebec (Mr Sewell), but the Chief Justice of Upper Canada (Mr Powell) without any authority whatever, declares that he considers that Province to extend to the Pacific Ocean; and avows his intention of enforcing his jurisdiction in Countries to the Westward of any Meridian that touches the Mississipi.

By the Bill which has recently passed in Upper Canada, a power is given to the Attorney and Solicitor General, in all cases of criminal offences alleged to have arisen in those parts of the Province, that are not within any established Township, to bring on the prosecution in any district of the Province at their option— Your Lordship is aware that Upper Canada is divided into Districts, each of which has its own Magistrates, and enjoys its own local jurisdiction, similar to that of the Counties in England— By Acts of the Colonial Legislature, the whole Territory of the Province is thus divided into Districts, most of which contained large tracts of uninhabited Waste Land as well as a number of inhabited Townships. The jurisdiction of each district has hitherto been distinct and exclusive: extending over the uninhabited Country within its limits, as well as over the Townships— But by this new Bill, an offence committed on the very verge of the Waste Lands, and close to the Boundary of a Township, instead of being brought to Trial within the District, and at the nearest Court of Justice, may at the pleasure of the Crown officers be transferred many hundred Miles to the opposite extremity of Upper Canada.

But the evident object of the Bill in question, supported by the extravagant doctrine now laid down by the Chief Justice as to the boundary, is to include within the Upper Canada jurisdiction the Settlement which I have established at Red River. That Settlement is within the Territory granted to the Hudson's Bay Company; and according to legal opinions of the best authority, to which no contradiction has ever been produced, the powers of jurisdiction within that Territory are vested in the Company's Officers by their Charter, according to the principle adopted in the establishment of other Proprietary Governments among the older British Colonies. By this natural and rational arrangement, the officers exercising jurisdiction in the Company's Territory, being resident in the Country and in the vicinity of the Settlers justice may be conveniently administered. But if this novel doctrine as to the jurisdiction of Upper Canada should be recognized, these Settlers would be amenable to a Court two thousand Miles off—Redress could not be obtained for any injury without travelling to that distance at an enormous expence; and upon charges of the most trifling nature, any Man might be dragged away from the Settlement without having the means of taking with him a single Witness for his Defence and might be detained for Months and even for years from his business and family.

From the Papers that I shall soon have to lay before Your Lordship, you will see but too plainly, how improperly the Chief Justice, and the Law Officers of the Crown in Upper Canada have lent the

1819

influence of their official situations to promote the private interests and sinister views of the North West Company. Your Lordship is aware of the system of aggression adopted by that Company against the Settlement at Red River; and there cannot be the slightest doubt that this Bill has been suggested by them, with the view of organizing a third attempt to destroy it—Your Lordship will observe that a Bill in all respects similar to this was brought in during the preceding Session of the Provincial Legislature of Upper Canada, but was thrown out almost unanimously by the House of Assembly—At the commencement of the present Session it was again surreptitiously introduced and passed before the Members had all assembled, particularly those representing the Districts most affected by the Bill, and when there were only fifteen Members present—The Governor having been but a short time in the Province, might be ignorant of the Bill having been thrown out the preceding Session; but I presume that in obedience to the Royal Instructions, he ought not to have assented to a Bill of so unusual and extraordinary a nature, without seeing that it had in it a clause suspending its legal operation until His Majesty's Pleasure should be known—From the information however which has reached me, I have reason confidently to believe, that the Provisions of this Bill will be carried into immediate effect; and this is confirmed by the circumstance, that the Chief Justice has appointed the Assizes to be held at York this Spring a Month earlier than usual, in order no doubt that Warrants may be issued as soon as possible. The Gentlemen however who are in charge of the Settlement at Red River, being well aware that such Warrants cannot be legal, it is not to be expected that they will peaceably submit to them; and the North West Company will in all probability Arm and employ their HalfBred Servants again to attack the Settlers under pretext of effecting the arrest. On the other hand if the parties submit, the arrest of a few individuals will be the means of removing all those who are capable of guiding the conduct of the common Settlers, and will have the Settlement a prey to the insidious machinations of its enemies—

As soon as the regular and authentic Copy of this Bill is received from the Governor of Upper Canada by the Colonial Department, it is my intention to present a Petition to the King in Council against it; and I have directed my Law Agent to take the necessary steps on the subject. But in the mean time, it appears to be of great importance that every precaution should be taken to prevent those Mischiefs which may be anticipated from the operation of this hasty and ill-advised enactment; and I am therefore induced thus earnestly to request Your Lordship's interference, in order that directions may be transmitted without delay to the Attorney Genl. of Upper Canada, to stop any proceeding under this Bill until the Bill itself has been examined & the pleasure of His Majesty's Govt. on the subject be communicated." p. 150

Downing St., Aug. 10.

Bathurst to Maitland. (Circular.) Transmitting copy of act passed last session for enabling "the Archbishops of Canterbury and York and the Bishop of London for the time being to admit Persons into Holy Orders specially for the Colonies", and explaining its purpose. p. 158

Enclosure. p. 279

1819

Downing St., Aug. 25. Goulburn to Maitland. (Circular.) Stating that persons arriving in charge of despatches would receive no compensation unless the intelligence transmitted appear to Governor to justify sending it by special messenger. In all other cases, responsibility of persons in charge of despatches would be discharged by placing them in post office of place of arrival. p. 160

Downing St., Aug. 26. Bathurst to Maitland. Acknowledging despatch of May 15, and confirming grants of land made to John Heaton and Joshua Oldfield from Crown Reserves by earlier Lieutenant Governor but directing that no grants be made from those Reserves without special authority. p. 162

Downing St., Aug. 26. Bathurst to Maitland. Acknowledging despatch of June 26, with address of condolence from Legislature on death of Queen. p. 164

Downing St., Aug. 28. Bathurst to Maitland. Acknowledging despatch No. 27 of March 1, and, under circumstances related by Lieut. Governor, authorizing grant to Wm. Berezy, of 2400 acres of land, subject to conditions of residence and cultivation. p. 166

Downing St., Sept. 9. Bathurst to Maitland. Stating that Mr. Allan, who was under indictment for conspiracy against N.W. Co., had protested against act under which he was to be tried at York, and requesting that, in case application should be made to Court for postponement until decision, as to allowance or disallowance of act should reach York, no opposition to application should be made by Law Officers. p. 168

Downing St., Sept. 24. Bathurst to Maitland. Transmitting copy of letter and memorial from James Buchanan, Consul at New York praying for grant of 5000 acres near the falls on River Credit, and requesting report on general effect such grant might have on interests of province. (Two enclosures.) p. 173

Downing St., Sept. 26. Goulburn to Major Hillier. Explaining that Bathurst omitted to notice the part of the Lieut. Governor's despatch relating to the division of duties between the two provinces because there were points still to be decided. Respecting the Black section on road from Lake Simcoe to Gloucester Bay, Bathurst would undoubtedly concur in Maitland's opinion. Governor had no power to compel runaway slaves from United States to return to their masters. Law Officers had decided that Governors in colonies where slavery prevailed had no such power. Application of secret service money to support of Government newspaper could not be sanctioned. The only way of influencing press would be by giving some one newspaper liberal price for insertion of Government advertisements, proclamations etc. p. 180

Downing St., Sept. 27. Bathurst to Maitland. Acknowledging several despatches to 44 inclusive, and conveying Royal approbation of manner in which he conducted the government and secured cordial cooperation of Legislature. Approval expressed of regulation mentioned in No. 42, putting reduced officers and discharged soldiers on footing of other settlers, and of exception in favor of Majors Loring and Leonard; also of alteration in disposal of Colonial Revenue. Concurrence expressed in opinion "as to the necessity of excluding the Assembly from all participation or control over the acknowledged revenues of the Crown." He would submit to H.R.H. an instruction for more effectually guarding in future against a recurrence of the negligence, which originally

subjected it to consideration of Assembly. Request made for account of revenues raised under British acts. With respect to trade of province, there was transmitted to Board of Trade observations contained in despatch No. 44, to assist in preparation of bill for regulating trade of Lower province. p. 183 **1819**

Bathurst to Maitland. With reference to memoranda submitted by Major Hillier, several of questions raised had been answered by intervening despatches. On recommendation that from twenty to thirty clergymen of the Established Church and some further assistance to Presbyterian Church, concurrence was expressed in desirability of meeting views of Lieut. Governor, and every exertion would be made to that end, but there would be much difficulty in providing adequate stipends unless contributions were made from provincial sources. As to augmentation of Council, the names of any gentlemen would be submitted to H.R.H. up to number fixed by law. Definite orders given that no Crown Reserves be granted to settlers except on express orders from Secretary of State. No objection appeared to purchase of Indian lands on Bay of Quinté, if price were reasonable. Arrangement proposed of making in one patent a grant of all lands destined in one case for the military and in the other for the naval settlement, so long as several interests concerned were safeguarded. Mr. Crookshank was appointed Receiver General in succession to Mr. McGill and he was made member of Legislative Council. Mr. Boulton Jr. was appointed Solicitor General. p. 187 Downing St., Sept. 27.

M. MacGregor to Goulburn. (Copy.) Stating conditions upon which he desired grant of Indian lands on Credit River. His object was to procure the whole of Reserve in possession of Mississaguas on banks of river, including fishery in river. This was to be effected by surrender from Indians to Crown and transfer to himself. He undertook to pay such reasonable compensation as would be fixed by Provincial Government; to erect a flour and saw mill on the river; and would establish 50 British immigrants on land allotting 100 acres to each; no expense whatever would fall on Government. p. 196 Clutterford, Dec. 5.

Bathurst to Maitland. Stating that, by Order in Council of Nov. 20, it was ordered that Mediterranean passes granted by Admiralty for protection of vessels against Barbary cruizers be withdrawn and replaced by others. p. 199 Downing St., Dec. 6.

Enclosure:—

Order in Council of Nov. 20. p. 282

Goulburn to Maitland. Authorizing that additional 300 acres of land be granted to John Carey of Kingston. p. 200 **1820** Jan. 8.

Bathurst to Maitland. Stating that, since his letter of Sept. 9, he had received communication from Mr. Allan who was under recognizances to appear at Court in York and answer charges of conspiracy against N.W. Co.; and directing that Law Officers should not oppose application for postponement for further term. (Enclosure.) p. 201 Downing St., Jan. 8.

Bathurst to Maitland. Conveying approval of Treasury of purchase of lands, reported in despatch of Sept. 15, from Mississigua Indians. p. 209 Downing St., Jan. 12.

1820

Downing St., Jan. 20. Bathurst to Maitland. Acknowledging despatch of Oct. 27, and expressing approval of his acceding to prayer from former Red River settlers for grants of land upon which they might settle in Upper Canada. He did not consider it necessary to decide upon the several claims of those applying for grants to make a distinction to prejudice of former Red River settlers. p. 211

Downing St., Feb. 7. Bathurst to Maitland. (Circular.) Announcing death of King on Saturday Jan. 29. George IV was proclaimed on Jn. 30. Enclosed was form to be observed in proclaiming present King, and command that all those in office of authority should continue until Royal pleasure was further signified. (Two enclosures.) p. 214

Downing St., Feb. 9. Bathurst to Maitland. Transmitting Royal warrant for use of existing public seal until replaced. (Enclosure.) p. 218

Downing St., Feb. 12. Bathurst to Maitland. Acknowledging despatch relating to the division of the land called the Park with view to making it available for endowment of hospital and other public purposes. While approving of his action, Colonial Secretary directs that no grants are to be made of town lots, which can be disposed of only by lease or sale. p. 220

Downing St., Feb. 19. Bathurst to Maitland. Transmitting Order in Council respecting alterations to be made in the services of the Church in consequence of demise of Geo. III. (Enclosure.) p. 223

Downing St., Feb. 20. Bathurst to Maitland. Stating that Government had reason to apprehend reopening of hostilities between H.B. and N. W. Companies particularly in Athabaska district, and enjoining Lieut. Governor to take every means in his power to stay these malign activities. He was instructed to publish as widely as possible Sherbrooke's Proclamation of May 1817, and warn all parties against disregard of its terms, whether by seizing property of rivals, by obstructing the rivers or portages, or by inciting Indians. Immediate action should be taken. p. 226

Downing St., March 8. Bathurst to Maitland. Transmitting copy of letters from Commissioners of Navy, requesting that quantity of timber seized at Quebec be transferred to their resident Commissioner, and directing that this be done. (Enclosure.) p. 232

Downing St., March 27. Bathurst to Maitland. Acknowledging despatch of Dec. 8, and declining to accede to application of Mr. Ridout for additional grant of land. p. 234

Downing St., March 27. Bathurst to Maitland. Acknowledging despatch of Dec. 16, and declining to accede to application of James Collins for free passage of his wife and family from England. p. 235

Downing St., March 27. Bathurst to Maitland. Acknowledging despatch of Jan. 4, and having in view report on effect of large grant to Mr. Buchanan, British Consul at New York, declined to authorize it. p. 236

Downing St., March 29. Goulburn to Maitland. Transmitting copy of memorial from more than 35 families who propose to settle in Upper Canada and conveying instructions that, if as represented these people are relations of persons already settled, they should receive grants in neighborhood of relations and friends. They were notified not to expect any assistance from Government or encouragement beyond what their means entitled them to. (Enclosure.) p. 237

1820

Goulburn to Maitland. Requesting that Mrs. Wilkins residing in settlement of Drummondville be paid £100, to be repaid by draft on himself. p. 241 — Downing St., April 8.

Bathurst to Maitland. Acknowledging despatch of Dec. 14, and stating that it was out of his power to accede to request of Capt. Matthews of late Invalid Artillery for tract of land reserved by Mississagua Indians. p. 242 — Downing St., May 1.

Bathurst to Maitland. Acknowledging despatch of Jan. 7, and approving of retaining two schoolmasters in Scottish grants—Halliday, a Presbyterian, and Harris, an Episcopalian. p. 243 — Downing St., May 1.

Bathurst to Maitland. Acknowledging despatch of Jan. 10, and stating that no reduced officer was, or ever had been, entitled to expect land upon any other conditions than residence and cultivation. (Enclosure of regulations.) p. 244 — Downing St., May 1.

Bathurst to Maitland. Acknowledging despatch of Jan. 11, and expressing acquiescence, under circumstances, in confirmation of grant of land from Crown Reserves to Ensign McNabb. p. 246 — Downing St., May 1.

Bathurst to Maitland. Acknowledging despatch of Dec. 21, with memorial from William McGillivray respecting certain lands reserved for St. Regis Indians, and expressing approval of his having given effect to report of Executive Council, taking care that such rents be reserved from tenants of land already cultivated as would satisfy claims of Indians. p. 247 — Downing St., May 6.

Bathurst to Maitland. Transmitting with reference to earlier despatches on subject, letter from Mr. Allan under indictment for charges brought against him by N.W. Co., and directing that trial may be postponed until following term. (Enclosure.) p. 248 — Downing St., May 27.

Bathurst to Maitland. Acknowledging despatch of March 4, and expressing approval of removal of John Kerr from office of sheriff of Eastern District, and of Thomas Merritt from office of sheriff of Niagara District. p. 252 — Downing St., June 9.

Bathurst to Maitland. (Circular.) Announcing death of Duchess of York. p. 253 — Downing St., Aug. 9.

Goulburn to Maitland. Conveying decision that Colonel Maclean's application for allowance made to officers disabled on service could not be acceded to, as it did not appear that he had been wounded in immediate performance of military duty. p. 254 — Downing St., Sept. 14.

Bathurst to Maitland. Acknowledging despatch of Aug. 9, and confirming grant made to Francis McNeill from Crown Reserve by former Lieut. Governor. p. 255 — Downing St., Nov. 1.

Bathurst to Maitland. Transmitting copy of letter from Treasury on Lieut. Governor's despatch of June 11, expressing approval of recommendation that payment to Indians for newly acquired territory by sale of portion of land might be postponed, but adding that sale of these lands should always be kept in view. (Enclosure.) p. 256 — Downing St., Dec. 7.

Bathurst to Maitland. Acknowledging despatch of Sept. 8, and stating that if immigrants claiming to receive their land patents free of expense were among those who left Scotland or Deptford in 1815, at Government expense, their claim should be allowed. p. 258 — Downing St., Dec. 7.

1820
Downing St., Dec. 26.

Bathurst to Maitland. Acknowledging despatch of May 22, and approving of recommendation that he should, with advice of Council, accept from Indians the surrender of such lands on **Grand River** as would appear to have been formerly given by them to certain persons upon fair considerations, with view to regranting them so that they might be disposed of to actual settlers. Colonial Secretary concurred in view that tract of land in rear of Naval Establishment should not remain in exclusive possession of Indians. p. 259

Memorandum of provisional agreements with Indians for surrender of sundry tracts of land in 1818 and 1819, approved by Lords of Treasury:—

"The Duke of Richmond 19 Decr. 1818 recommends the purchase of Indian Lands and transmits provisional Articles of Agreement entered into with the Indians—

For the surrender of 1,592,000 Acres on Lake Simcoe an annual payment of £1,200.

For the surrender of 648,000 Acres in the Home District an Annual payment of £293. 18. 1½ Sterlg.

For the surrender of 1,951,200 Acres on Rice Lake an Annual payment of £740 Currency—

His Grace proposes to defray the expence by the Sale of a portion of the Lands to individuals which was sanctioned by the Treasury 25 May 1819 and the letter transmitted to the Duke for his guidance the following day—

The Duke of Richmond 28 April 1819 refers to former letter on the subject of Indian Lands and transmits a letter from Sir P. Maitland with Provisional Articles of Agreement for the purchase of 552,000 Acres on the River Thames near Lake St. Clair for an Annual payment of £600 Currency one half in specie & the other in Goods—Sir P. Maitland recommends that part of the Land should be sold to individuals and paid for by Instalments—

Sanctioned by the Treasury 27 Augt. 1819 and the letter forwarded for the Duke of Richmond's guidance on the 2d Sept. 1819—

Sir P. Maitland 15 Sept. 1819 recommends the purchase of a large tract on the Ottowa River & transmits Provisional Articles of agreement

The Land to be surrendered for an Annual payment of £642. 10 Currency in goods—

Approved by the Treasury 15 Decr. 1819 and transmitted to Sir P. Maitland by Jany. Mail." p. 261

Downing St., Dec. 30.

Bathurst to Maitland. Stating that following Provincial Acts did not appear open to objection:—

"An Act to repeal part of and amend the Laws now in force for laying and amending and keeping in repair the Public Highways and Roads in this province.

An Act to incorporate certain Persons under the Style & Title of the President Directors and Company of the Bank of Kingston.

An Act to repeal part of and to amend the Laws now in force for establishing Public Schools in the several Districts of this Province and to extend the provisions of the same.

An Act to repeal part of and amend An Act passed in the forty eighth Year of His Majesty's Reign, entitled An Act to explain amend and reduce to one Act of Parliament the several Laws now in being for the raising and training the Militia of this Province.

An Act to repeal part of the Laws now in force imposing Duties on Goods Wares and Merchandise imported into this Province from the United States of America and to make further Regulations for the Trade between this Province and the said United States of America by Land and Inland Navigation.

An Act for granting to His Majesty a Sum of Money in aid of the Funds for defraying the expences of the Administration of Justice and support of the Civil Government of this Province.

An Act granting to His Majesty an additional Duty on Stills used for the Distillation of Spirituous Liquors for Sale and for ascertaining the manner in which certain Wooden Stills shall be guaged in this Province.

An Act to grant to His Majesty a Sum of Money to enable Him to pay the Salary of the Inspector General of Public Provincial Accounts in this Province.

An Act to give effect and Validity to Deeds executed by Married Women in the United Kingdom of Great Britain and Ireland, or in any of His Majesty's Colonies and to repeal part of and amend an Act passed in the forty third Year of His Majesty's Reign entitled "An Act to enable Married Women having real Estate to alien and convey the same.

An Act for the relief of John Wagstaff of Niagara in the District of Niagara Tinsmith.

An Act for appropriating a Sum of Money to defray the Expence of procuring Plans & Elevations of Public Buildings and for copies of the Journals which were destroyed by the Enemy.

An Act to afford relief to Abner Chapin.

An Act to repeal part of and to amend An Act passed in the fifty ninth Year of His Majesty's Reign entitled an Act to repeal an Act passed in the fifty fifth Year of His Majesty's Reign entitled "An Act to license Practitioners in Physick and Surgery throughout this Province, and to make further Provision for licensing such Practitioners.

An Act granting to His Majesty a Sum of Money to provide for the Accommodation of the Legislative Council and House of Assembly.

An Act for establishing a Police in the Town of Niagara in the District of Niagara and for other purposes therein mentioned.

An Act to amend and repeal part of an Act passed in the Fifty seventh Year of His Majesty's Reign entitled "An Act to establish a Market in the Town of Niagara in the Niagara District.

An Act to make good certain Monies issued and advanced by His Excellency the Lieutenant Governor in pursuance of the Address of the Commons House of Assembly at the last Session of Parliament.

An Act to repeal the several Laws now in force relative to raising levying and collecting Rates and Assessments in this Province and further to provide for the more equal and general Assessment of Lands and other ratable Property throughout this Province.

An Act to prevent the abatement of any Action against a joint Obligor, Contractor or Partner, on account of the other joint Parties not being made Defendants.

An Act to incorporate sundry Persons under the Style and Title of the President Directors and Company of the Bank of Upper Canada." p. 263

Memorandum prepared apparently in the Colonial Office on the question of a university in Montreal to accommodate students of Upper and Lower Canada. p. 268